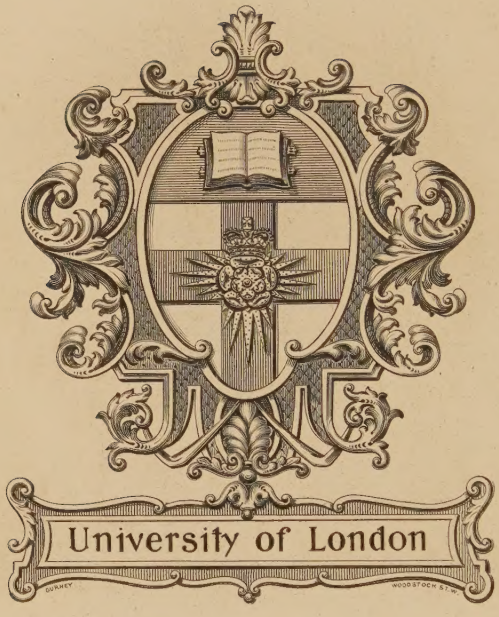
THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

REFERENCE ONLY

PARL. PAPERS
FOR REFERENCE ONLY.



Presented by
the Worshipful Company
of Goldsmiths.
1903.

620012

HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

21° VICTORIÆ, 1858.

VOL. CL.

COMPRISING THE PERIOD FROM

THE FOURTH DAY OF MAY, 1858,

TO

THE SEVENTEENTH DAY OF JUNE, 1858,

Third Volume of Session 1857-8.

LONDON:

PUBLISHED BY CORNELIUS BUCK,

AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,

23 PATERNOSTER ROW [E.C.]

AND BY

LONGMAN AND CO.; J. RIDGWAY; HATCHARD AND SON; J. BOOTH; C. DOLMAN; J. BAIN; W. DALTON; SMITH, ELDER, AND CO; RICHARDSON BROTHERS UPHAM AND BEET; AND J. ALLEN AND CO.

1858.

TUESDAY, MAY 11—*continued.* *Page*

Transfer of Land Bill—Order of the Day for the Third Reading read—Amendment of Lord St. Leonards, that the Bill be read a Third Time this day Six Months—Amendment *negatived* by a Majority of 1—Division List—Bill read 3ª 418

FRIDAY, MAY 14.

Probates and Letters of Administration Act Amendment Bill—Divorce and Matrimonial Causes Act Amendment Bill—Bills read 2ª 579

East India—Lord Ellenborough's Despatch—Motion of the Earl of Shaftesbury —*Previous Question* moved by the Lord Chancellor—Motion of the Earl of Shaftesbury *negatived* by a Majority of 9—Division List 579

MONDAY, MAY 17.

Metropolitan Markets—*Presentation* of Petition by Lord Berners ... 761

TUESDAY, MAY 18.

Oaths Bill—A Conference—Report made 858

Oude—Restoration of the Royal Family—*Presentation* of Petition by the Earl of Albemarle 858

THURSDAY, MAY 20.

Oude—Lord Canning's Proclamation—Receipt of Despatches—Despatches laid on the Table 919

FRIDAY, MAY 21.

Settled Estates Act—Observations of Lord Lyndhurst 1021

Case of the *Cagliari*—The English Engineers—Observations of the Earl of Minto 1022

MONDAY, MAY 31.

Oaths Bill—Report of Conference *considered* 1138

The Chancellor of the Exchequer's Speech at Slough—Notice of the Earl of Clarendon 1193

TUESDAY, JUNE 1.

The Governor General of India—Observations of Earl Granville ... 1267

Patronage of the See of Durham—Question of Lord Ravensworth ... 1269

The Chancellor of the Exchequer's Speech at Slough—Observations of the Earl of Clarendon 1270

THURSDAY, JUNE 3.

Notices of Questions by the Earl of Kingston 1438

Non-Parochial Registers Bill—Bill read 2ª 1439

Chancery Amendment Bill—Bill read 2ª 1440

Diocese of New Zealand—Question of the Earl of Powis 1445

FRIDAY, JUNE 4.

Sale of Poisons, &c., Bill—Bill read 2ª 1507

India—The Governor General and the Commander in Chief—Motion of the Marquess of Breadalbane for Papers—Motion by leave *withdrawn* ... 1511

MONDAY, JUNE 7.

Case of Colonel Johnstone—Question of Lord Panmure 1586

The Assistant Barrister for the County of Kerry—Motion of the Earl of Donoughmore—Motion *agreed to* 1587

Belfast Riots—Question of Viscount Dungannon 1591

MONDAY, JUNE 7—*continued.* *Page*
The Earl of Kingston's Questions 1596
Oaths Substitution Bill—Jews' Bill—Bill read 1ª 1600

TUESDAY, JUNE 8.
Chancery Amendment Bill—Amendments as reported *considered* ... 1690
Competitive Examinations for the Civil Service—Question of Lord Lyttelton ... 1691
The Slave Trade—Notice of the Bishop of Oxford 1700
Relations with the United States—Question of the Earl of Clarendon ... 1701

THURSDAY, JUNE 10.
Property Qualification Bill—Bill read 2ª 1829
Case of the *Cagliari*—Question of the Earl of Airlie 1848

FRIDAY, JUNE 11.
The *Cagliari*—The Engineers Watt and Park—Observations of the Earl of Malmesbury 1915
Property Qualification Bill—House in Committee 1916

MONDAY, JUNE 14.
Bankruptcy and Insolvency Laws—*Presentation* of Petition by the Lord Chancellor 1997
The Jews' Bill—The Oaths Substitution Bill—Observations of the Earl of Clancarty 1998
Divorce and Matrimonial Causes Act Amendment Bill—House in Committee ... 2000
Organization of the Militia—Question of the Duke of Buccleuch ... 2002

TUESDAY, JUNE 15.
Manning the Navy—Question of Lord Brougham 2088
Property Qualification Bill—Order of the day for the Third Reading read—*Moved*, that the Bill be now read 3ª—Amendment of Lord Denman that the Third Reading be *deferred* until that Day Six Months—Amendment *withdrawn*—Bill read 3ª 2089
The Assistant Barrister of the County of Kerry—Petition *considered* ... 2096

THURSDAY, JUNE 17.
Vote of Thanks to the Governor General of India, &c.—Letter received from Lord Canning by the Lord Chancellor—Letter read and *ordered* to lie on the Table 2193
Divorce and Matrimonial Causes Act Amendment Bill—Amendment *reported* and *agreed to*—Further Amendment made and Bill to be read a Third Time *To-morrow* 2194
The Slave Trade—*Presentation* of a Petition by the Bishop of Oxford—Petition *ordered* to lie on the table 2195
Oaths Bill—Question of Lord Denman 2218

II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

TUESDAY, MAY 4.
Militia Regiments at Aldershot—Question of Captain Gray 19
Western Bank of Scotland—Question of Mr. Brady 19
Mission to Portugal—Question of Mr. White 20
Marriage of a Deceased Wife's Sister—Question of Mr. Schneider ... 20
Public Offices—Question of Sir John Shelley 21

TUESDAY, MAY 4—*continued.* *Page*

The Dublin Police Force—Question of Captain Esmonde 21

Mediterranean, &c., Telegraph Communications—Papers moved for by Mr. Crawford—Motion *agreed to* 21

Sale and Transfer of Land (Ireland) Bill—Motion of Mr. Whiteside for Leave to bring in a Bill—Leave given—Bill read 1° 24

Danubian Principalities—Address moved for by Mr. Gladstone—Motion *negatived* by a Majority of 178 44

The *Cagliari*—Question of Mr. Kinglake 106

Metropolitan Workhouses—Motion of Viscount Raynham for a Select Committee—Motion *negatived* 107

WEDNESDAY, MAY 5.

Marriage Law Amendment Bill—Order for Second Reading read—Amendment proposed by Mr. Beresford Hope that the Bill be read a Second Time that day Six Months—(After Debate) Amendment *negatived* by a Majority of 40—Division List—Bill read 2° 108

THURSDAY, MAY 6.

Auditing of the Army Accounts—Question of Mr. Macartney 178

Commercial Relations with the Porte—Question of Mr. Hadfield ... 179

Confiscation of Land in Oude—Question of Mr. Bright 180

Tenant Right (Ireland)—Motion of Mr. Greer for a Select Committee—Motion *negatived* by a Majority of 189 181

County Franchise (Scotland)—Motion of Mr. Caird for Leave to bring in a Bill—Motion *negatived* by a Majority of 19 195

Fisheries—Papers moved for by Sir George Pechell—Motion *agreed to* ... 215

Voters' Travelling Expenses—Papers moved for by Mr. Pease—Motion *agreed to* 216

The *Cagliari*—Postponement of Motion by Mr. Kinglake. 220

Church Rates—Notice of Withdrawal of Motion by Mr. Lygon ... 221

Durham County Palatine Jurisdiction Bill—Order for Second Reading read—Bill read 2° 221

Property Qualification Bill—Order for Second Reading read—Bill read 2° ... 222

FRIDAY, MAY 7.

Metropolitan Cemeteries—Question of Mr. H. Berkeley 250

Admission to the Woolwich Academy—Question of Mr. P. O'Brien ... 251

Probate Court—Observations of Mr. Warren 251

Magisterial Appointments—Observations of Mr. John Locke 260

The Bell for the Clock Tower—Statue of Richard Cœur De Lion—Question of Mr. Hankey 274

Case of Cooper *v.* Slade—Explanation of Mr. Serjeant Deasy 276

The *Cagliari*—Question of Mr. Kinglake 277

Vaccination—Question of Mr. Monsell 287

Stamp Duties on Drafts Bill—House in Committee 288

Government of India—Committee—Second Resolution—Resolutions, as amended, *agreed to* 292

Supply of Gas—Motion of Mr. Byng for a Select Committee—Motion *agreed to* 321

Appointment of Magistrates—Motion of Mr. O'Brien for Papers, *withdrawn*, and Motion of Mr. Locke *agreed to* 322

MONDAY, MAY 10.

Limerick City Election—Report of Committee *agreed to* 332

Oude—The Proclamation—Lord Ellenborough's Despatch—Notice of Motion by Mr. Cardwell 332

National Agricultural Model School at Belvoir—Question of Mr. Calcutt ... 332

Gloucester Gate Bridge—Question of Mr. Wyld 333

MONDAY, MAY 10—*continued.* Page

Property taken in Lucknow—Question of Mr. Laurie 333
The Main Drainage Scheme—Question of Mr. Charles S. Butler ... 333
Army Medical Officers—Question of Colonel Kingscote 334
Ordnance Survey Commission—Question of Viscount Duncan 335
Westminster Hall—Question of Sir A. Agnew 335
Universities (Scotland) Bill—Question of Mr. Cowan 335
Limerick City Writ—Motion of Colonel French *withdrawn* 336
Oaths Bill—Lords' Amendments *considered*—Omission of Clause 5 *disagreed to* 336
Statue of Dr. Jenner—Question of Mr. T. Duncombe 354
New Zealand—Observations of Sir John Trelawny 354
The Recruiting System—Observations of General Codrington 363
Supply—Army Estimates—House in Committee 371
Ways and Means—Committee—House in Committee 399
Prince Edward Island Loan—House in Committee 399

TUESDAY, MAY 11.

Oude—The Proclamation—Lord Ellenborough's Despatch—Notice of Amendment by Lord Adolphus Vane-Tempest 426
European Infantry Regiments in Oude—Question of Mr. W. Vansittart ... 427
Endowed Schools (Ireland)—Question of Mr. Bagnell 428
The *Cagliari*—Question of Mr. Kinnaird 428
Captain King, of the Depot Battalion—Question of Mr. Brady 429
Cape of Good Hope Mails—Question of Mr. Macartney 429
Oaths Bill—Committee—Order read for resuming Adjourned Debate on Question [10th May]—Debate *resumed*—Question *agreed to* by a Majority of 55—Division List 430
Mining Operations (Duchy of Lancaster)—Motion of Mr. J. L. Ricardo for a Select Committee—Motion *negatived* by a Majority of 65 443
Private Bills—Motion of Lord Robert Cecil—Motion by leave *withdrawn* ... 455
Sanitary Condition of the Army—Resolutions of Viscount Ebrington, *agreed to* 473
Turnpike Tolls (Metropolis)—Motion of Mr. Byng for an Address—Motion *agreed to* 495
Ascension Day—Motion of Lord Robert Cecil for the Adjournment of Committees, *withdrawn.* 496

WEDNESDAY, MAY 12.

Poor Rates (Metropolis) Bill—Order for Second Reading read—Amendment of Mr. Sotheron Estcourt that the Bill be read a Second Time this day Six Months—Amendment and Motion *withdrawn*—Order for Second Reading *discharged* 496
Patent Law Amendment Bill—Order for Second Reading read—Amendment of the Solicitor General that the Bill be read a Second Time this day Six Months—Amendment *agreed to*—Bill *put off* for Six Months 516
Reformatory Schools (Ireland) Bill—Bill read 2° 520

THURSDAY, MAY 13.

Roman Catholic Magistrates in Belfast—Question of Mr. Deasy ... 523
Reinforcements for the Indian Army—Question of Mr. Wyld 524
Resignation of Lord Ellenborough—Question of Lord Adolphus Vane-Tempest 524
The Oude Proclamation—Question of Mr. Newdegate 525
Oaths Bill—Report *brought up* by Lord John Russell and Reasons assigned for disagreeing from the Lords' Amendments, read 529
The Oude Proclamation—Question of the Chancellor of the Exchequer ... 530
Masters and Workmen Bill—Order for Second Reading *discharged*—Bill *withdrawn* 531

THURSDAY, MAY 13—*continued.* Page

Joint-Stock Banking Companies Bill—Order for Second Reading read—Amendment of Mr. Black, that the Bill be read a Second Time this day Six Months—Amendment *negatived*—Bill read 2° 534
Church Rates Bill—House in Committee 557
Patent Law Amendment Bill—Amendments *considered* 575
Non-Parochial Register Bill—House in Committee 576
Property Qualification Bill—Order for Committee read—Debate *adjourned* till *Tuesday* next 576

FRIDAY, MAY 14.

Public Business—The Whitsuntide Holidays—The Adjournment of the House from the 21st to the 28th instant 673
Newfoundland Fisheries—Question of Mr. Hanbury 673
India—Information withheld from the Board of Control—Notice of Motion by Mr. Lygon 674
Oude—Proclamation of the Governor General—Despatch of the President of the Board of Control—Resolution moved by Mr. Cardwell—Amendment of Mr. Dillwyn—(First Night)—Debate *adjourned* to Monday, 17th May ... 674

MONDAY, MAY 17.

Turnpike Tolls (Metropolis)—Her Majesty's Answer to an Address, *brought up* by Colonel Forrester 763
Oaths Bill—Conference—Communication made to the House by Mr. Speaker, that the Lords do agree to a Conference 763
India—Private Correspondence—Question of Mr. Lygon 764
Oude—Proclamation of the Governor General—Despatch of the President of the Board of Control—Amendment of Mr. Dillwyn to the Resolution moved by Mr. Cardwell—(Second Night)—Debate *resumed*—Debate *further adjourned* till 20th May 764

TUESDAY, MAY 18.

Oaths Bill—Conference had with the Lords—Report *brought up* by Lord John Russell 859
Harbour of Waterford—Question of Mr. Hassard 859
Edinburgh Castle—Question of Mr. Black 860
Oude—The Proclamation—Question of Sir Denham Norreys 860
Adjournment over the Derby Day—Motion of Captain Vivian for the Adjournment of the House—Motion *agreed to* 865
Oude—The Proclamation and Colonel Franks—Question of Mr. Crawford ... 865
Real Property, &c., Probate Duty—Motion of Mr. W. Williams *negatived* by a Majority of 104 867
Insurance and Assurance Institutions—Motion of Mr. H. B. Sheridan for Leave to bring in a Bill—Leave given 879
Conspiracy to Murder (Ireland)—Motion of Mr. Bland for Leave to bring in a Bill—Motion, by leave, *withdrawn* 879
Public Grounds and Playgrounds—Motion of Mr. Slaney for Leave to bring in a Bill—Leave given 883
Manning the Navy—Motion of Sir Charles Napier for a Committee—Amendment of Admiral Duncombe—Amendment and Motion *withdrawn*—Resolution *agreed to* 886
Valuation (Ireland)—Motion of Mr. Grogan for a Committee—Motion *withdrawn* 911
Weights and Measures Bill—Order for Second Reading read—Amendment moved by Mr. Horsfall that the Bill be read a Second Time that day Six Months—Amendment *agreed to* by a Majority of 8—Bill *put off* for Six Months ... 913
The Landowners of Oude—Question of Sir Denham Norreys 920

THURSDAY, MAY 20. *Page*

Communication Between London and Dublin—Question of Mr. H. Herbert ... 921
Kitchens for the Army—Question of Viscount Ebrington 921
Civil Service Superannuation Commissioners — Question of Sir James Elphinstone 922
Harbours of Refuge—Question of Mr. Macartney 923
New Zealand—Question of Lord Alfred Churchill 923
Suppression of the Mutiny at Kurrachee—Question of Mr. Dillwyn ... 924
Law Reforms—Notice of Motion by the Attorney General 924
Lord Canning's Proclamation—The Private Letter—Explanation of Viscount Palmerston 925
Common Law Procedure Act Bill—Bill read 2° 928
The Indian Despatches—Question of Sir John Shelley 928
Oude—Proclamation of the Governor General—Despatch of the President of the Board of Control—Adjourned Debate—(Third Night)—Order read for resuming Adjourned Debate on Amendment proposed to Question [14th May]—Debate *resumed*—Debate *further adjourned* till *To-morrow* 931

FRIDAY, MAY 21.

Breach of Privilege—Mr. Hudson Scott and Mr. Washington Wilks—Motion of Mr. Clive that the said gentlemen appear before the House—Motion *agreed to* 1022
Adjournment of the House—The Oude Proclamation—Questions of Viscount Palmerston 1024
Roman Catholic Charities—Question of Mr. Monsell 1059
Gold in Oregon—Question of Mr. Christy 1059
Oude—Proclamation of the Governor General—Despatch of the President of the Board of Control—Adjourned Debate—(Fourth Night)—Order read for resuming Adjourned Debate on Amendment proposed to Question [14th May]—Debate *resumed*—Motion of Mr. Cardwell *withdrawn* 1060
Sale and Transfer of Land (Ireland) Bill—Bill read 2° 1060

FRIDAY, MAY 28.

Manning the Navy—Answer to Address *brought up* 1061
Use of the "Lasso" by Cavalry—Question of Captain Vivian 1061
The Press in Sierra Leone—Question of Mr. Roebuck 1062
State of the Thames—Question of Mr. Griffith 1063
Breach of Privilege—On Motion of Mr. Clive, Mr. Hudson Scott and Mr. Washington Wilks was examined, the former discharged and the latter committed into custody 1063
The Chancellor of the Exchequer's Speech at Slough—Observations of Lord J. Russell and reply of the Chancellor of the Exchequer 1069
Captains in the Army—Motion of Sir De Lacy Evans for an Address to Her Majesty—Motion *withdrawn* 1100
Military Education—Question of Mr. Monsell 1103
Supply—Army Estimates—House in Committee 1105
Supply—Civil Service Estimates—House in Committee 1111

MONDAY, MAY 31.

Manchester, Sheffield and Lincolnshire, and Great Northern Railway Companies Bill—Consideration of Bill, as Amended, *deferred* till *Monday* next ... 1194
The *Cagliari*—Question of Mr. Headlam 1195
Smallpox—Question of Mr. Monsell 1196
Medical Staff of the Board of Health—Question of Mr. Palk 1197
The Educational Estimates—Question of Mr. Milner Gibson 1197
Case of Mr. Washington Wilks—*Presentation* of Petition by Mr. Milner Gibson 1198
Business of the House—Motion of the Chancellor of the Exchequer—Motion *agreed to* 1199

TABLE OF CONTENTS.

MONDAY, MAY 31—*continued.* *Page*

Supply—Report—House in Committee 1201

The Chancellor of the Exchequer's Speech at Slough—Explanation of Viscount Palmerston 1204

Differences with the United States——Question of Mr. Lindsay ... 1248

Supply—Civil Service Estimates—House in Committee 1250

TUESDAY, JUNE 1.

Laws of Jersey—Question of Mr. Hadfield 1308

Adhesive Stamps on Cheques—Question of Mr. Nicoll 1310

The Murder of Mr. Ellis—Question of Mr. Brady 1311

Bankers' Drafts—Question of Mr. Caird 1311

Engligh Cruisers and United States Vessels—Question of Mr. Lindsay ... 1312

Case of Mr. Washington Wilks—Motion of Mr. Milner Gibson that Mr. Washington Wilks be discharged—Amendment of Mr. Roebuck that the Petition of Mr. Wilks be discharged instead—Amendment *agreed to*—Petition *discharged* 1313

Death of Sir William Peel—Question of Admiral Walcott 1328

Military Organization—Motion of Captain Vivian *agreed to* by a Majority of 2—Division List 1328

Isthmus of Suez Canal—Motion of Mr. Roebuck and Amendment of Mr. Griffith *negatived*—the Original Motion *negatived* by a Majority of 228 ... 1360

Church Rate Abolition Bill—Order for Third Reading read—Debate *adjourned* till *Thursday* next 1402

WEDNESDAY, JUNE 2.

Royal British Bank—Question of Mr. Brady 1404

Case of Mr. Washington Wilks—Petition *considered*—Mr. Washington Wilks *discharged* from custody 1404

Medical Practitioners Bill—Bill read 2° and *committed* for *Tuesday* next ... 1406

Medical Profession and Medical Corporations Bill—Second Reading *deferred* till June 23 1421

Medical Profession Bill—Bill *withdrawn* 1421

Property Qualification Bill—Order read for resuming Adjourned Debate on Question [13th May]—Debate *resumed*—Amendment of Mr. Bentinck, that the House will resolve itself into Committee this day Six Months—Amendment *negatived* by a Majority of 113—House in Committee 1421

Public Business—Question of Sir G. Lewis 1438

THURSDAY, JUNE 3.

Isthmus of Suez—Question of Mr. Milner Gibson 1447

The Government of the Army—Question of Sir John Walsh 1447

Negotiations with China—Question of Mr. Kinglake 1448

Barrack Masters—Question of Mr. Warren 1449

Absconding of Mr. Elliot—Question of Mr. Nicoll 1449

Supply—Report *brought up* 1450

The Consulship at Mobile—Question of Mr. Wise 1465

Supply—Civil Service Estimates—House in Committee 1466

Joint-Stock Banking Companies Bill—Motion of Mr. Headlam that the House go into Committee—Amendment of Mr. Wilson—Amendment and Motion by leave *withdrawn* and Committee *deferred* till *this* day 1503

Property Qualification Bill—Bill read 3° 1506

Funded Debt Bill—Motion of the Chancellor of the Exchequer for Leave to bring in a Bill—Leave *given*—Bill read 1° 1507

FRIDAY, JUNE 4.

Railway Legislation—Question of Colonel Wilson Patten 1516

Trial of the British Bank Directors—Question of Mr. Brady 1517

The Copyhold Acts—Question of Mr. Hankey 1517

Winding-up Acts—Question of Mr. Bright 1517

FRIDAY, JUNE 4—*continued.* *Page*

Principal Keeper of the Register of Sasines in Scotland—Observations of Sir G. Grey 1518
Our Relations with China—Question of Lord John Russell 1519
The Deanery of York—Question of Mr. W. Ewart 1522
Our Relations with China—Observations of the Chancellor of the Exchequer ... 1526
Captain Judkins—The Slave Trade—Commissioner Yeh—Question of Mr. Horsfall 1532
Rejection of the Vote of Last Night—Observations of Mr. Cowan ... 1533
Thames Purification—Question of Mr. Griffith 1534
The Belfast Riots—Observations of Mr. J. D. FitzGerald 1534
Sale and Transfer of Land (Ireland) Bill—Order for Committee read—Amendment of Mr. J. D. FitzGerald that the Bill be referred to a Select Committee—Amendment, by leave, *withdrawn*—Bill *considered* in Committee ... 1538
Supply—Civil Service Estimates—House in Committee 1570
Supply—Report *brought up* 1583
Local Government Bill—House in Committee 1586

MONDAY, JUNE 7.

Lancashire and Yorkshire and East Lancashire Railway Companies Bill—Consideration, as Amended, *deferred* till *To-morrow* 1601
Manchester, Sheffield, and Lincolnshire and Great Northern Railway Companies Bill—Bill to be read 3° with Amendments 1606
The Militia—Question of Colonel Smyth 1609
Registration of Births, &c. in Ireland—Question of Mr. Brady ... 1610
Envelopes and Writing Paper—Drawback—Question of Mr. Dillwyn ... 1610
Atrocities in China—Question of Mr. Robertson 1611
Sheriff Courts (Scotland)—Question of Viscount Duncan 1611
The 78th Highlanders—Question of Mr. Campbell 1612
The Commission on the Manning of the Navy—Question of Admiral Duncombe 1612
Government of India—Committee—Third Resolution 1613
Marriage Law Amendment Bill—Order for Committee read—Debate *adjourned* till *Monday* next 1689

TUESDAY, JUNE 8.

Lancashire and Yorkshire and East Lancashire Railway Companies Bill—Amendments made—Bill to be read 3° 1705
Church Rates Abolition Bill—Order read for resuming Adjourned Debate on Question [1st June] "That the Bill be now read a Third Time"—Debate *resumed*—Amendment of Sir Brook Bridges that the Bill be read a Third Time that day Six Months—Amendment *negatived* by a Majority of 63—Division List—Bill read 3° 1706
Mr. Howard's Departure from Florence—Question of Mr. Wise ... 1731
The Submarine Telegraph—Question of Lord Clarence Paget ... 1732
Ballot—Motion of Mr. H. Berkeley for Leave to bring in a Bill—Motion *negatived* by a Majority of 97—Division List 1733
Piers and Harbours Bill—Motion of Mr. Paull for Leave to bring in a Bill—Leave *given*—Bill read 1° 1797
Government Property Exemption from Rates—Motion of Sir James Elphinstone for a Select Committee—Select Committee *appointed* 1797
Weedon Establishment—Motion of Colonel Boldero for an Address—Debate *adjourned* till *Thursday* the 17th June 1799

WEDNESDAY, JUNE 9.

Law of Mortmain—Question of Mr. Hadfield 1801
Tenants' Compensation (Ireland) Bill—Order read for resuming Adjourned Debate on Amendment proposed to Question [14th April] "That the Bill be now read a Second Time"—Debate *resumed*—Main Question, as Amended, put and *agreed to*—Bill *put off* for Six Months 1802

TABLE OF CONTENTS.

THURSDAY, JUNE 10.

Page

Mr. Howard's Departure from Florence—Question of Mr. Bowyer ... 1849
Prosecution of the Mayo Priests—Question of Lord John Browne ... 1850
Persia—Herat—Question of Mr. Gregory 1850
Brazil—Messrs. Swann and Smallpage—Question of Mr. Rich ... 1851
St. James's Park—Question of Mr. Cogan 1852
Pacification of Oude—Question of Sir Erskine Perry 1852
The Slave Trade—The French "Free Emigration" Scheme—Question of Viscount Goderich 1853
Poor Law System of Medical Relief—Question of Mr. Sclater-Booth ... 1854
Bounty to Militia Regiments—Question of Mr. Cornwall Legh ... 1855
Church Patronage in the See of Durham—Question of Lord A. Vane Tempest 1855
Public Houses (Scotland)—Question of Mr. Cowan 1856
Case of Mr. Townsend—Motion of Mr. FitzRoy for Papers—*Ordered* ... 1857
County Franchise Bill—Order for Second Reading read—*Previous Question* moved by Mr. Du Cane—Motion *agreed to*—Bill read 2° 1857
Universities (Scotland) Bill—Order for Second Reading read—Amendment of Mr. Black, that the Bill be read a Second Time that day Six Months—Amendment, by leave, *withdrawn*—Bill read 2° 1881
Joint-Stock Companies Bill—House in Committee 1910
Poor Removal—Motion of Sotheron Estcourt for a Select Committee—Motion *agreed to* 1914

FRIDAY, JUNE 11.

Lunatic Asylums Commission (Ireland)—Question of Mr. Macartney ... 1919
Annexation of Dhar—Question of Mr. J. B. Smith 1919
Mr. Cecil Moore's Appointment—Question of Mr. J. D. FitzGerald ... 1920
The Ladies' Gallery—Question of Major Edwards 1920
State of the Thames—Question of Mr. Brady 1921
Chatham Barracks—Question of General Buckley 1921
Officers' Servants—Question of General Codrington 1921
Lord Canning's Proclamation—Question of Mr. Wilson 1921
Sanitary State of the Metropolitan Churches—Observations of Mr. Lauric ... 1924
The National Defences—Question of Sir Charles Napier 1926
The Case of Captain Judkins—Observations of Mr. Horsfall 1945
Outrage at Belgrade—Consul Fonblanque—Question of Viscount Bury ... 1946
Case of the *Cagliari*—Question of Mr. Ridley 1947
Pacification of Oude—Question of Sir Erskine Perry 1947
Prince Edward Island—Question of Mr. Gladstone 1948
Government of India—House in Committee 1948
Chelsea Bridge Act Amendment Bill—Order for Second Reading read—Amendment of Mr. Blackburn that the Bill be read a Second Time that day Six Months—Debate *adjourned* till *Monday* next 1991

MONDAY, JUNE 14.

Presbyterian and Roman Catholic Chaplains for the Army—Question of Mr. Hume 2014
The Australian Mails—Question of Mr. H. Berkeley 2015
The Confessional in Belgravia—Question of Mr. Butler 2016
The Pacification of Oude—Question of Sir Erskine Perry 2017
Romish Processions in Tuam—Question of Sir William Verner... ... 2018
Government of India—House in Committee 2018
Peace Preservation (Ireland) Act Continuance Bill—Order for Second Reading read—Amendment of Mr. Bagwell that the Bill be read a Second Time that day Six Months—Amendment *negatived* by a Majority of 148—Bill read 2° 2086

TUESDAY, JUNE 15.

Case of Mr. John Townsend—Motion of Mr. FitzRoy that the Adjudication of Bankruptcy against Mr. John Townsend, Member for the Borough of Greenwich [*Presented* 11th June] be read—Motion *agreed to* ... 2098

TUESDAY, JUNE 15—*continued*. *Page*

Sale and transfer of Land (Ireland) Bill—House in Committee ... 2104
The Enfield Musket—Question of Colonel Williams 2111
The Case of the *Cagliari*—Question of Mr. Serjeant Deasy 2112
Transport of Troops to India—Question of Mr. Nicoll 2113
State of the Thames—Question of Mr. Mangles 2113
Case of William Henry Barber—Motion of Mr. Brady for a Select Committee—Select Committee *appointed* 2114
Under Secretary of State (Scotland)—Motion of Mr. Baxter *negatived* by a Majority of 127 2118
Roman Catholic Chaplains—Observations of Mr. Serjeant Deasy ... 2150
Police Force (Ireland) Bill—Motion of Lord Naas for Leave to bring in a Bill—Leave *given*—Bill read 1° 2151
Legitimacy Declaration Bill—Motion of the Attorney General for Leave to bring in a Bill—Leave *given*—Bill read 1° 2156
Galway Freemen Disfranchisement Bill—Order read for resuming Adjourned Debate on Question [8th June]—Debate *resumed*—Debate *further adjourned* till *Thursday* next 2157

WEDNESDAY, JUNE 16.

Edinburgh Annuity Tax—Order for Second Reading read—Amendment of Mr. Blackburn, "That the Bill be read a Second Time that day Six Months"—Amendment *agreed to* by a Majority of 1—Bill *put off* for Six Months ... 2157
Registration of County Voters (Scotland) Bill—Order for Committee *read*—Amendment of Mr. G. Dundas that this House will upon this day Six Months resolve itself into the said Committee—Amendment *agreed to*—Bill *put off* for Six Months 2190
Insurance and Assurance Institutions Bill—Order for Second Reading *read*—Amendment of Mr. Sotheron Estcourt that the Bill be read a Second Time this day Six Months—Debate *adjourned* till *To-morrow* 2191

THURSDAY, JUNE 17.

Government of India—House in Committee 2221
The Irish Landed Estates Court—Question of Sir Erskine Perry ... 2252
Sale of Commissions—Question of Lord Burghley 2252
Breech-Loading Rifles in the Navy—Question of Mr. H. Berkeley ... 2253
Government of India—Resolution *reported*—Report *brought up* by Mr. FitzRoy 2253
Commissioners for Exhibition (1851) Bill—Bill read 2° 2254
Joint-Stock Companies Acts Amendment Bill—House in Committee ... 2271
Wills, &c., of British Subjects Abroad Bill—Bill read 2° 2276
Bristol Municipal Charities Bill—Bill read 2° 2276
Clerks of Petty Sessions (Ireland) Bill—Bill read 2° 2277
Nisi Prius Court (Ireland) Bill—Bill read 2° 2278
Durham County Palatine Jurisdiction Bill—House in Committee ... 2279
Public Health Bill—House in Committee 2279
Juries (Ireland) (No. 2) Bill—Bill read 2° 2285
Stanhope and Wolsingham Rectories Bill—House in Committee ... 2285
Transfer of Land Bill—Bill read 2° 2285
Galway Freeman Disfranchisement Bill—Order read for resuming Adjourned Debate on Question [15th June] that the Order for the Committee on the said Bill be discharged—Committee *deferred* till *Tuesday* 29th June ... 2286
Insurance and Assurance Institutions Bill—Order read for resuming Adjourned Debate on Amendment proposed to Question [16th June] "That the Bill be read a Second Time on Wednesday the 7th July next"—Amendment, "this Day Six Months," *withdrawn*—Second reading *deferred* till *Wednesday* 7th July 2288

III. New Members Sworn.

Thursday, May 20, 1858.

Leitrim County.—William Richard Ormsby Gore, esq., *v.* Hugh Lyons Montgomery, Manor of Hempholme.

Monday, May 31, 1858.

Limerick, City.—James Spaight, esq., *v.* George Gavin, esq., Void Election.

Monday, June 7, 1558.

King's Lynn.—Right Hon. Lord Stanley, re-elected, President of the Board of Control.

Thursday, June 10, 1858.

Hertford County.—Right Hon. Sir Edward George Earle Lytton Bulwer Lytton, Bart. re-elected, Secretary of State.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Second Session of the *Seventeenth Parliament* of the United Kingdom of *Great Britain* and *Ireland*, appointed to meet 30 April, 1857, and thence continued till 3 December, 1857, in the Twenty-first Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, May 4, 1858.

Minutes.] *Took the Oaths.*—The Lord Bishop of Derry.

Public Bill.—1ª Portumna Bridge (Ireland); Protection of Female Children.

2ª Ecclesiastical Commission; Ecclesiastical Corporations Aggregate (Estates).

ECCLESIASTICAL COMMISSION BILL.

SECOND READING.

Order of the Day for the Second Reading read.

The Earl of DERBY moved the second reading of this Bill, and said, he trusted he should not be considered as abusing their Lordships' time if, for the purpose of more satisfactorily explaining the objects and intentions of the Bill, he recapitulated very briefly the course of legislation adopted of late years with respect to church property, with the view of rendering it more available for ecclesiastical purposes, and increasing the means of endowment in reference to the parochial clergy. The first Act having a direct bearing on this subject was the 6 & 7 of the late King—the first at least relating to this part of the United Kingdom; for two or three years before he had, while in office, introduced an Act relating to Ireland, which dealt with a considerable part of the same subject in respect to the Church in Ireland, and which had the effect of suppressing a certain number of ecclesiastical dignities, and of causing their revenues to be paid over to a common fund for ecclesiastical purposes. It contained also provisions to cause certain rich sees to make contributions out of their revenues to the ecclesiastical fund, and to enable lessees holding on renewable leases to convert them into perpetuities, on paying over to the common fund purchase money equal to the difference of the value between a perpetuity and renewable lease. Two or three years after this, there was passed the 6 & 7 of the late King. By that Act it was provided that some of the rich sees should make fixed money payments to the episcopal fund, so as to reduce their net receipts to a certain amount, while to certain of the poorer sees fixed and definite payments were made, in order to raise their incomes to a certain annual average amount. There was, however, no transfer of the management of the property; but by, he believed, the 3 & 4 *Vict.*, power was given to the bishops and chaplains to transfer to the management of the Ecclesiastical Commissioners the estates vested in them, and there was created a common fund, derived from canonries and prebends and other ecclesiastical preferments which were suppressed, which was made applicable to the augmentation of small benefices. The operation of that Act was not rapid, but it was very satisfactory as far as it went. In the 6 & 7 of Queen Victoria an Act was passed,

known as Sir Robert Peel's Act, which enabled a more immediate application to be made of the surplus revenues of the Church. By the provisions of that Act 200 ecclesiastical districts were forthwith to be established, to which was to be assigned an annual income of £150 each. But, in order to meet this immediate demand on funds not realized, the Ecclesiastical Commissioners were empowered to borrow £600,000 from the Queen Anne's Bounty fund, in exchange for a perpetual annuity amounting to £18,000 a year; and it was calculated that by the time the capital sum of £600,000 should be exhausted, the endowments of the ecclesiastical districts accruing from the provisions of previous Acts would increase, so as to enable the fund, not only to meet the charge to which it was already subject, but also the additional charge of the £18,000 annuity. This anticipation had been completely realized—the money was borrowed and the income of the Commissioners had been found adequate to meet its engagements. The next Act was one of a very important character, and was the basis of the present system. By the 13 & 14 of the Queen, there were to be taken from the Ecclesiastical Commissioners three Commissioners, to be called the Estates Commissioners, in whom was to be vested the management of all property devolving to the Commission. Of these Commissioners, two were appointed by the Crown —one paid and another unpaid; and a third paid Commissioner was appointed by the Archbishop of Canterbury. The Bishops were to have a certain definite income, and all above that they were left to pay over to the Ecclesiastical Commission. By this Act also the Episcopal and Common funds were merged into one, and the proceeds, from whatever source arising, were to be applied indiscriminately either to the necessary augmentation of the incomes of the poorer sees, to the increase of sees, or to the augmentation of the poorer benefices of the Church. By an Act of the following year, the Bishops and Chapters were empowered, with the consent of the Ecclesiastical Commissioners, to enter into arrangements with their tenants for the purpose of enfranchising their property. That was a most important step, and was in accordance with the principles laid down by their Lordships' Committee in 1851. The Committee of 1851 recommended that the Ecclesiastical Commissioners, instead of continuing to pay the Bishops and Chapters a certain fixed income, should retransfer to them estates of sufficient magnitude to yield an income equivalent to that previously assigned to them. These estates were to be transferred free of all obligations, and to be held in fee simple, subject to no drawbacks whatever; but it would be necessary, of course, to lay down certain regulations under which alone the estates so restored should be managed. The enfranchisement of estates had worked in the most satisfactory manner. In order to show that the enfranchisement of the property of the Church had worked greatly to the advantage of the Church, he would refer to what had occurred in regard to the Chapter of York. The total value of their estate was £437,000; there was under lease, £413,700; enfranchised, £13,000. At present there was enfranchised £252,592, and there remained to be enfranchised £161,000. After making allowance for all claims the total income of the Commissioners had allowed them to make arrangements of the most satisfactory kind, and after defraying all charges, a large surplus was realized capable of being applied to the general purposes of the Church. Those operations had been carried to a considerable extent, but were checked by Sir Robert Peel's Act. Since that time the Commission had had, after paying all expenses, a small surplus in hand—last year he believed it was £7,000, and this year £12,000. He believed he was correct in saying that the Commissioners had come to the determination to apply that sum for the purpose of endowments. Having stated the general course of legislation on the subject up to the present time, he would shortly state the objects of the measure he had to propose. It was very nearly the same as passed through the House of Commons last year, and failed in obtaining the assent of their Lordships only because of the lateness of the period at which it came before them. The transfer of the management of estates to the Ecclesiastical Commissioners had hitherto been a purely voluntary act; but, with few exceptions, all the Bishops and Chapters had already adopted that course. One of the objects of the present Bill was to render compulsory upon the avoidance of a See a measure which had already been found practically beneficial. But there was a further provision to the effect that the Commissioners should, as soon as conveniently may be after the es-

tates of the See shall have become vested in the Commissioners, transfer to the See lands of sufficient value to afford the statutory income to the See, which should be held as an endowment in fee simple, and in lieu of the money payment. From that time no interference would be allowed with the estate so restored; except to see that it was kept in proper condition, and that no improvident or improper leases were granted. The same arrangement might be carried into effect on the request of any existing Bishop. A Chapter never died, and therefore the same provision could not be made with respect to it; but what the Bill proposed was that the Commissioners should have the power of compelling Chapters to keep their accounts in a certain form, and also of controlling the payments made out of the Chapter funds. It likewise provided that no renewal of leases should be granted after the passing of the Act, but that Chapters should be entitled, upon showing that their revenues individually and collectively were diminished by the deprivation of the fines payable on the renewal of leases, to incomes secured upon the general funds of the trust equivalent to what was received by them at the present time. There was in this Bill no provision that the same principle which was applied to episcopal estates, namely—that after the estate was freed from the claims of the lessees an equivalent value should be restored to the Bishop—should be extended to capitular estates; but it was intended to introduce such a clause in Committee. His noble Friend on the cross benches (the Duke of Marlborough), who was as familiar with this subject as any man could be, had laid on their Lordships' table a Bill for extending the operation of this principle to the estates of Chapters; but it proposed to attain this object in a mode different from that proposed in the Bill, which he now submitted to their Lordships' consideration; for instead of simply prohibiting the renewal of leases on fines, and trusting to the individual interest of the members of the Chapter to bring the estates under the control of the Commissioners, he proposed that as each dignity in these Chapters, each deanery, canonry, and so on became vacant, its share of the capitular property should be vested in the Ecclesiastical Commissioners, and the successor to it should receive, not the whole share, but a certain amount equal to that which his predecessor received; and that when three-fourths of the members of the Chapter had died, and consequently the interests in three-fourths of the property had been transferred to the Commissioners, they should take into their hands all the property of the Chapter, and deal with it as was proposed by this Bill. He was quite open to consider whether the mode suggested by his noble Friend or that proposed by this Bill was the most desirable means of arriving at the same end, and he saw so little practical difference between them that he should be very much disposed to adopt that course which upon discussion should appear to be most satisfactory, or, he was afraid he must say, least unsatisfactory, to the Chapters themselves. He ought not to conclude without informing their Lordships that in Committee a noble Earl near him would propose the insertion of clauses for the purpose of dealing with the Paddington estate, the case of which was very peculiar. The course which he proposed to adopt was to ask their Lordships to give a second reading to the Bill as it stood, and as it had received the entire assent of the other House of Parliament, and then to send it to a Select Committee, for the purpose of considering what clauses it would be necessary to introduce in order to give greater security to individuals, and to meet any special cases which might arise. He had forgotten to say that there were in the Bill clauses of a general character for securing to particular localities funds, or a certain portion of funds, arising within them from sources other than the tithes. He should not object to their Lordships, after passing the second reading of this Bill, reading a second time that of the noble Duke (the Duke of Marlborough). The two Bills might then be referred to the same Committee, and it would be easy so to incorporate them as to embody the various provisions in such form as should be most satisfactory to their Lordships. Looking to the great interests involved in this question, and to the earnest desire exhibited by the Bishops of the Church, the Chapters, and more especially by the lessees, that the matter should be brought to a speedy and amicable conclusion, he earnestly hoped that their Lordships would read this Bill a second time, and that, although introduced rather late, it might pass both Houses of Parliament during the present Session.

Moved, That the Bill be now read 2ª.

THE DUKE OF MARLBOROUGH said, that the course pursued by the noble Earl

in explaining the provisions of the Bill to the second reading of which he was about to ask their Lordships to agree, had rendered it unnecessary that he should occupy the time of the House; but he could not let the present opportunity pass without expressing his sense of the importance of the question with which both Bills proposed to deal—the question of the enfranchisement of leaseholds. In the first place as some doubt had existed as to whether the plan of enfranchisement embodied in the Report of the Episcopal and Capitular Commission in the year 1850 or that which emanated from their Lordships' House was the better one, he would quote the authority of Mr. Smith, the surveyor of the Ecclesiastical Commissioners, who, when examined before the Committee of the House of Commons, in 1856, stated that while under the plan of the Episcopal and Capitular Revenue Commissioners the Church would, out of every £100 of Church property, receive only £48, £44, or £37, under the scheme of their Lordships' Committee it would receive £57 or £55. In another portion of his evidence he stated that the gain to the Church by the adoption of the recommendations of their Lordships' Committee would be equal to £60,000 a year. As it was now hopeless to expect to obtain any grant from Parliament for the relief of spiritual destitution, it was of the deepest importance that they should consider how funds could be provided out of the surplus revenues of the Church for the exigencies of spiritual destitution. The noble Earl had referred to what was called the "Common Fund" and its purposes. This fund had been gained out of the suspension of the canonries and prebendal stalls and the surplus revenues of the capitular endowments. But there was now a new source of revenue, first brought into action in 1854, derived from the enfranchisement of leaseholds. At the present moment a Committee of their Lordships' House was sitting to inquire into the spiritual destitution of our large towns. He had no doubt the result of that Committee would lead to some suggestions better than any that he could submit to their Lordships. But he could not allow that occasion to pass without dwelling for a few moments on the vast importance of the step about to be taken, viewed in the light of the great wants to be supplied. The second Report of the Church Inquiry Commissioners appointed in 1836 stated that there were 3,528 benefices under £150 a year; and that it would require no less a sum than £235,000 a year to raise all benefices with a population of between 500 and 2,000 persons to an annual value of £200; all benefices with a population of 2,000 and upwards to £300; and all those with a population of 5,000 and upwards to £400. Since that time the number of benefices augmented by the Commissioners was 882, the annual rent-charge paid for their augmentation being £46,833. But in 1836 it was stated that there were 1,253 benefices under public patronage requiring augmentation, there would thus remain 371 benefices still to be augmented. The balance of the sum then deemed sufficient for the augmentation, and now remaining to be provided was £81,072. He had, however, before him the records of an inquiry of a more recent date. He alluded to the Commission moved for by a noble Earl when in the other House of Parliament to inquire into the practicability of subdividing densely populated parishes. Those Commissioners reported that there was a pressing need for 600 new churches and several very striking cases of destitution were mentioned. To give their Lordships some idea of the requirements still to be met, he might mention that in the parish of St. George the Martyr, Southwark, with a population of 51,824 persons, there were only 500 free sittings. In St. Mary's, Carlisle, with a population of more than 16,000, there were but 250 free sittings. He might go through a long list of similar cases, in all of which new churches and new endowments ought to be provided. Such being the destitution with which they had to deal, he would now direct their Lordships' attention to the probable amount to be gained by the transfer of property which he proposed. He would take the case cited by the noble Earl who had just sat down — namely, the transfer of the property belonging to the Chapter of York. That was a case in which a real augmentation of property had been the consequence of the transfer having been made. Before the transfer the average income of the property of the Chapter was £3,000 a year; the income agreed for by the Commissioners was £4,400, and it was stated that the value of the estates in fee simple was £427,000. The effect of the transfer in that case upon a fair computation would be, that a surplus of £81,000 would be paid over to the funds of the Ecclesiastical Commissioners when

The Duke of Marlborough

the transactions were completed. Now, assuming that the system of enfranchising capitular estates was extensively carried out, and that the amount derivable from renewals of leases was 30 per cent of the annual value—as stated in evidence before the Committee alluded to—the entire yearly income from the Chapter estates, with the additional sum which would be acquired from enfranchisements, might be assumed to be £422,850. If, therefore, the incomes of the Chapters were paid as fixed by the Act of Parliament at £2,000 for each dean and £1,000 for each canon, the total expenditure upon the 28 Chapters would be £287,620, leaving a balance of £135,227 to be paid to the common fund of the Ecclesiastical Commissioners. He thought that his estimate of the probable income from these transfers was exceedingly moderate, and his calculation of the expenditure excessive; and his belief was, that a sum of £150,000 a year was yet to be provided by the enfranchisement of capitular property. He feared, however, that without some such change in the law as he now proposed there was no prospect of the process of enfranchisement being speedily carried out. The enfranchisements which had already taken place were very few in number; nor was that fact a surprising one when they remembered that the present law provided that whatever surplus might accrue from that process should go to the common fund of the Ecclesiastical Commissioners. It could not be expected, therefore, that the Chapters should be as anxious to effect enfranchisements as they would be if they derived some immediate benefit from them. It was found that whereas most of the estates of the Sees were under the immediate management of the Ecclesiastical Commissioners, and the Bishops of those Sees had little or no interest in the property, inasmuch as they received fixed incomes from the Commissioners, the enfranchisements actually carried out upon the episcopal estates since 1852 were 923 in number, and the purchases 94. From 1852 to 1857 there were only 448 cases of enfranchisement by the Chapters, and 32 cases of purchase. It thus appeared that the number of enfranchisements for each of the 28 Chapters did not exceed an average of three per annum. However beneficial the process of enfranchisement might be, it did not then seem likely that it would be carried out very rapidly, in consequence of the provision which deprived the body who had the conduct of the operation of any interest in it. As the noble Earl had alluded to the Bill which he had had the honour of laying on their Lordships' table, he would take the opportunity of pointing out some of the differences between that Bill and the Bill of the noble Earl. The Bill of the noble Earl proposed to transfer the estates of Chapters to the Ecclesiastical Commissioners, in the same way in effect as the estates of Bishops were transferred, but in a different manner, and in a manner which appeared to him to be open to very serious objections. In the first place, the plan proposed by the noble Earl was not a direct mode of proceeding. It was very advantageous that the public should know the actual effect of Acts of Parliament, and one evil connected with Acts affecting ecclesiastical affairs was that the subject was so recondite that the public at large were hardly aware of the true effect of those Acts. By the Bill of the noble Earl no lease could be renewed beyond 1880.

THE EARL OF DERBY interposed to explain that that was the period fixed beyond which Church leases should not be renewable on the payment of fines; that this was done with a view of more easily estimating the value of these estates and the interest in the leases which still remained.

THE DUKE OF MARLBOROUGH: If this Bill became law, the Chapters could not renew their leases beyond the year 1880; so that the effect must be that the property of those Chapters which depended for their incomes upon the renewal of leases would become much diminished, and they would be compelled to apply for compensation to the Ecclesiastical Commissioners, the Bill provided that such compensation might be given by the Commissioners upon the Chapter in question being willing to surrender the property, in respect of which compensation was demanded, and thus the property of the Chapters would, as it were by piecemeal, and in small portions at a time, be transferred to the Ecclesiastical Commissioners. It had always been provided in former Bills that when estates were transferred to the Ecclesiastical Commissioners, no part of the revenues so derived should be made available to the purposes of the Common Fund, until an estate was conveyed to the Chapter; but there was no such security given by the Bill of the noble Earl. That he looked upon as a very important difference between his own Bill and that of the noble Earl. As the propositions of his measure

had already been referred to by the noble Earl he need not trouble their Lordships by going into them. They were not new. He had made similar proposals in "another place," and it had there been objected that it would not be desirable to transfer suddenly too large an amount of property to the Ecclesiastical Commissioners; but by the provisions of the Bill which he had laid upon their Lordships' table the transfer would take place very gradually. For his own part, his sole object was to strengthen the hands of the Church in the great work in which she was engaged, and he would leave the matter in the hands of their Lordships, sure that their desire was to adopt that course which would prove most advantageous to the cause which they all had at heart.

THE EARL OF CHICHESTER said, that the question involved in these Bills was of such great importance to the Church, that as one of the Ecclesiastical Commissioners he thought he ought not to avoid making one or two observations. Several of the provisions of the Bill of the noble Earl (the Earl of Derby) were founded on the evidence given by himself and others of the Commissioners before the Committee of the other House; but he wished it to be understood that the measure did not emanate from them, but from Her Majesty's Government, and was founded upon the Resolution contained in the Report of the Committee of the House of Commons. As one of the Commissioners himself, he entirely approved of the general provisions of the Bill, which he thought would tend very much to facilitate the administration of the estates of the Church, in some respects simplifying that administration, and assist in developing the resources of the Church — an object which was equally sought by the Bill of the noble Duke. With regard to the Bill of the noble Duke, he had no objection to the principle suggested by his noble Friend as the best principle upon which the enfranchisement of Church property should be expedited; but he thought his noble Friend had very much exaggerated the amount of gain that would accrue to the fund of the Commission by the transfer. He hoped that, in Committee, both the Bill of his noble Friend and the Bill of the Government would receive such consideration as would enable their Lordships to pass a good and useful measure.

EARL GREY said, he did not rise to offer any objection to the principle of the Bill, but one part of it seemed liable to much doubt. He entirely concurred with the noble Duke as to the extreme importance of such a measure, especially with reference to the great need of religious instruction alluded to by his noble Friend on that, and by a right rev. Prelate (the Bishop of Exeter) on a previous evening. It was of great importance to our national progress that the vast estates of the Church should be improved to the utmost, and that the income of the dignitaries of our Church should be provided for in a manner best adapted to secure their independence and promote their usefulness. But he did not believe that the mode of managing Church property laid down in the Bill would have the effect anticipated. The principle upon which Parliament had for some time acted and which this Bill proposed to carry out was that of gradually converting the tenure of Church estates into a tenure similar to that by which their Lordships held their estates. It had been stated that the total value of Church property was about £35,000,000, but nearly half of that sum represented the beneficial interest of lessees. Of that great estate therefore only one half really belonged to the Church. It was now proposed to convert the whole of this large estate, of which the Church had only one half of the interest into a smaller estate in which she should possess the whole, and to place the whole under one general management. He was afraid that plan would not answer. Their Lordships were aware what discretion and judgment were needed for the proper management of landed property. Questions continually arose upon the expediency of giving assistance to tenants, upon the prudence of accepting the highest or some other offer, upon the granting of a new lease, and upon matters of a like nature, which were often beset with great practical difficulties; and he was persuaded that they were questions with which no public Board sitting in London could satisfactorily deal in the case of estates scattered over almost every English county. The inevitable result of such a system would be to throw a power which was particularly liable to abuse into the hands of local agents. Though their Lordships, no doubt, intrusted a great amount of power with perfect confidence to their private agents, yet it must be remembered that the agents of a public body were in a situation which was much more liable to abuse, because they were not under the same responsibility, and did

not act with the same amount of freedom in the exercise of their own discretion as the agents of private individuals. He was persuaded, therefore, that the property held at rack-rent was never likely to be well managed by a great public department, and he contended that experience fully proved that large landed estates administered by a public body were never, for any length of time, administered in a satisfactory manner. This had been very clearly elicited in the course of the inquiry which had taken place into the management of the Royal forests; but they need look no further for an illustration of the truth of the statement than to property under this very Commission. When they considered that it was quite a new institution, that new brooms proverbially "swept clean," and that there had been little time as yet for abuses to creep in, they might expect that property held by the Ecclesiastical Commissioners would have been well managed. The evidence which had been taken before the Committee of the House of Commons in 1856, proved, however, that great extravagance and mismanagement had even in these early days been attained, particularly in reference to the Nottinghamshire estates; and he was satisfied if the whole landed property of the Church were converted into estates held at rack-rent under the Commissioners that the receipts that would be derived from them would be much less than was anticipated in consequence of the enormous expenses which would be incurred in their management. It must not be supposed that he blamed the Ecclesiastical Commissioners for any particular cases of mismanagement which had occurred; for he repeated that it was utterly impossible for gentlemen sitting in London to exercise that control over agents acting in the country which was necessary to prevent abuses. He asked the Members of the right rev. Bench seriously to consider what would be the position of future Bishops under the arrangements provided by the Bill. It required that the estates which were to furnish the incomes of the Bishops should be assigned to each See, and that then the Bishops should manage those estates, subject to the control of the Ecclesiastical Commissioners. The proposition was full of difficulties. A Bishop often succeeded to a see at an advanced age; he had no interest beyond his own life in the estates, and was it likely that he would, under such circumstances, apply his mind to the permanent improvement of the land as a good landlord would do? In bad years there might be losses from insolvent tenants or other causes, and, in fact, circumstances were continually arising which, if a person had only a short and doubtful interest in an estate, made it impossible for him to derive any income from it for two or three years. The position of a Bishop, then, whose time was required for the discharge of more important and sacred functions, was, that he was called upon to manage an estate which the Commissioners had assigned to him, and from which it was doubtful whether he would derive any income. But that was not all—the Bishop was liable to the control of the Commissioners with respect to the expenses which he was to incur, and he had to provide for such works and repairs as to them seemed necessary. Thus, these dignitaries would be placed in a position in which no man ought to be placed; where their interests and their duties would be in continual conflict, and where their own interests and the interests of their successors would possibly be antagonistic. He asked the right rev. Bench whether they thought that that would be a pleasant position for a Bishop to be placed in. There was no doubt that under the old system the interests of existing Bishops were brought into continual conflict with those of their successors and of their lessees. It must, unfortunately, be admitted that in some cases great abuses were perpetrated, and there could be little question that owing to the tenure under which the property was held, a great part of its value remained undeveloped, and there was not such an amount of improvement as there ought to have been. He therefore agreed in thinking that it was absolutely necessary to have a complete reform in that system; but he was by no means satisfied that the principle recommended by the Church Commissioners themselves in 1850, but rejected in 1851, was not still the soundest principle; namely, to make such alterations in the terms upon which the land was held by the existing lessees, that the dormant value might be realized and divided upon a fair principle between the Church and the lessees. He repeated that he was by no means satisfied upon the point; but all he would urge upon their Lordships was, that the subject ought to undergo far more consideration than it had yet received, and so thinking, that their Lordships would do right in sending both Bills to a Select Committee.

The Bishop of OXFORD said, he thought the Government had exercised a very wise

discretion in adopting the Bill which had already passed the other House of Parliament, and in referring it, along with the Bill of his noble Friend on the cross benches (the Duke of Marlborough), to a Select Committee. But, although he concurred in the conclusion to which his noble Friend (Earl Grey) had come, he could not go along with him in all the preliminary steps by which he had arrived at that conclusion. He considered that, in point of fact, Parliament had already settled the question raised by the noble Earl, and that they had not now to determine whether the old mode of administering the property could be improved, for the arrangements which had been made by the Ecclesiastical Commission, and sanctioned by Parliament, had been adopted by common consent, and he thought it was therefore now practically impossible to revert to the question. Although he was by no means blind to the disadvantages of the scheme proposed by this Bill, yet he must say that, after weighing the matter as carefully as he could, he thought the objections which might be urged against any other plan now open to Parliament preponderated over those which could be advanced against this measure. His noble Friend had pointed out the obvious objections which must arise to Chapters and Bishops leasing at rack-rent the estates which furnished their official incomes; but a still graver objection in his mind than any that had been mentioned by his noble Friend was the great and fundamental objection of making the Bishops and other officers of the Church mere stipendiaries. The mere fact of so separating them from the great body of the clergy would be, in his opinion, most objectionable. The influx of gold which was likely to take place would really reduce those stipends far below the value which nominally attached to them, and the difficulty of raising the stipends to the sum at which Parliament might now fix them—although those who held such offices at present could scarcely be affected—seemed to him to present a grave objection to the proposal that Bishops and Chapters of the Church of England should be made mere stipendiaries. He thought this subject was one which could be most conveniently dealt with in the Select Committee, where he would give his careful attention to any suggestions which might be made by his noble Friend on the cross benches. He wished to take this opportunity of calling their Lordships' attention to the circumstance that there was one important class of officers in the Church—important not only so far as the Bishops were concerned, but also with reference to the great body of the clergy—for whose remuneration, in consequence of recent legislative measures, no sufficient provision existed. He alluded to the Chancellors, who conducted the legal and disciplinary business of the different dioceses. It was of the greatest importance that persons who held these offices should be men of character, possessing an intimate acquaintance with the law, for they did far more to prevent legal proceedings than to adjudicate upon differences which might arise. The value of having in a diocese a man of character and station, learned in the law, and interested in the affairs of the diocese, who was ready to give advice to the clergy and to prevent troublesome and angry legal proceedings, could only be appreciated by one who had for some years held the position of a Bi shop. These officers, however, had derived their only remuneration from the discharge of duties which the recent legislation of Parliament with reference to wills and other matters had removed from their jurisdiction. In fact, there were at present no means of providing for their adequate remuneration. The responsible office of Dean of the Arches' Court of Canterbury was at present vacant by the death of Sir John Dodson, and it was of the utmost importance that it should be filled by a competent person; but the net income of that office—important as it was—was only about £12 a year. It was impossible that for such a remuneration the most rev. Prelate (the Archbishop of Canterbury) could obtain a duly qualified person to undertake the office, for all appeals from different dioceses upon matters of doctrine and other high questions were referred to the decision of the learned individual by whom it was filled. It had been suggested that the office should be held in conjunction with the judgeships of the Probate, and of the Divorce and Matrimonial Courts, as the income attaching to those offices would supply the deficiencies in the income of the Dean of the Court of Arches. He (the Bishop of Oxford) thought, however, that by such an arrangement they would mix up two judicatures which were essentially different, for the Judge of the Court of Probate held his office under the Crown, while the Dean of the Arches Court was appointed by the Archbishop. He conceived that the Dean of Arches might very properly be paid out of the funds derived from the episcopal estates

The Bishop of Oxford

vested in the hands of the Ecclesiastical Commissioners; because, for the sake of the clergy at large, it was necessary that the duties should be as efficiently performed as those of any other episcopal office. With regard to the Chancellors, it could not be expected that they should be paid by the Bishops whose incomes had been fixed without any idea that such a charge would be made upon them. Parliament having fixed the incomes of the Bishops at what it believed to be a proper level, they could not be called upon without injustice to provide out of incomes thus limited for the payment of important officers who had, by recent legislation, been deprived of the remuneration they formerly enjoyed. The charge could not be thrown upon the general taxation of the country, and it seemed to him that it might with the greatest propriety be defrayed from the proceeds of the episcopal estates vested in the hands of the Ecclesiastical Commissioners. He did not believe the charge would be at all onerous, and he would propose in the Select Committee that it should be placed upon the Ecclesiastical Fund. He must add that he believed the learned Judge who presided in the Court of Probate and the Divorce and Matrimonial Court was probably the fittest man in England to discharge the duties of such a position, but he (the Bishop of Oxford) objected to transfer to the Judge of those Courts the jurisdiction of the Dean of the Court of Arches.

EARL GRANVILLE said, there was undoubtedly great difficulty in dealing with a question of this nature, and he concurred in the propriety of referring the two Bills to a Select Committee. The noble Earl (the Earl of Derby) had alluded to the importance of settling this question. He did not think it possible at present to make any permanent settlement, though it was very desirable that an Act should be passed in the present year for a temporary settlement. The Bill of the late Government had had the recommendation of a Committee of the other House, and therefore it would be well, in effecting the settlement, to endeavour to coincide as much as possible with the suggestions of that Committee. The noble Earl had rather apologized for moving the second reading of the Bill at so late a period as the month of May. He did not know whether the House was to regard that as an intimation of an early prorogation; but, at all events, it was desirable that the Bill should undergo careful consideration in Committee.

LORD RAVENSWORTH rose to express his hope that the inquiry of the Committee would not be limited to the mere questions raised by these Bills. He had before expressed, and must now express again, his opinion that, as in the distribution of sequestrated property preference was to be given to local claims, it was right that the exigencies of a large population, which might suddenly rise upon a mining district, or be collected together by the extension of house property, should be included among the local claims. He had a strong opinion that the Ecclesiastical Commission would break down, and he hoped a better means of providing for the wants of the community in the distribution of Church property would be adopted than by the continued existence of the Ecclesiastical Commission as at present constituted.

LORD CRANWORTH said, that the matter alluded to by the right rev. Prelate did not escape the attention of the late Government when the change was made in the Probate Courts, and he then pointed out that such an officer as had been alluded to should not be remunerated by fees taken from persons who had nothing to do with ecclesiastical matters, but out of some ecclesiastical revenue. With regard to the office lately held by Sir John Dodson, he was enabled to say that his learned Friend, the Judge of the Probate Court, was perfectly willing to render any services in his power for the performance of the duties attached to that situation; but such an arrangement must at present be regarded as temporary.

THE EARL OF POWIS thought that the provision by which the episcopal and common funds were merged together ought to be well considered. The right rev. Prelate had said that the Chancellor of the diocese should be paid out of the ecclesiastical fund, but there was a prior claim for the extension of the number of bishops and for providing retirements for bishops. As the funds were mixed at present, there was no prospect of ever having a definite sum supplied for episcopal purposes.

THE EARL OF ST. GERMANS suggested, as the best mode of meeting the difficulty, the granting of leases renewable for ever to the lessees of ecclesiastical property, upon the payment of an annual fine calculated like the tithe rent-charge upon an average of the last seven years.

After a few words from Lord DUNGANNON,

Motion *agreed to.*

Bill read 2ª accordingly, and *referred* to a Select Committee.

The Lords following were named of the Committee: The Committee to meet on *Thursday* next, at Four o'clock, and to appoint their own Chairman; and the Petitions praying to be heard by Counsel against the Bill (presented on the 22nd and 29th of April last), and the Petition against the Bill (presented this Day), severally *referred* to the Committee:—Lord Archbishop of Canterbury, Lord Privy Seal, Duke of Somerset, Duke of Marlborough, Earl of Derby, Earl of Doncaster, Earl of Shaftesbury, Earl of Chichester, Earl of Powis, Earl Grey, Earl Granville, Viscount Eversley, Lord Bishop of London, Lord Bishop of Winchester, Lord Bishop of Oxford, Lord Lyttelton, Lord Wynford, Lord Ebury.

House adjourned at half-past Seven o'clock, to Thursday next, at half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 4, 1858.

Minutes.] Public Bills.—1° Sale and Transfer of Land (Ireland); Non-Parochial Registers; Oxford and Cambridge Universities, &c., Estates.

MILITIA REGIMENTS AT ALDERSHOT. QUESTION.

Captain GRAY said, he would beg to ask the Secretary for War what are the intentions of the Government in regard to the Regiments of Militia now at Aldershot, and whether such regiments as have been furnished with the Enfield rifle will be continued in an embodied state for such a length of time as will afford them a fair opportunity of being brought to a state of efficiency in the use of that weapon?

General PEEL said, he had to acquaint the hon. and gallant Member that it was not the intention of the Government to disembody any more Regiments of Militia at present. He placed the fullest reliance on the desire of each militia regiment to pay due attention to drill, and he had not the slightest doubt that those regiments which happened to be furnished with the Enfield rifle would be afforded the fullest opportunity of being brought to a state of efficiency in the use of that weapon.

WESTERN BANK OF SCOTLAND. QUESTION.

Mr. BRADY said, he wished to ask the Lord Advocate if the Directors of the Western Bank of Scotland forfeited (in a legal sense) the right they possessed to circulate Bank Notes by the failure of the Bank; if so, is it the intention of the Government to institute an inquiry into the circumstances connected with the failure, with the view of granting (for the benefit of the shareholders) a power to the said Directors to sell the privilege they possessed?

The CHANCELLOR of the EXCHEQUER said, that his right hon. and learned Friend the Lord Advocate having called his attention to the question which the hon. Member had just put, he begged to inform him in reply that the Directors of the Western Bank had forfeited the right which they possessed to circulate bank notes. He also had to state that it was not the intention of the Government to assist in any way in granting a power to those Directors to sell that privilege.

MISSION TO PORTUGAL.—QUESTION.

Mr. WHITE said, he would beg to ask the Chancellor of the Exchequer, in the absence of the Under Secretary for Foreign Affairs, whether a Special Mission is about to be sent to Portugal; and, if so, whether the Marquess of Bath has been appointed Her Majesty's Plenipotentiary to that Court; and, if so, whether the Government is prepared to lay on the table of the House the probable amount of the expense of such Mission?

The CHANCELLOR of the EXCHEQUER said, he would beg to inform the hon. Gentleman that a Special Mission is about to be sent to the Court of Portugal; that the Marquess of Bath has been appointed Her Majesty's Plenipotentiary to that Court for the purposes of that Mission; and that, if any expense should be incurred in consequence, a statement of that expense would at the proper time be laid before the House, and might then be taken into consideration.

MARRIAGE WITH A DECEASED WIFE'S SISTER.—QUESTION.

Mr. SCHNEIDER said, he would beg to ask the Secretary for the Colonies whether Her Majesty's Government have received from the Governor of South Australia a Copy of a Law passed by the Legislature of that Colony in the year 1857, for legalizing Marriage with a deceased Wife's Sister, and whether the Government intend to advise Her Majesty to give Her sanction thereto?

Lord STANLEY said, it was quite true that the Legislature of South Australia had passed an Act for the purpose of legalizing a Marriage with a deceased Wife's Sister. A copy of that Act had been very

lately received at the Colonial Office, and as some legal doubts were supposed to have arisen in connection with its main provision, it had been referred to the legal advisers of the Colonial Department, but their Report had not yet been received.

PUBLIC OFFICES.—QUESTION.

SIR JOHN SHELLEY said, he wished to ask the First Commissioner of Works whether the Government have determined upon the erection of a new Foreign Office, and, if so, who is to be employed as the architect; also, whether the materials recently deposited in the vacant space, near Downing Street, are intended for the erection of any public building?

LORD JOHN MANNERS replied, that all he had to say, in answer to the first question of the hon. Baronet, was, that Her Majesty's Government had not yet resolved on erecting a new Foreign Office, and that, consequently, no site had been selected by them for such a building. With respect to the last question of the hon. Baronet, he had to state that the materials at present in Downing Street did not belong to Her Majesty's Government, but to a body of which the hon. Baronet himself, he (Lord J. Manners) believed, was a most distinguished member, namely, the Metropolitan Board of Works, who had, as he understood, collected these materials for the purpose of building an office for themselves in Victoria Street.

THE DUBLIN POLICE FORCE.

QUESTION.

CAPTAIN ESMONDE said, he would beg to ask the Chief Secretary for Ireland whether it is the intention of Her Majesty's Government to bring in a Bill for the regulation of the Metropolitan Police Force (Ireland) this Session?

LORD NAAS said, he hoped to be able in a very few days to bring in a Bill upon that subject.

MEDITERRANEAN, ETC., TELEGRAPHIC COMMUNICATIONS.

PAPERS MOVED FOR.

MR. CRAWFORD rose, pursuant to notice, to call the attention of the House to the question of the extension of Telegraphic Communications in the Mediterranean, and with Her Majesty's dominions in the East; and to move an Address for copies of all proposals made to Her Majesty's Government or to the East India Company, by or on behalf of private individuals, companies, or any foreign state, for the establishment of Telegraphic Communications in the Mediterranean, or with India by way of the Red Sea or Persian Gulf; and of all replies thereto: and, of all conventions entered into or contracts made, and of all Treasury Minutes, correspondence with Her Majesty's representatives abroad, and communications between the various Departments of Her Majesty's Government in reference thereto. He said he understood that Her Majesty's Government were prepared to assent to his Motion with the slight alteration of substituting in the latter portion of it the words "extracts from correspondence" and "extracts from communications" for the words "correspondence" and "communications;" and as he was perfectly prepared to adopt that Amendment, he felt that he need not trouble the House with any arguments upon that occasion upon the important subject of telegraphic communication with the East. He wished, however, to take that opportunity of removing a misconception to which he had been subjected in reference to a supposed personal interest on his part in the agitation of that subject. He had no personal interest whatever in the advocacy of one scheme over another. It was a matter of entire indifference to him whether the Red Sea route, the Tigris route, or the Euphrates route was selected for that purpose; and, indeed, he should be glad if they were all adopted. But it so happened that when that subject was brought under the notice of Parliament at the conclusion of the last Session, and when it was observed by the public that he had taken a personal interest in the matter, his name was inserted without his authority, and during his absence from this country, in the list of the directors of the Red Sea Telegraph Company; but as he did not think it advisable that he should be placed in the position which his acceptance of such an office would impose upon him, he had taken steps to have his name removed from that list, as soon as he was aware of the fact, and he might add that he had declined to take any part in the formation of the company or in the proceedings of the directors. Having made that explanation he begged leave to submit his Motion to the House with the Amendments he had already stated.

SIR WILLIAM FRASER said, he wished to take that opportunity of suggesting to the Government the propriety of

taking some steps to insure a greater degree of accuracy in the telegrams published from the seat of war. He did not know whether he should be in order in quoting one or two cases from the last telegram received. Hardly any telegram arrived which was not marked by strange errors, but in the last he found not only mistakes as to the names of officers, but also two errors of fact in regard to the circumstances of the war. Thus it was said Lieutenant Colonel Tindall, commanding the artillery, had been wounded. There was no such officer in Her Majesty's or the Company's service. Major Ricard was said to be wounded, but there was no such name in the *Army List.* Lieutenant Fox was returned as wounded, but there were no less than eleven lieutenants bearing the name, so that it was impossible to know which was referred to. Lieutenant Olroyd was mentioned as wounded, when, in fact, there was no officer of that name either in Her Majesty's or the Company's service in India. Lieutenant Prendergast was described as wounded, but as there were three lieutenants of the name serving with the regiments which were engaged, it was impossible to identify the particular officer. In the message from Goojerat, Captain Barclay, of the Royal Artillery, was stated to be wounded; but there was no such officer in the service. Those errors occurred in the Telegrams of the East India Company; but in that received by Government, and published upon their authority in the newspapers, he found two serious mistakes as to fact. It was stated that General Sir H. Rose had been engaged with the enemy, which was true; but it was also stated that he had defeated the army of Peshawur. It required very little geographical knowledge to be aware that it was impossible for general Rose, in his position, to encounter an army coming from Peshawur. What was meant, no doubt, was the army of the Peishwa, the name by which Nana Sahib was best known in India. The next mistake was in stating that Colonel Milman with a detachment of the 37th Regiment had been "cut up." That statement had never yet been officially contradicted, but *The Times* newspaper had published its private Telegram, which showed that the force referred to was simply "shut up" in Azimghur. He would suggest that it was not desirable to inflict unnecessary pain and distress upon those families who had relatives serving in India. There appeared to be no public advantage in publishing names upon uncertain information, but at least pains should be taken to prevent such numerous mistakes as he had pointed out.

MR. G. A. HAMILTON said, his hon. Friend should recollect that communication by electric telegraph might be said to be still in its infancy, and that it was natural errors of the kind he had stated should occur. They had reason to hope that as the system became improved such errors would begin to disappear. He was quite ready to admit the existence of the evil pointed out by his hon. Friend; and he would take care to inquire into the origin of those mistakes, with a view if possible, to prevent their recurrence.

Motion *agreed to.*

Address for,—

"Copies of all Proposals made to Her Majesty's Government or to the East India Company, by or on behalf of private individuals, companies, or any foreign State, for the establishment of Telegraphic Communications in the Mediterranean, or with India by way of the Red Sea or Persian Gulf; and of all Replies thereto:

"And, of all Conventions entered into or Contracts made, and of all Treasury Minutes, Extracts from Correspondence with Her Majesty's Representatives abroad, and Communications between the various Departments of Her Majesty's Government, in reference thereto."

SALE AND TRANSFER OF LAND (IRELAND) BILL.—LEAVE.

FIRST READING.

MR. WHITESIDE: Sir, I rise to move for leave to bring in a Bill to facilitate the sale and transfer of land in Ireland. The importance of the subject to which I beg leave to direct the attention of the House is admitted by all men, and it has of late become a matter of increasing interest. We have now "handy books" written to make the law of real property familiar to the public, and we have letters addressed by ingenious counsel to John Bull for the purpose of persuading him that he ought to simplify the title to real property in this country. But, while theories have been started in England, the interest felt in this subject in Ireland has assumed a practical character in consequence of circumstances in the history of that country, of painful reminiscence. The incumbrances on property in Ireland, and the confusion in the titles of that property, with the consequent embarrassment of owners, threw on the Court of Chancery in that country an enormous amount of business which it was impossible for that Court to discharge. From a

return laid before Parliament, it appears that at the time the Incumbered Estates Court was established, there were nearly 1,000 Chancery suits, in the greater portion of which the rights of the parties had been ascertained and declared, but in which it was impossible to realize the fruits of the decree; for, in fact, the difficulties only commenced after the decrees had been pronounced. It is stated in one of those little books to which I have referred—in the book written by Mr. Williams, that the idea of establishing the Incumbered Estates Court was suggested by Mr. Christie, an eminent conveyancer in this country; but I have heard it was suggested to Sir Robert Peel by the present Lord St. Leonards. At all events, whoever was the person by whom it was suggested, we have now to deal with the existence of that Court, and with the practical effect it has produced in Ireland. We find that the Court was from the commencement limited in its functions in conformity with its title, which gave to it jurisdiction in the case of incumbered estates only. We know that it did not embrace within its operation what are called "partial interests;" or leases for a term under fifty years. It entertained applications on leases in perpetuity, leases above fifty years, college and trust leases, and leases upon which fines had been paid. It soon happened, however, that the Incumbered Estates Court swallowed up a large portion of the business of the Court of Chancery; and then it was threatened with being brought itself into the same condition in which the Court of Chancery had been placed. A Commission was consequently issued in the year 1855, to inquire into the practical operation of the Incumbered Estates Court in Ireland. That Commission sat in Dublin, and produced a Report which was laid on the table of this House; but many persons did not deem that Report satisfactory, and accordingly it was itself referred to a Committee of this House, composed of many distinguished Members. That Committee delivered their Report in the month of June, 1856. At length the subject began to attract attention in this country, and a Commission was issued to inquire into the registration of titles in England. That Commission drew up what I believe I may characterize as a masterly Report. Among the Members of this House on that Commission were my right hon. Friend the Secretary of the Home Office; the right hon. Gentleman the Member for Kidderminster (Mr. Lowe); and the late Attorney General for England. The jurisdiction of the Incumbered Estates Court in Ireland has been renewed from year to year by continuance Bills, and the last of these continuance Bills will expire in two or three months from this period. The great question which this House has now to consider is, what is to be done with the Irish Incumbered Estates Court, and what is to be done with the jurisdiction which it exercises? I have heard it said that the late Government contemplated the introduction of a measure upon the subject; but after a diligent research we have not been able to find any trace of such a measure. And, therefore, whatever may be the defects of the scheme now to be laid before the House, we are entirely answerable for them; and if, on the other hand, there should be any merit in the plan, that merit will be ours. The first question that suggested itself for our consideration was, whether we should now bring forward a mere continuance Bill, as had been done on former occasions, or whether, with the ample materials before us, we should endeavour to deal with the whole subject, and submit a plan to Parliament complete and comprehensive in its nature. The latter course is the one which Her Majesty's Government deemed as more respectful to the House to pursue. Now, the principle established by the Incumbered Estates Court is, that there should be an indefeasible Parliamentary title given to the purchaser of the land sold under the orders of the Court, it was not the object of the Court to effect simplification of that title. But we find that the Commissioners, to whom it had been deputed to inquire into the operation of the law under which that tribunal was founded, recommended that its principle should be extended — that the jurisdiction of the Court should be made perpetual, and that its jurisdiction should be made applicable to other than incumbered estates. In some respects the Committee of that House which sat upon the same subject, differed from the recommendations of the Commissioners; but they agreed that the principle of the law which now applied to incumbered estates should be extended to unincumbered estates, and that certain reforms in the Court of Chancery in dealing with questions of real property, should be carried out. That was the position in which the present Government found the question, and we have to consider what should be done—first, with regard to the extension of the principle of the Act; and, secondly, what should

be done with the Court itself. Whilst submitting this question to the House, I beg to call its attention to the fact, that during latter years the sales in that Court have remarkably diminished. I shall venture to lay before the House the number of petitions that have been presented to that Court. In the first year of its existence as a Court—in 1850, the number of petitions was 1,085; in 1851, 801; in 1852, 503; in 1853, 488; in 1854, 414; in 1855, 362; in 1856, 273; in 1857, 226; and from August, 1857, to the 12th of March, 1858, 145. It is also interesting to observe what is the case in reference to the presentation of petitions during the last three months. It appears that in February the number was 17; in March, 18; and in the month just concluded about 19 or 20. Such is the state of this Court as far as the influx of new business is concerned. The next question to ask is, what is the staff of that Court? There was an apprehension at one time that the Court for the sale of incumbered estates would become worse in this respect than the Court of Chancery. To the two Judges originally appointed to the Court it was subsequently deemed advisable to add a third. One of those Judges was a very learned person, a Baron of the Court of Exchequer. After he had been acting some years with much efficiency in the Incumbered Estates Court, it was considered by the Committee appointed to inquire into the subject, that this learned gentleman could not properly discharge the two distinct duties of Commissioner and of Judge. In accordance with a pledge given by the noble Viscount (Viscount Palmerston), Baron Richards retired to his seat in the Court of Exchequer; and, owing to the recommendation of the right hon. Gentleman the Member for Stroud (Mr. Horsman), then Chief Secretary of the Lord Lieutenant of Ireland, a learned Gentleman, though opposed to my right hon. Friend in politics, was appointed Chief Commissioner of the Court, who was eminently qualified to discharge the duties of the office with honour to himself and the greatest benefit to the public generally. In the correspondence that took place between Baron Richards and the Lord Chancellor of Ireland, as it appears in a Return moved for by the hon. Member for Limerick, the arrears of business then in the Incumbered Estates Court were not precisely such as they were represented to be. I am, however, in a condition to state, whether those arrears in the Chamber of Baron Richards were great or small, that they were all soon disposed of by the appointment of the learned gentleman to whom I am referring, who has been enabled, by his diligence and ability, to clear them away altogether. We are, therefore, now fully competent to deal with the Court, the staff of which is three Commissioners and a Master, who may be considered a fourth Commissioner in disguise. Here, then, we have four Judges of eminent ability presiding in a Court in which there have been only eighteen petitions for the last month, which, if divided amongst them, would be precisely four petitions and a half to each Judge. It may now be asked what we purpose to do with the question of the sale and transfer of land? I answer, that as a Parliamentary title is fully established by an experience of nine years, and has proved highly satisfactory to the people, I am now prepared to give the same advantage to the proprietors of unincumbered estates. It is a fallacy to suppose that any danger can result from the extension of this principle in Ireland, inasmuch as the old Registry Act, in operation since the reign of Queen Anne, confers upon the purchaser of an estate under a registered conveyance, a complete protection against any title or legal instrument executed by the person from whom he buys, prior to his purchase of the property, which he does not find upon the register itself. Therefore the principle has been long since established of giving a statutable priority to a purchaser under a registered deed over the claims of any other party deriving under an unregistered deed of which the purchaser had not received notice. It is a well-authenticated fact, that many owners of unincumbered property in Ireland have created incumbrances upon their property with the view of bringing it within the practical operation of the Incumbered Estates Court, and thereby of obtaining a Parliamentary title for the purpose of giving it an increased value in the market. If those facts are true, and if it is clear that no greater risk will be run from extending the principle of a Parliamentary indefeasible title to unincumbered property than to incumbered property, it is obvious that a principle which applies to the one case ought to be applied to the other; and, accordingly, it is one of the provisions of this Bill to extend the principle to unincumbered estates. It is, however, obvious that there are many other cases to be provided for, and that if we deal with the subject at all, it should be

undertaken in a comprehensive spirit. I propose, then, that all judicial sales in Chancery should be made to fall within the like principle—that is to say, when a Court of Equity decrees a sale, I propose that the parties interested should have the opportunity of a complete investigation of title, and that a certificate of the Landed Estates Court shall declare such title to be indisputable when it is fairly proved. Many of the suggestions of the hon. and learned Member for Devonport (Sir E. Perry), who took a great interest in this matter when a Member of the Committee, I think deserving of our attention. I admit that I have acted upon some of that hon. and learned Gentleman's propositions, although they were rejected by the Committee. That hon. and learned Gentleman first asserted the principle that the Court should be permanent; second, that it should have jurisdiction over unincumbered estates; third, that the investigation of title should be made by persons only who were fully qualified by their general professional experience to deal with the difficulties of such matters. Now, it should be recollected that sales of property take place often by order of the Bankruptcy and Insolvency Courts. The Judges, however, of these Courts, when asked by the Commission which sat at Dublin whether they could undertake the investigation necessary to confer a Parliamentary title to purchasers in their Court, replied, of course, that they could not, but they admitted the necessity of such power being conferred. Now, I contend that if we extend this principle to the sales of property in the Courts of Bankruptcy and Insolvency, that sales in those Courts will no longer be the juggle that they are now; sales that produce little or nothing to the creditors, the property being generally bought up by the friends of the bankrupt or insolvent at a nominal price. It is, therefore, proposed also to include in the one principle all sales of property in the Bankruptcy and Insolvency Court. I propose to give the Court jurisdiction over all cases; even when there is a title to a partial interest in the property, that that title shall be proved as well as that to the whole of the property. In the case of a *bonâ fide* contract to sell, this Bill will enable the parties interested to effect that object without the intervention of a Chancery suit. They can come before this Lands Estate Court, as it is proposed to call this tribunal, and having made out their title, may have the property in question sold. This Court will therefore have the power in the case of a contract of sale between A, B, and C, D, to make out a title which will be an indefeasible Parliamentary title. We have now only dealt with the sale and transfer of land. The question next arises, what is to be done with the owners of property in fee simple who do not wish to sell such property, but whose titles being in confusion and embarrassment, they are desirous of having such titles investigated in order to increase the value of the property in the market, so that the owner may have it in his power of selling it when he pleases? This is a large step in advance, and I frankly admit that the recognition of such cases in this measure is not absolutely essential to its main principle or to its purpose. But just as it has been shown in the case of the Incumbered Estates Court that persons enter into incumbrances in order to bring their property within the jurisdiction of that Court; so it is obvious that if this Bill does not provide for the case of owners of estates who do not wish at the moment to sell, they will enter into contracts with the sole view of enabling them to take advantage of the machinery of the Court which it establishes. The question involved in this class of cases has been already investigated by my right hon. Friend the Chief Secretary for the Home Department in the Report which he assisted to draw up upon the subject. My right hon. Friend, in conjunction with the able persons with whom he was associated in his inquiry into this subject, endeavoured to discover a plan to facilitate the transfer of land generally. That is a great problem, the solution of which he has endeavoured to work out; and I believe, if the measure to which he has devoted so much time and attention be completed, it will be the greatest and most beneficial Amendment in the law of real property ever effected by any Member of Parliament or any lawyer outside of this House. I shall take leave to read to the House a passage from the Report in question which relates to the case of property the owner of which does not wish to sell, but to have it submitted to the ordeal of a properly constituted tribunal, with the view of proving his title, and that on his title being so proved, he shall obtain a certificate testifying to the fact, and that he had proved his title to an estate in fee simple:—

"Before concluding this Report, we think it right to observe that the circumstances of landed

property in Ireland at the present time afford peculiar facilities for the introduction of an improved system of registration into that part of the United Kingdom. The long established register of deeds, the Ordnance Survey, and the Incumbered Estates Court, in that country, furnish materials and machinery for effecting the transition from the existing system to the new one much more readily and speedily than can be anticipated in England. We are informed by competent witnesses that the Ordnance Survey is considered one of the most valuable acts of practical government that has ever been carried out in Ireland. The maps are in almost universal use in the management of estates, in the sale of land, and in the valuation of land for public and private purposes. The boundaries of the old divisions of the country, such as counties, baronies, parishes, and townlands, are set out on the maps. The poor law unions and electoral divisions are aggregations of townlands, and can therefore be at once ascertained. In the southern counties the maps show the divisions of fields and tenements; and this system is being extended to the northern counties. These maps afford, it is said, the requisite materials to construct a public map as a basis of registration. The scale of the Ordnance Survey is, for the entire country, six inches to the mile, and the separate maps of towns are on a scale of sixty inches to the mile. The existing and long-established registry of deeds in Ireland appears to afford additional facilities for ascertaining satisfactorily the existing titles to and interests in land in that country. These facilities might, of course, be increased by the application for that purpose of the machinery of the Incumbered Estate Acts. Great as are the benefits, however, which the Incumbered Estates Court has conferred upon titles in Ireland, it is a remarkable circumstance that there is no provision for perpetuating and continuing, as to future transactions, the Parliamentary title obtained upon a purchase from that Court. The title is unimpeachable as to all transactions prior to the time of the purchase; but immediately after the purchase the transfer of the land becomes subject to the general law, and as to all transactions taking place after the purchase, the title is liable to become again involved in complications and embarrassments similar to those from which it was relieved by the sale under the Incumbered Estates Act. Permanent simplification of title and simplicity of transfer are not attained by the Act, and retrospective investigation of the title becomes again necessary, though at present not to the same extent as formerly. The system, therefore, which we have recommended is required not less for Ireland than for this portion of the United Kingdom, while, at the same time, as we have already observed, the facilities for its introduction there are much greater than in this country."

The principle asserted in this passage establishes, conclusively to my mind, that with a proper registration of deeds in Ireland, with the Ordnance maps, the general valuation of property, and the Incumbered Estates Court, we may safely extend this principle to the case of a proprietor who does not wish to sell, but who desires to have his title investigated, in order that he may be able at some future time, when it suits his purpose, to sell it as advantageously as any other kind of landed property. As the great object we have in view is the simplification of title, I propose the extension of the general principle to the case I have just referred to. The next proposition with which I have to deal is, to consider what is to be done with the tribunal itself. The Court must now be permanently established. We must, therefore, first consider its staff. The practice hitherto followed of three Commissioners sitting together in the Court for two days in the week is, I consider, a mistaken arrangement, and that it would be much better to have one man presiding every day in a separate Court, acting on his individual responsibility. From the diminution of the number of petitions to the Incumbered Estates Court, which goes in some way to show that nearly all the sales of bankrupt property have been disposed of, it follows that, in the establishment of this Court, we may safely reduce the number of Judges from three to two. It occurs, then, to us that two Judges will be amply sufficient, each sitting alone every day of the week, and that they will be able to dispose of a much larger amount of business than the three Judges have been able to do under a less advantageous system. By this system there will be no appeal from one Commissioner to the other. The appeal from the decision of a Judge will lie directly to the regular Court of Appeal, consisting of the Lord Chancellor and other Equity Judges. I have spoken of Mr. Hargreave, who has been acting in the Incumbered Estates Court in conjunction with Mr. Martley and Dr. Longfield, the two Commissioners. There is a difference between the salary given to the Chief and the salaries of the two other Commissioners, but they are all equal in rank. Well, then, as regards Mr. Hargreave, what was to be done with that excellent and admirable public officer? He was brought over from this country to Ireland, and I am bound to say that, as an English barrister, discharging important duties in an Irish court, I have no complaint whatever to make against him. He has been always most impartial, punctual, laborious, and eminently courteous, and as a conveyancer, I believe profoundly learned in that department of his profession. All I can say is this, that if my right hon. Friend the Secretary of State for the Home Department carries out his great scheme for the transfer of land in this country, he

will find that no gentleman can be more useful to him than Mr. Hargrave, who, I am sorry to say has, I believe, impaired his health by his close attention to his duties as Commissioner. Until, however, this gentleman be appointed to some other situation suitable to him and his profession, I propose that he shall receive the full salary which the State has been giving him. Now the office of Master was in itself created under a mistake; it was bestowed upon Mr. Flanagan with a salary of £1,000 a year. This gentleman has discharged his duties in a manner most creditable to himself, and has gained for himself the approbation of the Commissioners and all those with whom he has come in contact. The propriety, however, of the appointment of such an officer at all was considered by the Committee of this House that had sat upon the subject generally, and it was suggested as an act of great inconsistency, that when they had abolished the Masters in Chancery in England, they should have revived the mischief by the appointment of a Master in the Incumbered Estates Court in Ireland. While abolishing one Commissioner and Judge of the Court, we also propose to abolish this office of Master, which cannot well be defended. The gentleman at present filling the office is, however, by a clause, recommended to the liberal consideration of the Treasury; and to whatever the Treasury may think the officers entitled — such of them, at least, as will not be required for the present plan—I for one shall not object. I have now to deal with the financial part of this plan. We have received a general hint from the Chancellor of the Exchequer that we ought to economise in Ireland wherever we can. That is, no doubt, very good advice, if we can carry it out. I may as well inform the House what the State has paid for this Court. By the last statistical return the exact amount expended for the maintenance of this Court amounts to £133,000, to which I must add £10,000 more, voted for the erection of the new building in which the Court is now sitting. The Court began with £4,000, and, like almost every estimate for the Civil Service, the estimate for this Court annually laid upon this table since the establishment of this Court has been an increase on the previous year. But in the Estimates the Government will have to lay before the House for the present year there will be some slight reduction, in consequence of the Judges having been good enough to dispense with the services of two or three officers. In 1849-50 the charge for this Court was £4,702; in 1850-51, it was £8,850; in 1851-2, £11,500; in 1852-3, £13,887; in 1853-4 it was £12,930; in 1854-5 it was £13,930; in 1855-6 it was £15,480; in 1856-7 it was £15,529; in 1857-8 it was £18,730; and in the present year the estimate is reduced to £17,830; making together a total of £132,168, voted by the House of Commons for carrying on the business of this Incumbered Estates Court from the commencement to the present hour. The proposition which I have now to submit to the House, if agreed to, will we hope have the effect of removing this large vote from the Estimates of the year. The circumstances of Ireland are considerably altered of late years. She is a great country—her resources are not yet fully developed, although they are no doubt being rapidly developed under the present improved aspects of the country. That a Court of this nature should be permanently established in Ireland under such circumstances, at the expense of the Consolidated Fund, is a proposition which I confess I have not the courage to make. It must not be forgotten that the operation of this Act will largely increase the value of land throughout Ireland, by giving to it a permanent and unquestionable title, and by facilitating its transfer; surely, then, there ought to be no difficulty in raising in a simple manner a fund that would be sufficient to recoup the Consolidated Fund the expenses of carrying out such a measure. I believe I may put down the permanent expense of this Court at £15,000 or £16,000 a year—in addition to the charge for compensation. Unfortunately, whenever officers are appointed —though it may be distinctly stated at the time of the appointment that it is but for three or four years, and though an ample salary is paid for the services rendered—yet, when those services are no longer required, a claim for compensation is sure to arise, and a permanent income—sometimes equal in amount to the salary—is required for doing nothing. This probably is an evil incidental to Parliamentary Government. But, in reference to this matter of providing for the charge, I will beg to draw attention to an account of the sales that have been effected through the Incumbered Estates Court during the last three years. In 1856, the number of purchasers of estates under £5,000 in value

was 1,098; over £5,000, and not exceeding £10,000, 265; over £10,000, 23:—the number of purchasers, 1,586; and the gross sum paid for the whole of these sales, £2,580,470. In 1857, the number of estates so purchased, under £5,000 each in value, was 1,171; over £5,000, and under £10,000, it was 238; £10,000 and upwards, 16:—the number of purchasers being 1,425; and the gross sum paid, £2,140,810. In 1858, the number of estates sold, under £5,000 each in value, was 1,402; over £5,000, and under £10,000 in value, 182; £10,000 and upwards in value, 26:—the number of purchasers, 1,610; and the total purchase money, £2,135,650. Upon the best information I have been able to obtain, I have reason to believe that for many years to come the average sales will not be less—there being at the present moment for sale in Ireland properties, the gross rental of which amounts to £200,000 a year. But, while the number of sales has gone on in this proportion, the purchase money obtained for the property has varied considerably. The Thomond estate (many of the purchasers of which were frieze-coated farmers) has produced, on the average, nearly thirty years' purchase, and a small property lately sold in Fermanagh has produced thirty-four years' purchase. I believe it is not going too far to say that property sold at present under the Court, and with the advantage of a Parliamentary title, produces 50 per cent. more than that property would have brought when the Incumbered Estates Act first passed. The proprietor who obtained a Parliamentary title would be master of the estate; he may sell without the aid of lawyer or attorney. With regard to the expenses of the Court, it is proposed that the officers shall be paid by means of a poundage levied on the sale of such estate. It is not to be endured that the State should undertake such an object as the simplifying titles to estates at the expense of the State. The purchaser will have nothing to do but to pay his money and take his deed; but when the money is lodged in Court, we propose that a moderate poundage shall be levied on the sale of all estates, of ½ per cent. when the value of the estate was £10,000, and in all cases above that of 1 per cent. This, in all probability, will give a sum of £16,000 a year; but this is not all that I hope to get. I mean to get something, if I can, out of the Bank of Ireland; and if that cannot be got, it will be competent to change the account of the Court to another bank. The Bill gives jurisdiction to the Court to act as between it and the Bank of Ireland, which has profited largely by the cash balances of the Incumbered Estates Court being deposited there: the average balances being, in 1852, £807,390; in 1853, £110,350; in 1854, £1,146,318; in 1855, £1,520,000; in 1856, when the Court had invested more than usual, it still left so large a cash balance in the bank as £759,429; and last year it was £608,221. The gains of the bank are estimated at £40,000 a year; and I believe the Court could easily obtain £6,000 or £7,000 a year from the bank on the ground of these cash balances. If a gentle hint were given to the bank, that unless a moderate percentage is allowed on the deposits they would not have them, the directors, with the good sense which they possessed, would come to terms, and give what was asked. The expenses will thus be met in two ways—partly by a moderate deduction from the amount of purchase money, and partly by interest allowed for the use of the cash balances. The whole burden of the reconstructed Incumbered Estates Court will be thrown on the Consolidated Fund, and the funds provided by the two modes I have mentioned will be paid into the Consolidated Fund. I propose that course in consequence of the experience derived from the Suitors' Fee Fund. The Suitors' Fee Fund was formed by appropriating £200,000 belonging to suitors in the Court of Chancery who had not claimed the money, and the interest was to be applied to cover the expenses of the Court. But whenever a new place was made, or an old servant superannuated, the cost was thrown upon the fund, with a proviso that, in the event of the Suitors' Fee Fund not producing a sufficient amount, it was to be paid out of the Consolidated Fund, which never failed. The consequence was, that under the outward appearance of charges on the Suitors' Fee Fund, the Consolidated Fund had to bear upwards of £16,000 a year more than the former produced. It led to a complication of accounts, and therefore my proposal is to pay everything out of and into the Consolidated Fund, and to keep an account of what is paid in, that any balances over the expenses of the Court may be known, and made applicable to paying any new officer, or to pensioning officers

who had efficiently served in the Court. I do not think that the small poundage I propose can be felt as a grievance by any landed proprietor in Ireland, and I further hope to give them a great boon. At present the amount paid on an Irish estate in the Incumbered Estates Court for surveys and maps is enormous, but an arrangement has been made by which, under this Bill, that expense will be greatly reduced—probably to the extent of 50 per cent, while at the same time the owner will receive the inestimable benefit of a Parliamentary title, it being borne in mind that the expenses of the Court will be so light as to make the burden easy to be borne. I propose that instead of Commissioners, those who preside over this Court shall be elevated to the rank of Judges, which will make the Court as respectable and dignified as I trust it will be influential and important. Power will be given to each of the Judges to appoint conveyancing counsel, with the assent of the Lord Chancellor, and with a view to secure the independence of the bar and the Court I have thought fit to insert a clause in the measure which provides that such conveyancing counsel are not to be permitted to practise in the Court. It is also provided that a set of distinct and intelligible rules shall be drawn up by the Judges, and if they fail to do so by the 1st of October, the Lord Justice of Appeal and the Lord Chancellor shall do so. If this Bill should be approved of, the Court which is now proposed to be reconstructed will be a Court not exclusively for the sale and transfer of land with respect to incumbered estates, but a Court which will take cognizance of all questions which are connected with the settlement of the title of land. It will be a self-sustaining institution, and not, like the present, a burden upon the funds of the country; while, at the same time, the burden upon the owners of estates will be but lightly felt, and will not be felt at all by the person who acquired the property and title from the conveyance. Should I be fortunate enough to obtain leave to introduce this measure, it will, of course, be our duty to see that the machinery with which it is to be worked will be ample, and that the Court may be safely entrusted with the power which I propose shall be conferred upon it, although such powers have never yet been conferred upon any tribunal. I must confess that it is a source of extreme gratification to me to receive the support of the right hon. Gentleman the Home Secretary in this matter, and also of the hon. and learned Gentleman the Solicitor General, who express their desire to see similar principles extended to this country. In the meantime it is my confident hope and belief that, in submitting this measure to the House of Commons I am submitting a measure which is calculated to promote the industry of the people of Ireland, and induce them to pursue that course which happily has been pursued by them of late years, as contra-distinguished from the silly agitation of former times, a course which, if persevered in, would tend to make them a wise, a prosperous, and a happy people. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

MR. J. D. FITZGERALD urged that it was contrary to precedent for the Government to introduce a measure of this kind on an evening devoted to Motions of private Members, and to preface it with a statement of such length. The right hon. Gentleman had endeavoured to give the credit of suggesting the measure which established the Incumbered Estates Court to Lord St. Leonards; but he (Mr. FitzGerald) believed that that noble and learned Lord had no claim to the honour. Whoever was the author of the idea, the measure itself was introduced into Parliament and carried by Sir John Romilly, and to him the main credit connected with it was due. Since he (Mr. FitzGerald) had been a Member of that House, he had always been a supporter of the system for the sale of incumbered estates, and he had frequently been opposed by the right hon. Gentleman in his endeavours to procure the perpetuation and extension of that system. He had therefore listened with surprised pleasure to the statement of the right hon. Gentleman, for it proved that he had become a convert from his former opinions; and he (Mr. FitzGerald) could not forget that in 1853, and in 1854, and in 1855, and 1856, the right hon. Gentleman, in conjunction with the present Lord Chancellor of Ireland, opposed the continuance of the Incumbered Estates Court. He (Mr. FitzGerald) had, in 1856, brought in a Bill to carry out the recommendations of the Committee which sat in 1854, to carry out the system of the Incumbered Estates Court, and to extend its principle to unincumbered estates, and he could not but remember that in that Committee one of his greatest opponents, in endeavouring to enforce those recommendations, was the

right hon. Gentleman. He rejoiced to find that the right hon. Gentleman had altered his mind, and now advocated the same kind of measure as he (Mr. FitzGerald) had introduced. In the third portion of his measure, the right hon. Gentleman seemed to have confused two things, namely, the registration of assurances, and registration of titles. He had spoken of the Registration Act as applying to titles whereas it was a registration of conveyances only. The registration of titles was a measure of much greater magnitude, with which the Bill of the right hon. Gentleman did not deal. He did not mean to offer any obstruction to the measure, approving as he did of the principle on which it was founded, and he would give his utmost assistance, not only to carry it through the House, but to amend it where it seemed necessary. But he had much doubt whether considering the magnitude of the interests involved and the extensive character of the measure itself it could pass this Session, so that in all probability they would be driven to renew the Incumbered Estates Court Act. With regard to the financial part of the measure, one of its projects was the payment of the expenses of the Court by the deduction of a poundage on the proceeds of all estates brought in for sale. That was one of his (Mr. FitzGerald's) projects in his Bill of 1856, and which the right hon. Gentleman treated with scorn, but which he had now adopted. With regard to the other branch of the plan for dealing with the balances of the money in Court placed in the Bank of Ireland, he understood that a screw was to be put on the bank to induce it to pay £7,000 a year on the deposit of balances, otherwise that the amount would be taken out of its hands. Was it proper thus to interfere with the rights of the owners of estates, to have the balances invested as they chose? The right hon. Gentleman had spoken of Mr. Commissioner Hargreave, and although he (Mr. FitzGerald) admitted that the original appointment of that gentleman was considered a dangerous step, yet it had been entirely successful, and every one was ready to admit the high character, attainments, and ability of that gentleman; but it struck him (Mr. FitzGerald) as a somewhat doubtful proceeding that when you were creating a Court like this, a large part of the business of which would be the investigation of titles, to allow Mr. Hargreave to retire. With regard to the Master, Mr. Flanagan, he had for some years been debarred from his practice, and by his exertions had mainly contributed to the efficiency of the Court, and, therefore, it would be unjust to turn him adrift. The Incumbered Estates Court still had property to the amount of a million and a half of money undisposed of, and though the number of petitions was not now so great as it was, yet there was still a great deal of business which the Court would have to perform. He could give no opinion on the details of the Bill, but, concurring as he did in the principle, he would examine it with the utmost candour, and he hoped to be able to give to it his support.

SIR ERSKINE PERRY said, he must beg to congratulate the right hon. and learned Gentleman opposite on having arrived at length at a decision on an issue which had been pending for some years in Ireland. The lawyers as a body were most desirous, if the existing system was to be perpetuated, that it should be committed to the Court of Chancery; but, on the other hand, the laity of Ireland, who had witnessed the benefits of the existing Court, were strenuous for its continuance under the machinery and supervision of a separate Court. The right hon. and learned Gentleman who had just spoken said the Attorney General for Ireland, as well as the present Lord Chancellor for Ireland, was opposed to the continuance of the system for the sale of incumbered estates. This, however, was hardly doing justice to the right hon. Gentleman for having sat on the Committee, of which those two right hon. Gentlemen were members, to the best of his (Sir E. Perry's) recollection they were strenuous advocates of the system. No doubt like all the rest of the lawyers in Ireland, they both wished to transfer the powers possessed by the present Commissioners to the Court of Chancery, and he (Sir E. Perry) believed he was the only lawyer on the Committee who espoused the cause of the laity of Ireland, and stood up for the maintenance of the Incumbered Estates Court. With regard to the principles enunciated by the right hon. and learned Gentleman, they seemed to him to be sound, and he trusted they would be practicable. There were only two parts of the scheme at which he felt inclined to demur—the proposal to grant an indefeasible title to parties holding incumbered estates, but having no desire to sell them. Now, the Committee of which he was a member had heard wit-

nesses of the highest ability who thought such an extension would open a wide door to fraud, and he thought the owners of such property might justly be called upon to wait until they wanted to sell before they got their title. Another feature of the plan was to enable the new Judges of this Court to appoint conveyancing counsel to discharge a portion of the duties which the Commissioners of the Incumbered Estates Court up to the present time had performed so well. Now, the main value of the Incumbered Estates Court consisted in this—that the Judges did their own work by themselves, that they referred nothing, and if any inroad were made upon that system it would lead to all the delays and disadvantages which distinguished our Court of Chancery. With these reservations he should cordially support the measure.

MR. SERJEANT DEASY said, he would not pledge himself to the adoption of the measure, but he thought it calculated to make a great improvement in the law of Ireland, and he hoped to be able to give it his cordial support. He believed it might be made a great benefit to Ireland, and if it passed into a law it would entitle the right hon. Gentleman to the gratitude of the country. He had some doubt with regard to the provision granting a prospective Parliamentary title; but that did not affect the general principle. It was a matter of detail that might be left for future consideration. He fully concurred in what had been stated with regard to Mr. Hargreave, and the admirable manner in which that gentleman had performed his duties; and the same observation applied to Dr. Longfield and Mr. Martley whose services had been very great, and he trusted that due regard would be paid to them. He saw no impropriety in one of them, if his services were not required, retiring on his full salary; but as there had been some little jealousy in the appointment to the post of Chief Commissioner of a gentleman direct from the ranks of the profession over the heads of the other two Commissioners who had served and done the heavy part of the work for seven years, he trusted that care would be taken to place the latter on an equal footing with their brother Commissioner. It was not correct to say that the Mastership of the court had been created for Mr. Flanagan. The fact was that Mr. Flanagan was a poor-law inspector, and he gave up that place to accept the office of secretary to the Incumbered Estates Court with a salary of £1,000 a year. In consequence of the enormous pressure on the Commissioners, who, working as they did as hard as possible, found it physically impossible to get through the business, Mr. Flanagan was induced to accept the office of Master, with no increase of salary, but with a great increase of labour, and his services had greatly contributed to the success of the experiment of the Incumbered Estates Court. He was, in fact, the fourth Commissioner, and ought to be treated as such, and not in a different manner to Mr. Hargreave.

MR. DOBBS said, he hoped the Registry Act of Ireland, which had been of such service, both in real property transfers and in assisting the Incumbered Estates Commissioners, would be improved, as a good opportunity now occurred of doing so. The Act would then be ancillary to the measure on the table. In Ireland a lawyer could at once put his finger upon a title and say it was a good title, but in this country it could not be done for want of a register of conveyances. He would venture to suggest to the right hon. and learned Attorney General that one way of making the Registry Act more perfect would be to require that deeds should be wholly registered. If that were done, the sale and purchase of lands in Ireland would be almost perfect.

MR. HORSMAN said, he had heard with great pleasure that it was the intention of the Government to make the operation of the Incumbered Estates Court in Ireland permanent, as he had always looked upon the Incumbered Estates Court as one of the greatest benefits conferred upon Ireland. He wished to remind the right hon. and learned Gentleman that when an appeal court was conferred upon Ireland it was believed it would obviate the necessity of appeals to England. He hoped, therefore, in improving the Incumbered Estates Court, the right hon. and learned Gentleman would render it possible that appeals to this country should not be necessary.

MR. MALINS said, the right hon. and learned Gentleman had gone through a wide field with regard to the principles which regulated the law of property, and the Bill would require the greatest consideration on the part of the House. He did not oppose the Bill, but merely wished to call attention to one point in the proposed scheme which it was extremely desirable the House should weigh well before it gave to it its assent—he alluded to the

extension of the principle in operation in relation to incumbered and unincumbered estates in Ireland. He also thought it was going rather too far when it was proposed to grant a declaration of title when a sale was not in contemplation. In such a case the declaration must be entirely *ex parte*, and it might happen, for instance, that a person whose title had been declared good in accordance with the proposal of his right hon. and learned Friend, had in reality no such title, and yet if the true owner came forward to claim his estate he could not proceed against the purchaser because he possessed a Parliamentary title. He had called the attention of the House to that point that it might not be supposed he gave an unqualified approval to all the provisions of the proposed Bill.

Mr. WALPOLE said, that with reference to the observations of the right hon. and learned Gentleman the Member for Ennis (Mr. J. D. FitzGerald) to the effect that the proposal under the notice of the House had been brought forward on a day which ought to be appropriated to the Motions of private Members, his right hon. and learned Friend (Mr. Whiteside) had not balloted for the day at all, but had, upon the contrary, waited until the ballot was over, and had not set down his notice of Motion until every hon. Member had had an opportunity of placing his own upon the paper. He felt assured that the manner in which the proposal had been received upon all sides of the House must convince the right hon. and learned Gentleman that the Government had been afforded every encouragement to induce them to proceed to carry it into execution. With regard to the objections of his hon. and learned Friend behind him (Mr. Malins), whose opinion he highly valued, he thought that if he had been present on the Committee of 1856 they would have been dispelled, for he (Mr. Walpole) was quite satisfied that a Parliamentary title could be given if provisions could be drawn for the purpose, for, from his own experience as a member of the Commission, he felt satisfied that a Parliamentary title to land might be granted, and he could conceive no greater boon to the landed interest than the granting of such a title would involve.

Mr. DE VERE said, he was glad that the Incumbered Estates Court would be perpetuated, and that it would be extended to cases where it was not intended to sell the estate. He merely wished to point out, as to the financial part of the scheme, that it was proposed the Court should be self-supporting, and the principal support was to be derived from a per centage on the sales made under the Court. One part of the Bill, however, proposed to ascertain the soundness of titles of estates which were not to be brought into the market; and thus it appeared that all the expenses of the Court would have to be paid out of estates brought into the market.

Mr. WHITESIDE observed, that he might say in reply to the observations of the hon. and learned Member for Cork (Serjeant Deasy), he should be happy to consider the suggestion to deal with Mr. Flanagan upon the same principle as the other Commissioners, believing him to be a very able and competent man. The right hon. and learned Gentleman opposite (Mr. FitzGerald) seemed to think that the proposal which he (Mr. Whiteside) had just submitted to the House was his thunder; but he might inform him that in 1852, when Mr. Blackburne was Lord Chancellor of Ireland, he had asked him to draw a Bill giving the power of granting Parliamentary titles to the Court of Chancery, concurrently with the Incumbered Estates Court, inasmuch as it was thought that the latter court would be choked up. He did draw such a Bill, and it was introduced in that year to Parliament.

Leave given.

Bill to facilitate the Sale and Transfer of Land in Ireland *ordered* to be brought in by Mr. Attorney General for Ireland, Mr. Secretary Walpole, Lord Naas, and Mr. Solicitor General.

Bill *presented* and read 1°.

DANUBIAN PRINCIPALITIES.

ADDRESS MOVED.

Mr. GLADSTONE: Sir, I am not in the habit of troubling the House with Motions upon questions relating to our foreign policy, and if upon this occasion I depart from that rule, I do so under the double conviction that the subject to which I am about to invite your attention, is one of the utmost interest and importance; and, on the other hand, that the time is urgent, the danger arising from possible miscarriage great; in short, that if the House does not direct its attention to the question now, while the opportunity is yet open to it to do so, we may have cause to rue our neglect, and may hereafter feel ourselves, in consequence, involved in heavy responsibilities. I trust it will not be said upon this occasion, as it has so often been said with reference to questions of foreign

policy, that the House had better not interfere on the subject which I am about to bring under its consideration. We sometimes hear speeches made within these walls which treat the whole question of our foreign relations as if they were something too sacred for the touch of Parliament. There is a sort of general warning off issued, in such cases to the House of Commons, and we are led to suppose at one time that it is too soon for us to express a judgment upon the position which we may happen to occupy in reference to a foreign State, while at another time we are told that the point at issue has been brought to a conclusion, that we are too late to attain the object which we may have in view, and that all that remains to us is to pass a vote of censure on the Minister, should we deem his conduct open to reprobation. I trust, however, that I am not upon the present occasion obnoxious to any charge for inviting the House of Commons to take cognizance of the question of the Danubian Principalities, inasmuch as that which I am about to ask the House to do is not to dictate to the Executive Government in regard to a policy in reference to which no authoritative course has been marked out. It is, on the contrary, to beg them to recognize the communications which have been made to us, in the most formal manner, by the Executive Government, and to obtain their judgment upon the tone and propriety of those communications. It will be seen, I hope, as I proceed, that I am able to make good this proposition, that this is a matter strictly within the province of Parliament, and I am convinced if the House will give its attention to the subject it will also come to view it as a matter which deeply touches the principles of European policy, of public faith, and which deals with questions nearly and vitally touching the happiness of millions of our fellow creatures. Now, Sir, the propriety of the Address which I am about to propose, perhaps requires some verbal explanations. In the first of the two paragraphs of that Address it is proposed that we should acquaint Her Majesty with our acceptance and approval of the policy in respect of the Danubian Principalities which was announced by the Government in 1856. In the second paragraph, going a step further, I propose to the House that we should express our wish in general terms that due weight and consideration may be given to the wishes which the people of the Principalities have expressed through their representatives, elected in conformity with the provisions of the treaty of Paris. The general effect of the Address is, that it will express the opinion of the House of Commons—not an original opinion, but one seconding the judgment of the Executive Government—announced two years ago in favour of what is called the union of the Danubian Principalities. Now, Sir, for the reasons why we should take a step of that kind. The first reason I have to submit to the House in support of this Motion is, that the union is the wish of almost the entire population of the Principalities. That is a fact which bears greatly upon this question; it is a fact which has become more and more conspicuous as time has proceeded. It is a fact deeply rooted in the history of these Principalities, and that history is one that gives them every claim to the attention of Parliament. The people are men attached to the religion which we profess; they are men attached to the liberty which we cherish; they are men who have suffered during a long course of years in consequence of the ambitious policy of aggrandizing neighbours; they are men whose interests, by the treaty of Paris, we have bound ourselves to consider and to promote; they are men in whose grateful attachment we may hope to receive the reward for our labours. I need scarcely, under these circumstances, add that these men inhabit a country with which our commercial relations have, even under a bad system of government, attained to great importance, and which would probably, under a better system, attain to much greater importance. Now, Sir, let there be no question or dispute in this House as to the desire of the people of the Principalities that those two countries should be united. The Principalities, as the House is well aware, are those territories on the Danube called Wallachia and Moldavia. They are relics of a territory that was once considerably larger, inhabited by that old Dacian race which in former times was the terror of the Roman empire, and which afterwards, having received a strong tinge of Roman civilization, in no way departed from its ancient military fame, so that, at the time when the flood of Turkish conquest set in from the East, this people, and this people almost alone, by their own good swords and their own stout hearts and arms, were able to vindicate their liberty. In times of darkness, of oppression, of blood, of

misery and crime, almost unequalled in the annals of mankind—in those times the people of the Principalities vindicated their own freedom; and that freedom they enjoyed up to a period comparatively recent, when they, their rights, and interests came to be bandied to and fro between the contending claims and intrigues of Austria, of Russia, and of Turkey. What says Sir John M'Neill. Writing in 1853, he tells you this in a summary way:—

"During the last eighty-five years they have been occupied—for more than thirty by Muscovite myrmidons, and have been the battle-field of the Russian and the Turk in not less than twenty campaigns."

And by the struggle you made, and justly made, for the independence of Europe, what did you do for them. Unfortunately, the struggle increased the miseries of this people. The Emperor of Russia played his old game, but not with his ancient skill, when he was, as we justly say in a political sense, about to inflict injury upon Turkey—an injury which was inflicted by the invasion of the Principalities. No doubt, politically, that was an injury to Turkey; but the political injury to Turkey must not lead us to forget the deep suffering, the degradation, and the misery caused by a frightful military invasion, which did not fall upon Turkey, but upon the people of those unhappy Principalities; those people who fought for and won freedom for themselves; who held that freedom during a long course of centuries; and whose freedom has only been impaired, and to a great extent lost, since the time when Russia began to extend her dominions, and, for her own ends, chose to back up the claims of Turkey over the Principalities, in order that she might afterwards obtain them from Turkey by insidious negotiations for herself. I say the union of the Principalities is the ardent desire of the people of those territories. I am anxious to make good that proposition, because, although it is not conclusive upon the question, yet I speak in the British House of Commons—I speak in that assembly to which, I will not say alone, but to which almost alone, every lover of liberty in the world has now to look for the vindication of his rights—and I implore the House of Commons to do full justice to the wishes, to the rights and interests of these people, if those interests be compatible with justice and the welfare of Europe. Now, Sir, let me quote an authority upon this subject, which appears to me to be entirely beyond dispute. It is from a document of the utmost importance, because it carries with it not only the assent of the people and the authorities of the Principalities, but also the assent of the suzerain power—namely, the Sultan of Turkey. The date of the document is 1834. It has no relation to the recent struggle in the East. The case for the union has been infinitely strengthened since then; but in 1834, in that instrument called the *Reglement Organique*, and which is upheld by the sanction of a hatti-scheriff, the union of the Principalities received the sanction of the ruling Power itself:—

"The origin, the religion, the usages, and the conformity of tongue among the inhabitants of the two Principalities, no less than their common wants, involve from of old the elements of an intimate union, which has been hampered and retarded by accidental and secondary circumstances. The advantages and salutary consequences resulting from the union of those two peoples cannot be brought into doubt."

That, Sir, I say is a public authoritative document recognized as a part of the public law of the Principalities, and having the assent of the Sultan of Turkey. It is of course natural that the repeated and aggravated sufferings of the people of Wallachia and Moldavia since that time should have increased that sentiment. The Russian occupation was well calculated to give it still greater force, and when the Russian occupation ended, I am sorry to say that the public necessities of Europe obliged us to acquiesce in the substitution for it of what I believe was a still heavier infliction—an occupation by an Austrian army. There is something in the thing itself and something in the manner of doing it, and the Austrian army has the unenviable reputation of placing in the most odious form those circumstances which must always be afflicting enough to the hearts and spirits of a people who cherish a love of freedom. It was natural, therefore, that the people of the Principalities should rejoice at the interest which was taken in their condition by the Powers of Europe both during the negotiations which preceded the war, and likewise during the negotiations that were instituted for a peace. I believe I am correct in stating that when the Plenipotentiaries assembled at Vienna in 1855 there was submitted to them, through the medium of the French Plenipotentiary, evidence which demonstrated clearly, as he considered, the desire of the people for a

union of the Principalities. But it is not to that meeting that I refer as constituting a declaration of the European Powers to which I now ask this House to give its adhesion. Those negotiations failed; they were resumed in 1856, and then it was that the question took the form which ought, I think, to be decisive as to its ultimate issue. In the sixth protocol of the Conference of Paris in 1856 the views of the different Powers are fully explained, and, although I shall endeavour to avoid wearying the House by a reference to documents, yet this one record of the proceedings at Paris in 1856 is so vital in its bearing on the question that I hope the House will permit me to refer to it, as it will put them, not in very full, but at the same time in sufficiently accurate possession of what occurred. In the sixth protocol we are made acquainted with the discussion which took place at Paris on the union of the Principalities. There were assembled at that period the representatives of six or seven Powers who gave their several judgments; but out of those Powers there were many whose judgments, though they might be important with reference to the knowledge which the parties giving them possessed, should carry little weight of moral authority, inasmuch as they had cross interests of their own, which made them bad judges of the interests of the Principalities. I am not about to hold that the view of Russia on the question of the union should be safely taken as a guide and authority. Still less could the judgment of Austria be taken as a guide and authority. Both Austria and Russia are in the condition of holding and enjoying territory that was once part and parcel of the territory of Moldavia. They stand, therefore, in a false position towards the Principalities, for each of them may well be suspected of a desire to extend their influence in that direction. But Austria is, if possible, in a position more false than Russia, and for this reason. Russia, whatever else she may be, is an empire compacted by an organization of wonderful and extraordinary strength, and I do not know that there is anything in their condition that need make her particularly afraid of seeing the Principalities free and flourishing on her boundaries; but Austria, on the other hand, is as ill-compacted and hangs as loosely together as Russia is firm in her tissues, and the position of Austria in her own dominions is not owing to her own power to hold them, but to the military aid that she received from the Emperor of Russia. In that state, combining absolute Government in the most rigid form with the extreme of internal weakness, it is natural that Austria should view with the utmost jealousy anything that tends to give freedom, vitality, and strength to her neighbours on the Danube. It is impossible to blame her on that account; but it is probable, it is natural, it is reasonable and right that we, at least, should beware of being drawn into her policy, and should view with suspicion and jealousy the policy she may recommend with regard to what is good for the people of the Principalities. Well, there were, in fact, but three Powers in the assembly at Paris to whose judgment we can assign great moral weight. It is impossible to assign great moral weight to the judgment of Turkey, because it is natural enough that selfish motives should make her a bad judge in her own case. But France, England, and Sardinia—the last of secondary consideration, but perhaps equally to be trusted as an impartial State—but, I say, there were the two great Powers of France and England whose judgment was sure to carry with it the mass of European opinion. That judgment was not wanting. The French Plenipotentiary introduced the subject. When the Congress proceeded to the examination of the propositions relative to the organization of the Principalities, Count Walewski gave his judgment thus:—

"Before touching on this important point of the negotiation it is indispensable to deliberate on a question which is of paramount importance, and on the solution of which must necessarily depend the further labours of the Congress on that subject; this question is, whether Moldavia and Wallachia shall henceforth be united in one single Principality, or whether they shall continue to possess a separate Administration. The first Plenipotentiary of France conceives that, as the union of the two provinces satisfies the requirements brought to light by an attentive investigation into their true interests, the Congress should admit and proclaim it."

Thus France, taking the initiative, delivered her judgment in the clearest terms. England followed in the same path. The Earl of Clarendon, speaking for himself, for his Government, for Parliament, and for England, expressed himself in these terms:—

"The first Plenipotentiary of Great Britain shares in and supports this opinion, relying especially on the utility and expediency of taking into serious consideration the wishes of the people,

which it is always right, he adds, to take into account."

In these words it is obvious that the Earl of Clarendon referred either to the statute of 1834, or to the evidence which had been produced by the French Plenipotentiaries at Vienna, in proof of the desire of the people of the Principalities for the union of the two provinces. The other Powers gave their judgments. Sardinia supported the views of France and England. Austria opposed them, and declared that she did not believe that the people of the Principalities did wish for the union. Turkey likewise declared that it was quite a mistake to suppose that the people of the Principalities desired the union. The Russian Plenipotentiary, with very considerable tact, reserved the expression of his opinion until everybody else had spoken. It is impossible too highly to compliment the sagacity with which he acted. It was dangerous for Russia to support the union, if the union was going to be carried; but if there was going to be a set opposition to it, it was desirable for her to support it, for she would thereby gain the credit with the people of the Principalities of being their friend, and of pursuing the policy they had at heart; and, should the opposition of others to the union prove successful, she would at the same time enjoy the advantage of seeing the Principalities disunited and remain in a state of weakness and degradation, the advantage of seeing in them an arena for the prosecution of her own intrigues, and the advantage of knowing that they would be incapable of forming any safe or effectual barrier between her and Turkey. Coming in at the end of the day, then, Russia supported the union. I have now shown what was said with regard to the wishes of the people at the Conference at Paris. But the Powers were careful to make adequate provision on this subject in the Treaty of Paris. There are articles in that document providing for the maintenance of the privileges of the Principalities, for the revision of their laws, and for the appointment of a Commission, who should undertake the consideration of the manner in which these should be ratified. But the 24th Article of the Treaty of Paris solemnly, and under the sanction, I may say, of united Europe, refers the question to the judgment and to the opinion of the people of the Principalities. It is in these terms:—

"His Majesty the Sultan promises to convoke immediately in each of the two provinces a divan *ad hoc*, composed in such a manner as to represent most closely the interests of all classes of society. These divans shall be called upon to express the wishes of the people in regard to the definitive organization of the Principalities."

Now, there is not only the pledge given by Count Walewski on the part of France, and by the Earl of Clarendon on the part of the late Government and of England, but there is this most solemn pledge of reference embodied in the Treaty of Paris; and I now ask the House of Commons whether they are prepared to recognize and adopt it, or to stand by in silence and see these interests made the sport of subtle intrigue, and the faith of Europe, pledged to this article, nullified and frustrated in accordance with the selfish designs of interested parties. The reference to the people of the Principalities was made in due time; it was delayed through a variety of causes, and, most unfortunately, the Austrian occupation of the Principalities was prolonged to a much later period than it ought to have been. At length the time came and the elections took place. When those elections were held it appeared that the sentiments of the Wallachian representatives were almost entirely favourable to the union; but the Moldavian representatives, on the contrary, were believed to be opposed to the union. At the same time there arose a most painful controversy on the subject of the Moldavian elections. France cried aloud that those Moldavian elections had been carried by the most shameless and wholesale exercise of intimidation and force. Documents were published, from which I quoted in this House without contradiction, and from which I do not hesitate to say it appeared that a series of proceedings had been taken by those who were in the exercise of temporary authority in Moldavia as shameful as any that are on record. Through the medium of those proceedings the Moldavian people of all classes had been intimidated from voting, and a mere handful of those entitled to vote gave their suffrages. The consequence was, the picked divan was returned, ready to misstate and deny the heart's desire of the people. But the people were not without champions, and the language of France on this subject produced such effects that after the conference at Osborne it was determined in this country that the Moldavian elections should not be supported, and must be quashed. I am sorry to say that Austria and Turkey were united in steadily op-

posing the quashing of the Moldavian elections, but still quashed they were. The question was referred to those who by law were entitled to give their votes, and the votes were given by all orders of the people in very large numbers. The divan which met in accordance with this second election exhibited the most singular unanimity. It was more strongly in favour of the union than the divan of Wallachia. It will be difficult, indeed, to find many instances more remarkable than the declaration of the sentiments of that people. It is a case of a most singular character in this respect, because the elections are made in classes, of which there are four—the nobles, the clergy, the citizens, and the peasantry, and these classes have questions of the most painful and difficult nature between themselves. The class of peasantry are in a most painful position, and much inferior to the peasantry of other countries in regard to the sufferings which they have to endure in the present condition of the laws. They are are, I believe, in a worse condition than the peasantry of France were before the Revolution, and therefore there was every opportunity of making the different classes fall out with one another; but, instead of that, there was but one sentiment and one desire among the entire population, without any distinction of high or low, rich or poor. All were animated by the same sense of duty with regard to the one vital struggle in which they were engaged. All felt that if they hoped to be free and wished to keep the soil of their country unpolluted by the heel of the stranger, it could only be by the union of the Principalities. And this people, not trained up as we are to the use of free institutions, whom we hear denounced for profligacy and corruption, whose conduct, no doubt, reflects innumerable evils—the necessary inheritance of all they have suffered for several generations—this people, with one heart and one mind, elected by their free votes a popular assembly to decide the question of the union; and the result was, that in the divan of Wallachia there were only three dissentient voices, while in the divan of Moldavia the vote in favour of union was, I believe, unanimous. Now, observe the course of policy pursued on this subject. This question was opened in the most solemn manner in a great European Congress, and the duty of Europe to this suffering population was discussed and acknowledged. The policy of the three Western Powers, who alone were in a condition to give an impartial judgment, is formally proclaimed. France leads the way, England and Sardinia follow. Provision is made in the Treaty to refer to the judgment of the people the question of their future organization. The answer of the people is returned with an unanimity almost unexampled in history. That is the point to which we are now come. Well, Sir, it may perhaps be said, that besides the provision that the people of Moldavia and Wallachia should be consulted, it was also provided that a Commission should be appointed. Well, it was provided that a Commission should be appointed, and that that Commission should collect information with regard to the state of the country, and should suggest the measures to be taken in respect of those future arrangements. But I, for one, must respectfully demur to any such doctrine as that a Commission should have placed in their hands the virtual disposal of the vital interests of 5,000,000 people in these provinces. There are three things here to be considered—first, the solemn declaration of French and English policy; second, the reference in an article of the Treaty of Peace to the judgment of the people; and, thirdly, the appointment of Commissioners. The idea that these Commissioners were to decide this question appears to me self-convicted by its own absurdity. If the Commissioners were to decide the question of the union, why had France and England declared their policy to be in its favour? Why had the Earl of Clarendon declared that the union was desired by the people? And why was a reference to that desire imported into the Treaty? After having consulted the people through their representatives, and asked them what was their prayer, you choose to refer the whole question to the disposal of five or six Commissioners. There is a saying of the late Mr. Charles Buller with respect to the working of representative institutions in the Colonies which appears to me to be peculiarly applicable to the circumstances to which I now refer. That saying had regard to the theory that prevailed twenty or thirty years ago with regard to our Colonies. It was said you may give your Colonies representative institutions, but after giving them representative institutions the question whether the wishes of the people getting those institutions will be attended to must still be decided in the recesses of the Colonial Office. That was the

theory; but, said Mr. Buller, "Well, that is like lighting a fire and stopping up the chimney." Sir, do not let us, in regard to this question of the Provinces, light a fire and stop up the chimney. Do not let us light up the fire of a people's hopes and desires—do not give the promises of Europe, and the public faith of Europe, and the sanction of Europe, to a reference to them to learn what they wish on a question so vitally affecting their interests, and then take six Commissioners, and stick them up the chimney. I think I am justified in assuming that it will not be disputed that the union of the provinces is desired by the people. It would be easy to dwell at great length on that question; but, as I stand on public facts and documents of the most unimpeachable kind, I will assume that proposition, and proceed to consider the rest of the case. There is one objection, if this Motion be opposed, that may be fairly taken. It may be fairly said, that the provinces have expressed their desire for union, but that they have also expressed their desire for something more. It is perfectly true that the divans gathered in the Principalities have addressed themselves to all the points which appear to them material for a thoroughly satisfactory settlement of their future political organization. They have asked, in the first place, for a full and formal recognition by the Powers of Europe of what they expressively call their autonomy, that is, their entire independence in regard to internal legislation; but that is recognized in the Treaty of Paris, where it is said they are to have an independent national administration. The second, to which they addressed themselves, and of which they make prayer, is the neutrality of their territory. I do not know that the neutrality of their territory is expressly indicated in the Treaty of Paris; but it has been discussed and vindicated by high authorities in this House. About the close of the Russian war the present Chancellor of the Exchequer explained his views on that subject in considerable detail, and he appeared to me to show that the establishment by an European understanding of the neutrality of the territory of the Principalities would, in all probability, prove to be a wise and an efficient measure for interposing a barrier between Russia and Turkey. In the third place, they express their desire for that union of the Principalities in favour of which the declaration of the Western Powers had been made. Another, and the fourth, point was, that the Principalities should be governed by representative institutions; and so far as those points go, I must say I hardly can conceive in what quarter a doubt should arise as to the wisdom and reasonableness of the wishes they had expressed. The fifth proposition is, I grant, one of a more doubtful character. It is this, that when the provinces are united, they shall, in order to avoid local jealousies, have a Prince or Chief taken from a foreign family. I do not ask the House to give a judgment on the question, and it is one on which England has given no pledge. The great Powers of Europe reserved their decision upon this point, and they have given no expectation to the people of the Principalities that could at all fetter the freedom of their judgment, while, as respects the other four points, they have behaved with great moderation and prudence. But supposing that the opinion of the House should be that it is not safe that the Principalities, when united, should be under a foreign Prince, do not let us be told that on this account we intend to overlook the pledges that were given with respect to other matters more important. If the reign of a foreign Prince is desired, depend upon it he is sought for as a means of avoiding internal jealousy. No people in its senses ever preferred the rule of a foreign Prince except as a means of avoiding internal dissension. There can be no doubt that the union of the Principalities is the one great, main, and paramount object of the people by whom they are inhabited. The union of the Principalities, which has been thus all but promised on the part of France and England, which has thus been all but sanctioned by the most authoritative declarations of the people of those countries, is now to be decided at Paris. But it will not be said that it is enough for you to show that this union has been promised and desired, unless you can also show that it is also a good and safe measure. Now, Sir, I frankly own that I think it is a good and safe measure; and not only that, but that no other measure will be good or safe under existing circumstances. I think it will not be denied that for the Principalities themselves union is the best measure possible. They have Turkey on one side, Russia on another, and Austria on another, they themselves being isolated as a people valuing and enjoying freedom. Habitually made the sport of foreign intrigues, constantly invaded by foreign

armies, worked one against the other by those who have their own purposes to serve —can anything be more natural than that they should desire to seek strength in union? Does their desire need to be justified in this House? Are we not speaking in a Parliament which has found strength in these islands and in this kingdom by unity? What were the old relations between Scotland and England? They appear to me to have been very much those of the Principalities when those intrigues of foreign Powers made Moldavia the instrument of their combinations. The result was, that so long as Scotland and England were disunited, Scotland was the ready tool of France, and the prevailing national sentiment in Scotland was much more French than English. But by uniting the two countries we did away with that sense of disunion, and we added liberty, power, prosperity, and happiness to the two portions of the United Kingdom. We have acted on that principle in our own time and in our own Colonies. What did we do in the two Canadas? We bid them seek strength in union, and they found it. To our provinces in the remotest corners of the globe we have held the same encouragement. We have by our legislation for Australia declared that if those provinces choose a union, there are in our Acts of Parliament the facilities and the powers that may give effect to that principle of union. Sir, if I thought it likely to be disputed that the union of the two Principalities is the natural and necessary means of developing their resources, of realizing the idea of national existence, of strengthening the organization of their Government, of diminishing their expenses, of attaining every internal political object that reasonable men can desire, I should then enter into a more detailed argument; but I assume that the union of the Principalities is to be desired as far as the welfare of the people of those provinces is concerned. If that be so, I beseech this House to consider well before it determines that the fate of these two countries is to be governed by considerations other than the welfare of the people. It will be a dangerous and slippery course on which to embark when we refuse that which is suited to four and five millions of men, and when we say that God Almighty sent them into the world, not to pursue their own happiness and welfare by such lawful and reasonable means as are in their power, but to be made the victims of those whose public and private interests are subserved by other views, extraneous to their interests, but which an overpowering force has determined to carry into effect. Well, Sir, I will assume that the union of the Principalities is good for the Principalities themselves. For whom, then, is it not good? I am not prepared to say that it is good for Austria or Russia. I will not undertake to say that it is convenient to Austria to have freedom in conjunction with prosperity close by her threshold; but that is her fault, and not mine. I am very sorry for it. I believe that the Principalities, if they are not united, will be a constant source of danger and uneasiness to European policy. If you do unite them, the question, whether the example they will set of good government will be convenient to the States that have different ideas of good government, is not for us to settle. Then, with regard to Russia, I am not prepared to say that the union of the Principalities will be for the interest of Russia, considered as an aggrandizing and conquering power. I trust and believe that for the moment the self-aggrandizing plans of Russia are in abeyance, because the lesson that has been read, and the chastisement that has been inflicted upon her, and the waste of her material resources, will act for the time upon the policy of Russia. But I suppose I must assume that at some period or other the ambition of Russia will be again awakened. Sir, in so saying, while I recognise such an event as probable, I will not assume the right of speaking of Russia as if some peculiar stain of essential immorality attached to the ambition felt and experienced by Russia, and which is not felt and experienced by any other country. No doubt Russia is an ambitious and self-aggrandizing Power; but I should be sorry to imply that some other countries and nations if they had been settled down on that particular portion of the surface of the earth inhabited by the Emperor of Russia and his people would not have shown just as great a wish to expand and to enlarge their borders to the east and south as Russia herself. But, still, that is the policy of Russia, and as such you must take cognizance of it; and if so, how do you mean to check and resist it? Do you think that, under all circumstances, we shall have the power of resisting it by another union with France? I am not sanguine in that opinion. I believe that such a union was owing to a very rare con-

juncture of circumstances, and one little likely to occur again. It was an uncommon rashness on the part of the late Emperor of Russia that made it possible to check Russia by the united action of France and England. Russia will watch her opportunity, and will seize it better next time than in the year 1852. Does any one believe that it is by England being always ready to spend £50,000,000 or £100,000,000, that Russia will be kept in check? Does any one believe not only that the people of England will be always ready to make this sacrifice, but that we shall also find the people of France similarly disposed? It is not altogether unlikely that the people of England, bearing in mind the feelings and traditions of the late war, would make great efforts for a similar purpose; but the combination of France with England is not, I think, to be depended upon as affording a permanent check to the ambition of Russia. Surely the best resistance to be offered to Russia is by the strength and freedom of those countries that will have to resist her. You want to place a living barrier between her and Turkey. There is no barrier, then, like the breast of freemen. It is true that the people of these Principalities are not accustomed to take a part in the military operations of Europe; but the Americans, when the War of Independence broke out, were not a military nation, yet they proved themselves more than a match for your well-trained and disciplined armies. If you want to oppose an obstacle to Russia, arm those people with freedom, and with the vigour and prosperity that freedom brings; but, after the pledges that have been given, and the wishes that have been excited and stimulated, do not keep them in this miserable state of weakness and disunion. Do not palter with them. After the pledges which have been given, do not withhold that which alone can satisfy their desires and vindicate your fame; but give them that which, if you will give them, will raise up in that quarter friends for you, and antagonists to the ambition of Russia, more powerful than any that you can buy with money. Now, let us consider what will be the effect of the union of the Principalities with respect to the interests of Turkey; and here, Sir, I do not enter into the question, what is the internal state of the Turkish empire—I do not on this occasion inquire whether or not the Mahomedan power in Europe can be permanently maintained. What I assume is, that it is a great object of European policy to prevent the extension of the Russian power in the direction of Constantinople, and that the Power which now occupies that city is to be maintained as a matter of European policy, I give no opinion, I only recognize the obligations of treaties. The treaty of 1856 imposed upon the Powers of Europe the duty of maintaining the integrity of Turkey as against foreign aggression, and I therefore assume and assert that we are not to take measures for the purpose of invidiously weakening or destroying her. Now, has the union of the Principalities the slightest tendency to inflict injury upon Turkey? I confidently assert that it has not. That, however, is a proposition of great importance, because I grant that there are certain views of the right method of governing men according to which you might, very properly, come to an opposite conclusion. There are those who think that the best mode of governing men is to rule them by force. There are those who think that there is no such thing as reason in the masses of the population. There are those who think that, if you gratify the desires which a people have expressed, the only effect of your concession is, that you encourage them to advance other and more extravagant demands. To all those who entertain these opinions I have nothing to say; but in addressing the House of Commons I assume that I am addressing the professors of an opposite creed. The legislation of this country has habitually been founded upon the belief, that the best way of securing the institutions of a country is both to consult the interests and to meet the moderate and reasonable wishes of its inhabitants. Let us apply to the question of policy, which is now on our hands abroad, the principle upon which we act in respect to matters of British Government and legislation. Now, Sir, the history of the relation between Turkey and the Principalities is a very memorable and a very instructive one. I do not believe that there are any portions of the territories connected with the Government at Constantinople which have caused less care and anxiety to the Ottoman empire than have the Principalities. I do not now speak of instances in which they have been made the instruments and the tools of foreign intrigue. I am only speaking of the conduct and management of the relations of Government. In point of fact, the history of the relations between the Principalities and Turkey is, that it has

been a relation extremely liberal in its character. It originally rested upon treaties, in which nothing is stipulated on the part of the Principalities, except the acknowledgment of a nominal supremacy and the payment of a moderate tribute. In this country there prevailed, and I am afraid there still prevails, a belief that the Sultan of Turkey is the Sovereign of the Principalities; and I have seen with an astonishment which I cannot describe, that through some gross error or blunder —for it cannot possibly be attributed to design—a Turkish Minister has, in a recent despatch, described the Sultan as a Sovereign over the Principalities. That is an assertion which, if it were to be considered as serious, involves such a monstrous violation of the European law of centuries, that I am convinced it is an unhappy blunder, and I only refer to it because it might have the effect of misleading hon. Members as to the real state of the case. The truth is, as I read in the work of a French jurist, that even the word Suzerain, which in its judicial effect is entirely different from Sovereign, is a word of most recent application to the relations between the Sultan and the Principalities. In fact, it never found its way into any public instrument connected with that relation before the Treaty of Adrianople in 1829. What I want to point out is, that Turkey has always found her freedom and her safety on the side of the Principalities, not in the pursuit of measures intended to rivet her hold upon them; but, on the contrary, in maintaining an easy and liberal relation towards them. And how is it possible for us to suppose that we should serve the interest of Turkey by refusing to fulfil our own pledges, and to meet the wishes of the Roumanian population in regard to the matter of the union? Why, Sir, is it by her own strength that Turkey can keep the people of the Principalities in subjection? Turkey has, as far as I can see, a twofold interest in the Principalities. The first is, the very limited one that her tribute should be regularly paid. The second is a more important interest, and that is, that the Principalities should not become the property of other Governments. It is not the might of Turkey that could keep them in that position. If they wanted to be free it is not Turkey that could prevent their emancipation. What keeps Egypt in subjection to the Porte? Not the strength of Turkey, but the policy of Europe. What would keep the Principalities in subjection, in their qualified subjection to Turkey? Just the same power, and no other, if, indeed, the feeling of the Principalities were opposed to Turkey. But the sentiment of the Principalities is not unfavourable to Turkey; it is not unfavourable to the connection with Turkey understood in the manner in which it is defined by European law; because the bonds which they bear are, one may say, silken bonds if they consist only of the payment of a moderate sum of money and the acknowledgment of a nominal supremacy. The relation to Turkey leaves to the Principalities almost everything that a people can most earnestly desire. Their practical liberties, their powers of self-government and legislation, are entirely theirs. Their religion is so entirely their own that the Mahomedan creed and worship are not tolerated within them. The Sultan of Turkey himself has no right to enter the Principalities unless by permission and agreement of the inhabitants. Of course, I need not say that he has no right whatever to send any armed force into them, either by the ancient law of Europe, or by the Treaty of Paris. The consequence of this has been that in the Principalities there has prevailed a good feeling towards Turkey. They have not been friendly to Russia. Turkey has had great trouble with her Christian subjects in other parts of the empire. During the late war there was very great alarm in Bulgaria. Efforts were made there to create a strong Russian feeling and movement. In the neighbourhood of the Greek frontier, too, and in other parts of the empire in which the Christians feel that Turkish interests and their own come into sharp collision, they view the Turkish power with great jealousy; and, no doubt, the growth of the Christians combined with the regular decline and decay of the Turks in these countries constitutes a real danger for the Ottoman empire. But in the Principalities the feeling is favourable to Turkey, and the reason why it is favourable is not that the people are inclined to the creed or traditions of Turkey, but that the relation between these countries and Turkey is one founded upon a liberal basis and that there has been no sensible collision of interests between them. Therefore, I say that the real safety of Turkey lies in maintaining, in the relation between the countries, that spirit which has hitherto governed it, and that if you want to defend

Turkey you will best accomplish that object by keeping up an amicable feeling between her and the Christian population to the north of the Danube, and by giving to that Christian population, so far as it depends upon measures to which you are to be parties, that growth and expansion and that sense of political and national existence which may qualify them to imbibe the ideas and acquire the habits of freedom, and, by virtue of those ideas and habits, to become an efficient barrier against the aggrandizing schemes of Russia. That I believe to be the true state of this question with regard to the policy to be pursued and the different parties who are concerned in it. I believe it to be quite undeniable and not to be questioned in any quarter that union is a measure which is obviously and naturally suited to promote the interest of these 5,000,000 of Wallachians and Moldavians. As respects European policy in regard to Russia, I cannot but conceive that common sense teaches us to endeavour to develope in them a sense of freedom and a consciousness of political existence as tending more than anything else to make men efficient opponents to aggressive despotism; and as respects Turkey, I say that we stand upon the ground of history as well as on that of law when we endeavour to maintain that amicable and liberal character which has heretofore for the most part, and except during certain passages of her history, governed the relations between the Ottoman Power and the people of the Principalities. These are the reasons for which I hope that this House will think fit to associate itself with the policy which has been formally declared on the part of the British Government. I may be asked, "If that policy has been formally declared on the part of the British Government, and if you approve it, why are you in a hurry? why do you invite Parliament to interpose?" I invite Parliament to interpose for this reason, and to this extent. I invite it to interpose to the extent of affirming that which has been declared and announced. The reason why I invite it to interpose is because, although no communications have been made to Parliament since the protocols of 1856, yet all those who watch the course of European politics, and avail themselves of the miscellaneous sources of information which are at our command outside these walls, cannot but be aware that a strong impression has gone abroad that the policy of Great Britain, so formally and so solemnly announced—announced to France, announced to Europe, announced to Parliament—is without reason, without explanation—I will add, in defiance of good faith, about to be changed. We must not trifle with this question. I, for one, will be no party to trifling with the reasonable expectations of five millions of men. Neither do I think that Parliament ought to be trifled with in such a way as we shall certainly have to lament if we are told "that in 1856 the Ministers, after careful consideration, made known to us a certain definite course on a vital question of policy immediately connected with the great warlike struggle in which we had been engaged; but that now, without explanation and without reason, they are to abandon their own formal and publicly-announced conclusion, and to march in exactly the opposite direction." It was for that reason that, having had suspicion and alarm more or less excited a fortnight ago, I inquired whether Her Majesty's Government were about to present any further papers on this important question. I was answered no, and of course Ministers were the judges whether it was proper to present those papers or not. But under those circumstances, not being able to obtain any satisfaction or any assurance that the policy such as had been announced to Parliament would remain unchanged until another announcement was made, there was no other alternative for me, except to give notice of a Motion in the House of Commons. As respects the time of this Motion, the House must understand that it is a question of now or never. Next week the Conferences will meet in Paris. We shall have no cognizance of what takes place at those Conferences. In the course, perhaps, of a few days we shall be told that the whole matter was over, and that it had been decided that the Principalities were not to be united—in fact, that the little word "not" was to be inserted in the declarations of Count Walewski and the Earl of Clarendon. I hope the House of Commons will understand what the bearing of such a policy will be upon the relations of the Principalities to Russia. It is by the united judgment of England and France that this question must be settled. If England should unfortunately, at the approaching Conferences, oppose the union of the Principalities, France will be obliged to give way, however much against her will. In spite of pledges and promises, in spite of the wishes of the people freely asked and clearly expressed, the union of the Prin-

cipalities will then be frustrated. Russia will in that case be friendly to the union of the Principalities, and, knowing that the union is the wish of almost every man, woman, and child, in the country, she will lay for herself new foundations of power on the banks of the Danube. She will lay those foundations in the affections of the people, and the name of Turkey and the Sultan will become odious from one end of the provinces to the other. I cannot conceive a measure more suicidal after all we have done. It would have been better to have said nothing about the Principalities, to have given no promises, to have announced no policy, if, after stimulating the feeling for the union up to the highest pitch, and holding it out by public authority at Paris as the one thing which, above all other things, was necessary for the welfare and prosperity of those countries, we are now to reverse that policy. I must really say that if it were our desire to embroil the East, to sow the seeds and create the elements of permanent difficulty and disunion, to aggravate every danger which threatens Turkey, to pave the way for Russia, and to prepare willing auxiliaries for Russia in her projects southwards, we could not attain those objects by any scheme better laid down than that of abandoning our pledges and promises, and giving in to the Austrian policy. It is upon these grounds that I entreat the House to consider well the position in which they stand, and either to hold the Government to the policy announced by our representative at Paris, or if that policy be abandoned rigidly to extract from the Government the reasons, though I confess I cannot conceive what reasons there can be, why it is abandoned. Rely upon it on us much depends, and the attitude we assume. This question is a small question to us. It comes in among questions of more popular and domestic interest, and it is almost eclipsed by the gigantic subject of the Indian Government, upon which we were occupied last night, and to which we shall soon return. It little affects our happiness, our feelings, our families and households, or our public arrangements, whether we do anything or nothing, whether we keep faith or break it—that is, until the time of reckoning comes. At the present moment I grant it is a small question to us, but to them it is everything, and for the Conferences next week the judgment of England is everything. France is ready to do her part. She has never departed from her policy. She is now what she was in 1856. I see an hon. Baronet (Sir B. Lytton) shake his head. I do not know whether he expresses the mind and spirit of France, but I think I am justified in asserting what I am justified in believing. Although his shake of the head is equal in historical importance to that of Lord Burleigh, it will not induce me to surrender as a fiction what rests on public notoriety. I say that France cannot resist; France must give way. She cannot carry the union against Austria and Turkey, led by Austria, if England deserts her. The question whether England shall desert her is a question now to be decided, and the question of that desertion on the one hand, or of perseverance in her policy and redemption of her pledges, is the question which with earnest hope and confidence I this night submit to the House of Commons.

Motion made—

"That an humble Address be presented to Her Majesty, to submit to Her Majesty that this House, bearing in mind the obligations imposed by the Treaty of Paris, so far as they affect the Danubian Principalities, has observed with satisfaction the general tenor and spirit of the Declaration recorded by Her Majesty's Chief Plenipotentiary at the Conferences of 1856, concerning the future organization of those Territories; and humbly to convey to Her Majesty the earnest hope of this House that in the further prosecution of this important subject just weight may be given to those wishes of the people of Wallachia and of Moldavia which, through their representatives elected in conformity with the said Treaty, they have recently expressed."

MR. SEYMOUR FITZGERALD said, he felt that indeed he had an arduous task before him. It was not only that he had to reply to one of the most eloquent speakers who had ever adorned the House, to attempt an answer to a speech which for more than an hour had enchained their attention, to follow a Gentleman whose position and authority on all subjects, whether of foreign or domestic policy, entitled him to respect, to address himself to a subject to which few Members had given the attention it deserved; but in that reply he had to meet the right hon. Gentleman on a still higher vantage ground, because the Resolution appealed to the sympathies of a popular assembly as supporting the expressed wishes of an entire people. He trusted, therefore, the House would sympathize with him in such a position, and give weight to opinions which, though expressed feebly, were the sincere convictions to which, after the most attentive consideration, he had at last been

compelled to come. The right hon. Gentleman, in the early part of his address, had expressed the hope that he should not be met with the trite objection that he was calling upon the House to interfere in matters of foreign policy. He was not going to find fault with the Resolution upon ground so wide as that, and yet, at the same time, he must say that he could not sufficiently express his astonishment that the right hon. Gentleman, who had been so long engaged in public affairs, and under whose notice, when holding high office, some of the most important negotiations of modern times must have passed, should have ventured upon a course, which was not only utterly unprecedented, but calculated to lead the House and the country into the most serious embarrassment. He begged the House to consider what, even by the right hon. Gentleman's own statement, the position of affairs was at the present moment. The right hon. Gentleman had told them that the question was invested with peculiar solemnity from all that had preceded it, that it had been brought before the Congress at Paris, that the opinion of the inhabitants had been solemnly asked, that a Commission had been sent out to obtain the best information, and to report their opinions to the Conference; but he had omitted to point out that the Plenipotentiaries were on the eve of meeting in Paris to weigh the evidence collected by the Commissioners, and to give full weight to the expression of the wishes of the population of the Danubian Principalities as far as they were consistent with the interests of Europe. Yet, at the very time when the question was about to be decided, the right hon. Gentleman thought it right to call upon the House, not to give an instruction to their own Government or their own Minister, but to come to a vote on a Resolution which must be considered as an instruction of the English House of Commons to the assembled representatives of independent Europe. The right hon. Gentleman's Resolutions commenced by calling on the House to bear in mind the obligations imposed by the Treaty of Paris, so far as they affected the Danubian Principalities. In the first part of that sentence he went along with the right hon. Gentleman, but he could not, with him, call on the House to consider the obligations of that treaty simply, so far as the Danubian Principalities were affected by them. What were the obligations of the Treaty of Paris? For what end, in other words, had we lavished so much blood and treasure in the war which preceded that treaty? That war was undertaken for the maintenance of the independence and the territorial integrity of Turkey. That also was the object of the treaty as stated in the preamble, and in one of the most solemn articles the assembled Powers of Europe gave a pledge that whatever might impair that integrity and independence should be regarded as a matter affecting the whole of Europe. If that were so, what would be the effect of the present Motion? The right hon. Gentleman was one of the Ministers of the Crown when that war was commenced, and what was the language of the right hon. Gentleman then? The Principalities, he said then, were an integral part of Turkey — we must maintain the independence of Turkey, and therefore we will resist this attempt on the part of Russia to occupy the Principalities. But, to-night, he said, the Principalities were wholly independent of Turkey. [Mr. GLADSTONE: No, no!] Quasi-independent then. [Mr. GLADSTONE repeated his dissent.] At least the right hon. Gentleman treated them as though they ought to be independent, and throughout the whole course of his speech he refused to recognize those rights of Turkey over the Principalities which at the time of the Russian war he was the first to assert. The right hon. Gentleman called on the House to sanction this Resolution, which would in fact, acknowledge the independence of the Principalities and be the first step towards the dismemberment of that empire, the integrity of which he was formerly so ready to maintain. He asked them to sanction this Resolution on the ground that it was the express wish of the people. On this point, as a matter of fact, he was entirely at issue with the right hon. Gentleman. According to the shape in which the right hon. Gentleman put the case, these Principalities had expressed an unanimous opinion in favour of an union, and they had also expressed a wish that the united states might be put under the rule of a foreign prince. The right hon. Gentleman put these questions before the House as though they were separate questions, and as if the population of the Principalities had expressed a wish for an union, under a foreign prince if possible, but at any rate—an union. If that had been the case there would have been some ground for the Motion, but the very reverse was

the fact. All the five points to which the right hon. Gentleman alluded were put to the vote in the Principalities as a whole, and the sanction of the people was given to them as a whole; and nothing occurred at the time of voting to lead any one to believe that their wish was, as the right hon. Gentleman had stated, for an union; under a foreign Prince if possible, but at all events for an union. On the contrary they had declared in unmistakeable language that no other union but an union under a foreign prince would satisfy them, and that an union under a native prince, or under a prince nominated by the Porte, was the last thing they should wish for, as it would not ameliorate, but would in effect add to all the evils under which they had been suffering. Such was the declaration of the Divan of Wallachia on this point, and the Divan of Moldavia had made a similar declaration:—

"The jealousies of any family of native princes would be such as to make perfectly conclusive the impossibility of anything like a stable Government under one of these princes, and prove the imperious necessity of placing on the throne of Moldo-Wallachia a prince from a foreign country. The High Powers will appreciate that without a foreign prince the sufferings of the country, so far from being made to cease, would be only greatly aggravated."

The right hon. Gentleman, therefore, who had called upon the House to give full weight to the opinions of the people of the Principalities must himself admit that it was impossible for the Powers of Europe to consent to any other union of the Principalities but an union under a foreign prince, on the principle that such other union would not meet the desires of the people. If, then, the only union possible was an union under a foreign prince what would be the character and complexion of such an union? It would render the Principalities practically independent. It would be totally inconsistent with the territorial integrity of Turkey—it would be totally incompatible with our obligations to Turkey under the Treaty of Paris—with that for which we went to war and which all Europe was pledged to maintain. Suppose the Principalities united and a foreign prince placed on the throne, what would be their position? Our armies could not get there, our fleets could not get there, diplomatic intervention on our part would be almost impossible; moral weight and influence, too, so far as we were concerned, would also be next to impossible—but there was one power on whose part it would be possible. With a Sovereign on the throne supported by an European alliance, ruling over a people having perhaps some cause of alienation from the Ottoman Government, and connected with the Russian Government by community of religion, even if the mere name of subjection to Turkey were preserved, it would be impossible to look upon such a State in any other light but as being disenthralled from the rule of the Ottoman empire. Suppose that State strong enough to resist Turkey but too weak to resist any other Power, then, instead of having raised a barrier against Russian interference and aggression we should have done our best to weaken Turkey, whom we were bound to protect, and we should have given to Russia a fresh weapon, a fresh occasion of quarrel, and a fresh field for the exercise of what his right hon. Friend had called her aggressive policy. How, then, could the right hon. Gentleman call upon the House of Commons to support the wishes of the people for the union of the Principalities on the ground that that wish had been expressed in accordance with the invitation addressed to them by united Europe? The very reverse of that was the case. They had expressed a wish totally incompatible with the obligations of the very treaty under which the Divans met in the Principalities, and under which the Commissioners of the Great Powers were sent there. Again, ought the House to be asked to support the wishes of the population of Moldavia and Wallachia merely because they were in favour of independence? Did the right hon. Gentleman mean to take this ground—that, simply because a people declared its desire for independence, it was therefore for the English House of Commons to step forward, and, by an authoritative Resolution, to say that full weight should be given to that declaration of opinion? That was a course far more dangerous than any on which they had ever before been invited to enter. We might give to a people with these aspirations our sympathy; we might, when the fitting time arrived, lend them our moral assistance in obtaining what they desired; but under existing circumstances we could only defer to their wishes as far as was compatible with those general and preponderating interests of Europe which it was the object of the Treaty of Paris to place upon a sound basis. On the other hand, if the House were merely to express its approval of the aspirations of the people of the Principalities, it would adopt a

course barren indeed of benefit to them, but fraught with embarrassment to ourselves. By declaring this desire through an authoritative Resolution to aid that people in securing from the Conference of Paris a recognition of their independence, the House, so far from doing them any good, would do them a fatal injury. It would do its best to obtain for them an independence which they were incapable of maintaining, and which, while it would not serve the interests of this country, would be prejudicial to those of the Principalities themselves. On these grounds he hoped the House would not assent to the Resolution of the right hon. Gentleman. It was incompatible with our solemn engagements under the treaty of Paris—it invited us to do that which it was the object of that treaty to prevent—it invited us to be parties to the partition of Turkey. ["No, no!"] That was his own opinion, and it would be perfectly competent for hon. Gentlemen to express a different one. Moreover, the Resolution asked the House to do that which was not for the interest of the very people whom the right hon. Gentleman wished to serve. Thanking the House for permitting him to make these observations, he called upon it to reject the Motion.

MR. SERJEANT DEASY said, he thought the hon. Gentleman the Under Secretary for Foreign Affairs had failed to give any answer to the conclusive case established by the eloquent speech of the right hon. Gentleman; not however from any want of ability, for the exertions made by the hon. Gentleman, on that as on former occasions, fully justified the Government in their choice of him for his present office. The inherent weakness of the case which the hon. Gentleman had been instructed to advocate was the sole cause of the failure of his advocacy. Complaining of the time at which the right hon. Gentleman brought forward this Motion, he had said the House was asked to pronounce an opinion on this important subject just as the Conference at Paris was about to meet for its settlement. Why, the very fact that the Conference was on the eve of assembling to pronounce an opinion — an irrevocable opinion on this question proved that the right hon. Gentleman was bound to bring this Motion before the House, and that those hon. Members who agreed with him were bound to support him. If the right hon. Gentleman waited until the decision of the Paris Conference was taken, in what position would the House of Commons be placed? They would be told by the Under Secretary for Foreign Affairs that their interference was perfectly useless; and they would have no remedy except that which would, perhaps, be very disagreeable—namely, the pronouncing of a censure upon the hon. Under Secretary himself, or his chief. Again, it was said the House of Commons was asked to give instructions to the assembled Plenipotentiaries of Europe at the Conferences of Paris. No such thing. What the House was asked to do was, to express its opinion respecting the instructions which ought to be given to the English Plenipotentiary, and as to the course which that Minister ought to take in conformity with the honour and the obligations of this country. And after the speech of the hon. Under Secretary, unless the House expressed its opinion on this important question, there was reason to fear that instructions would be given, by which the honour of England would be tarnished, and its obligations unfulfilled, or rather violated. The hon. Gentleman had said, they were asked to become parties to the dismemberment of Turkey. It would, therefore, seem that he had not looked at the peculiar relation by which, and by which alone, the Danubian provinces were bound to the Sublime Porte. Those provinces never were a part of the Ottoman dominion. They were not acquired by conquest but by contract. Those contracts strictly defined the limits within which the Ottoman Porte was to exercise its privileges. The first of them was the capitulation with Wallachia, by which the Sultan consented, for himself and his successors, to defend that province against every enemy without exacting anything except the supremacy over the sovereignty of that Principality — the vaivodes, or princes, binding themselves to pay to the Sublime Porte a tribute of 10,000 piastres. The Porte was to have no right to interfere in the local administration of the Principality; no Turk was allowed to enter Wallachia without an ostensible motive; every year an officer of the Sublime Porte was to receive the tribute; the vaivodes were to continue to be elected by the archbishop, the bishops, and the boyards, their election to be confirmed by the Porte; the Wallachian "nation," (as it was called in the original) was to continue in the free enjoyment of its own laws; the vaivodes were to have power of life and death over their subjects, as well as the power of making peace and

war, without being subjected for any of these acts to any responsibility towards the Sublime Porte. After that how could Wallachia be called part of the Turkish empire? How could it be said that by this Motion they were advocating the dismemberment of the Turkish dominion? [Mr. S. FITZGERALD: What is the date of the treaty?]—1460.—[*A laugh.*] But he would come to documents of later date immediately. The use which he was making of this was to show the origin of the relation, and that it was a relation by contract. In the capitulation relative to Moldavia, the Porte allowed that that province was a free, not a conquered country, and undertook that the Christian religion should never be troubled; that Moldavia should be governed by its own proper laws; that its princes should hold for life, being elected by the nation, and confirmed by the Porte; that the domination of the princes should extend over their entire territory, and that they should be allowed to maintain, in their own pay, a force of 20,000 men, strangers or natives. In sign of submission, the prince was to pay 11,000 piastres to the Porte as a present. When he was asked for the date of these treaties, he was disposed to ask in reply, whether they ever had been modified by any subsequent treaty. He maintained that they still regulated the relation subsisting between the Porte and these provinces. But as some hon. Members called for later documents, he entreated their attention to the treaty of Paris of 1856. There was no treaty by which these stipulations had been modified. What had the Sultan recently acknowledged before the Powers of Europe by the treaty of Paris? It was held that by the war all the previous treaties with Russia had been annulled; and it was declared by that treaty that the Danubian Principalities should continue to enjoy, under the "suzerainty" of the Porte—not under its "sovereignty"—and under the pledge or guarantee of the contracting Powers the privileges and immunities of which they were in possession. No exclusive protection was to be exercised over them by any of the guaranteeing Powers; there was to be no right of interference in their internal affairs; and the Porte engaged to preserve their independency and national administration as well as their full liberty of worship, legislation, commerce, and navigation. The laws and statutes up to that date in force were to be revised, but under the promise that there should be a special Commission on the constitution of which the contracting Powers should agree. There was also to be established in the Principalities an armed national force, organized to maintain the security of the interior and to protect the frontier. Then came the stipulation in which the Sultan promised to summon Divans *ad hoc* in the Principalities which were to include a distinct representation of all classes. In considering the effect of that article it was most important to look to the bearing of the protocol to which the right hon. Gentleman had referred. Count Walewski proposed the union of the two provinces into a *quasi* independent State, and the British Minister seconded that proposal. Now, what was the objection made to that proposal? Why, the only objection made to it by Aali Pasha, the representative of the Turkish Government, and the Austrian Minister, was, that possibly such an union might be opposed to the wishes of the inhabitants of the provinces themselves, and particularly to those of the smaller province who might object to being absorbed in the larger. It was suggested, therefore, that no definite decision should be arrived at upon that subject until the wishes of the people of Moldavia and Wallachia were definitely ascertained, and the Treaty of Paris was signed without any decision being arrived at upon the subject. In order, however, to deal with it, subsequently an article was inserted by which the Porte bound itself to convoke representative assemblies, for the purpose of ascertaining definitively and authoritatively what were the wishes of the inhabitants of the Principalities, in order that the whole question might be settled at the next meeting of the Congress. Such was the position in which the question stood at the time of the signature of the treaty, and how did it stand at present? Why, the Porte, after an attempt to evade that article of the treaty, an attempt which was frustrated by France, convened fair representative assemblies, and he considered that House should always regard with respect the deliberately expressed opinion of a fair representative assembly. Now, what were the constitutions of those assemblies? The Divan in Moldavia consisted of 3 bishops, who sat *de jure*, 7 deputies of the clergy elected, 28 deputies of the owners of large property, 14 deputies of the owners of smaller property, 18 representatives of towns, and 14 representatives of the peasants; making altogether

an assembly of 84 members, all of whom, with the exception of the 3 bishops, were elected. In Wallachia the Divan consisted of 4 bishops, sitting *de jure*, 6 deputies of the clergy, 34 deputies of the owners of large property, 17 representatives of the owners of smaller property, 22 representatives of towns, and 17 representatives of the peasants; all elected, and forming an assembly of 100 members. Now, what was the result of the deliberations of those divans? Why, in Moldavia 81 out of 84 voted for the union, and in Wallachia 94 out of 100 voted in the same way. Such, then, was the definitive and authoritative exposition of the wishes of the inhabitants of the Principalities, and he had the written testimony of a Scotch gentleman who was then travelling in the Principalities, and had attended the meeting of the Divans as to the order, skill, and aptitude with which those assemblies transacted business. How could the country, after having made itself a party to the Treaty of Paris, refuse to give effect to wishes thus definitively expressed? Why, to do so would be a direct violation of the contract which had been entered into, and yet it was now proposed, in contravention of that contract, to refuse to those people the Government for which they wished, and to impose upon them, by force or menace, a form of Government to which they were most strongly opposed. The subject was one in which that House had a special interest and a special duty. There was a large commercial interest involved, for this country depended upon those provinces for a large supply of food, and, therefore, it was to the interest of England to see them in a state of prosperity and advancement. There was a political interest involved, also, as regarded making a solid barrier against Russian aggression, for the right bank of the Danube would be best defended on the left by a nation of 5,000,000 freemen. The only other way of raising an effectual barrier was to hand over the provinces, bound hand and foot, to Austria, but that was a course which few at the present day would venture to suggest. The two provinces were, from circumstances, well adapted to form a united State, for there was in them an identity of origin, of race, of religion, and of language, accompanied by a well defined frontier and an extensive territory, and a considerable population, and having, through the sea, access to those resources which the maritime powers might think it necessary to render available. He trusted, therefore, that the House would agree to the proposition of the right hon. Gentleman, for if the contrary were the case, if the old Procrustean policy were reverted to, by which nations were fitted to a Government, and not a Government to a nation, much mischief might result. Such a principle had been acted upon after the peace of 1815 in the case of Holland and Belgium, and the subsequent result was a violent disruption which seriously endangered the peace of Europe. He believed that the course which the Government appeared disposed to adopt would lead to a similar result. If a form of Government were forced on the people to which they were opposed, a revolutionary fever, which seemed chronic in Europe, would sooner or later break out, and the Government would be forcibly ejected, and then the only way to quell the disturbance would be by means of an Austrian or a Russian occupation, the evil effect of which would not be confined to the provinces themselves, but which might, perhaps, be felt even in Manchester or Birmingham. A proceeding similar to that, which the Motion of the right hon. Gentleman affirmed, had taken place on the banks of the Nile in the formation of the Pashalic, and no one would pretend that that had weakened or dismembered the Turkish Empire. He wanted to see a similar proceeding on the banks of the Danube, as he believed that it would be for the interest of the Turkish Empire and for the interest of humanity and civilization.

LORD ROBERT CECIL said, the arguments of his hon. Friend the Under Secretary for Foreign Affairs, in answer to the Motion of his right hon. Friend, seemed to him to be most singular on a question of such importance, and he was afraid that his hon. Friend had used them with great reluctance, and had felt he was called upon to defend—as the present Government had already had to do on previous occasions—a bad case, inherited from the Government which preceded it. In the first place, his hon. Friend said it would be exceedingly intrusive and insolent in that House to interfere in a matter which certain Powers in Europe were about to consider, by their representatives at a Conference at Paris. This subject, said his hon. Friend, was too sacred and recondite for the weak intellects in the House of Commons. Still, although that House could not pretend to instruct the Conference, there was one person whom they could pretend to instruct and influence, without being any

more guilty of intrusion in expressing their opinion on the subject coming before the Conference than a constituency in this country would be in expressing its opinion on any subject which was to come before the House of Commons. His hon. Friend stated that, by assenting to the Motion of his right hon. Friend they would sacrifice the object for which we had waged a bloody and expensive war. His statement of that object was certainly new to him, (Lord R. Cecil), for he said it was simply to maintain the integrity of the Ottoman empire. If we had gone to war merely for such a purpose, we certainly should have acted most foolishly. But we went to war to maintain its integrity against the aggression of Russia. We went to war to prevent the expansion of the Russian empire in a manner that would be most dangerous to our own interests. The adoption of the Motion, said his hon. Friend, would sanction the disembodiment of the Turkish empire, although the very object for which we went to war was to compel Russia to withdraw from the Principalities which she had invaded. Therefore, continued his hon. Friend, if we sanction any course which would deprive Turkey of full and unlimited power over those Principalities, we should be doing exactly that for which we blamed Russia. But he thought his hon. Friend had overlooked the fact, that it was perfectly possible for a country to belong to an empire in such a sense that the latter should have dominion over it without its being placed entirely at the mercy of that empire. He would suggest a parallel case. Suppose any of the Ionian Islands were invaded, that would be a violation of the integrity of the British empire. England would consider it as an attack upon herself, and resent it accordingly. She would make war upon the aggressor. It would not, however, follow that because she had gone to war to maintain the integrity of the British empire that she would have a right to alter the treaties into which she had previously entered with the people of the Ionian Islands as to the government. That was precisely the case as regarded Turkey and the Principalities. These Principalities had not been conquered by Turkey. It was by treaty that she had acquired power over them, and she had no more right to break that treaty than any European law. His hon. Friend had said it would be impossible for Europe to grant the five points demanded by the Moldavian assembly. Among those points was one to the effect that the Principalities should be governed by a prince to be chosen from any foreign dynasty. That, said his hon. Friend, would be perfectly inconsistent with the qualified dependence of the Principalities upon the Turkish empire; and he further said that the mode in which they had asked for the five points, precluded the granting of any one of them, without granting all. To show that they laid as much stress upon a foreign prince being placed over them as they did upon the union, he cited a paper which he alleged to be in favour of that view. That paper was not upon the table of the House. It was not therefore in the power of the House to criticize its contents or to read it. Unless, therefore, the House listened very carefully to the words quoted by his hon. Friend, it was impossible for them to have caught the exact meaning thereof. But he (Lord R. Cecil) could prove by documents that that which the Principalities demanded above all other things was their union, that all the other points were merely subsidiary, and that they would be very well satisfied if they could not succeed in any other point than that of their union. The preamble with which the Moldavian assembly passed the five points stated that their most important and most generally entertained wish was that the Principalities should be united into a single State, and that such union was indispensable for their civilization, their prosperity, and the protection of their frontiers. They then went on to ask, considering that that union would produce all the happy results which they expected from it, that a prince from one of the families of a foreign dynasty might be introduced. This document sufficiently showed that their object in demanding a foreign Prince was merely subsidiary to demanding a union of the Principalities, that they hoped thereby to secure a more permanent and effective union, and that there was nothing to prevent the acceptance of one proposition and the rejection of the other. At the same time he should be sorry to say anything which would lead to the idea that he agreed with the hon. Gentleman in thinking that such a permission would be dangerous to the existing state of the Turkish empire, or to the relation which the Principalities legally bore towards that empire. By the treaties which had been read, and by the ancient constitution, the Principalities had always enjoyed the

power of electing their own Hospodars, and no limitation was imposed as to the source whence those Hospodars should be drawn. They had always had a right to choose them from foreign families, and there was nothing in that proposition, therefore, to which the Porte could object, as being calculated to imperil the integrity of her empire. The House should consider maturely what would be the fate of those Principalities, if the Motion of his right hon. Friend should be rejected. If the vote of England should be against the Principalities, it was impossible that they could remain in their present position as mere debateable ground for the pretensions of Russia and Turkey. They must be absorbed by one or other of those Powers, of whose despotism and tyranny, oppression and rapacity, it was unnecessary to speak. The probability was, that if the strong assistance of Europe were given in aid of the claims of Turkey, the Principalities would be handed over for the present to Turkey, the most oppressive and rapacious of all Governments. As long as Turkey lasted they would be subjected to her rule, and when Turkey fell, as she ultimately must do, they would become a prey to some other Powers, who would divide her remains between them. He trusted that the House of Commons would show themselves upon this occasion to be the supporters of freedom. They had made many efforts and had talked a great deal about propagating the principles which they professed and spreading the institutions which they revered in other countries. To do that they had engaged in very questionable diplomacy, and had often violated the rights of other Powers, with very little benefit to the cause of freedom. Neither in Spain, nor in Portugal, nor in Italy had any commensurate advantages resulted from our efforts, nor had freedom been advanced by our interference. The consequence was, that on the continent of Europe our claims to be regarded as the champions of liberty were looked upon as hypocritical boastings, for while we were loud in our professions we were lax in our practice. There was now an opportunity which might never recur of supporting those principles which we revered, of establishing those institutions to which we owed our own happiness, and of securing the freedom and welfare of thousands of our fellow-creatures. That opportunity had been afforded in consequence of a pledge given by ourselves, and if it should be neglected and thrown away, the responsibility would fall upon us, and all would feel that it had been lost by our betrayal and our falsehood.

MR. ROEBUCK: Sir, it is a saying which reflects no great honour upon this country, but is nevertheless too true, that our interference has not been an advantage to the nations whom we intend to support; that we proclaim loudly the principle of freedom, but are very weak in giving them our support. It appears to me, however, that we now have an opportunity which may never occur to us again. In the midst of despotism there exists a nation amongst whom are preserved principles of freedom and of good government, and who may, with our support, largely contribute to the political welfare of mankind. But at present, says the hon. Gentleman the Under Secretary for Foreign Affairs, we ought not to interfere. Now, Sir, I want to know what is the meaning of that statement? The House of Commons, the governors of England, are about to see their representatives in Paris, in conference with other European Powers, speak in the name and on behalf of England, and we are told we are not to express an opinion to our representatives—that we are not to tell those gentlemen how far we are agreed upon this occasion. Now, it appears to me to be the duty of the House of Commons to tell those gentlemen who speak in the name of England what they ought to do; how they ought to speak; what principles they ought to maintain; on whose behalf they ought to exert themselves. And I, Sir, ask the House of Commons upon this occasion to exert their influence, to raise their voice, and say to the representatives of England that we call upon them to say to the assembled Powers of Europe that we will support a free people in the attempt to govern themselves. Now, Sir, upon what occasion are these representatives to meet, and upon what matters are they to deliberate? It appears that, some years past, the Emperor of Russia thought fit to make war upon Turkey, and in so doing the first thing he did was to transgress certain limits, and the first people whose territory he invaded were the Principalities on the borders of the Danube. We said that, by so doing, he had violated the rules of the law of nations, and we declared war upon the Emperor of Russia. What did we mean by taking this step? We said that the Emperor of Russia should not invade anybody connected with Turkey;

and, so far as the Principalities were connected with Turkey, we opposed the intrusion of Russia into the Principalities. But thereby we did nothing as between the Principalities and Turkey. Those Principalities were connected with Turkey in a peculiar way — they were connected with her by treaty. It was a very old treaty, and it stated that the Principalities entered into it of their own free will, and maintaining their own independence; and there was nothing said in it which would amount to anything more than a truce between Turkey and the Moldo-Wallachian Provinces. Now, this truce maintained simply that Turkey should hold over the Moldo-Wallachian Provinces certain powers or suzerainty, but that they should maintain their own dominion over the Provinces. But this suzerainty did not invade at all the independence of the Principalities; the powers given to Turkey were established merely for the purpose of defence, and did not cause the Provinces to form any part of the Turkish empire. What had been done since? The war was concluded; Russia had retired within her frontiers, Austria within hers, and Turkey within hers. Then the Moldo-Wallachian people appealing to Western Europe said, "We are a people in the Eastern countries of Europe but we are a people of Western origin, we are very different from the Turks. We ask you to maintain our individual and peculiar rights." This, Sir, was what they said. And upon that account they were supported by France, and on account of the opposition they would offer to Russia on one side, on another side to Austria, and on a third to Turkey. France said, knowing to what sympathies she was appealing in this country, "Will you not aid us in establishing a free people against these three despotic Powers?" Now, what do this free people ask? I ask the House of Commons to listen to this statement. This is a free people, deriving their origin from a peculiar source, namely, the old Roman empire, who planted the standards of their legions in foreign and barbarous countries, carrying with them the orders and the laws of the Roman empire. Those legions maintained their individuality and their independence throughout ages of tyranny and misrule. Eventually they became subject to the Turkish monarchy then in the ascendant, and this was effected by a treaty which now exists; but they never submitted by conquest to Turkey, but by free and independent union with the Turkish empire. In so doing they never lost sight of their Western origin. They speak a language nearly Roman; they have the religion of the Eastern Church of Rome, and they have preserved the institutions of the Roman empire. From that time to the present they have maintained their individual existence; and when we confound them with, and consider them as a part of, the Turkish empire, we forget their origin and the true connection between them and the Turkish empire. Well, then, what blame ought to attach to this people for desiring a self-elected government? When the Russian war ended, this people applied to the Western Powers of Europe, and said, "We are a Western people, we are separated from the Turkish empire, and we apply to you to protect us against the encroachments of despotism." They asked first for their independence as a people; and then they said that in order to insure that independence they thought they ought to have a king selected from one of the monarchies of Europe. But then it has been said by the hon. Gentleman the Under Secretary for the Foreign Office that the latter part of the statement was inseparable from the whole statement, and thus rendered it totally impossible to accede to their demand. Sir, I recollect, in reading the history of Europe, that the Italian republics did exactly the same as these people. They said, "We cannot elect one of ourselves to be a governor; we will go abroad to choose;" and the Podestas of the Italian republics were thus selected almost universally from foreign States. And, following this example, the Rouman citizens of the Danube have said they wish a foreign despot—I use the word in its Greek sense—to rule over them, preferring him to any individual chosen amongst themselves. Sir, I feel from physical reasons I am unable to carry out this argument—but I cannot help believing that the Roman system has descended to this people, that they are in origin a Western people, that they have a demand upon us for representative institutions, and that they wish also to be governed by a European prince. But then it is said by the hon. Gentleman the Under Secretary of the Foreign Office, "This cannot be done;" and the argument which seemed behind all others was that he believed if we did this we should throw them into the arms of Russia. Now, I want to know if we have 5,000,000 of free men governed

by a chief chosen by themselves, whether we do not erect a barrier against the empire of Russia greater than by annexing them either to Austria or Turkey? They have the means of improvement; they possess an extremely fertile territory. If the hon. Gentleman tells me that it is not accessible to England, I say that by the arts of peace it may be made so. Down the Danube we have the means of bringing them into connection with Europe, and once so connected we should oppose them as a formidable barrier alike to Austria, Russia, and Turkey. Sir, I feel myself so incapable of doing justice to this strong case, that I depend rather upon the strength of the case than upon myself. The case is one which appeals to every free man in Europe. It is one which ought to raise a sympathetic feeling in the breast of every Englishman. We are not now determining the position of a State that endeavours to govern by anything like despotism. We have learnt the opinions of the people by their Divans. Both these Divans have declared that they wish to be united, to be independent, to have their own laws, and to be under a foreign prince. All these things they have said, and simultaneously; and I am sure that if England ever wishes to take up any place or position in Western Europe expressive of her dignity and power, let her aid the expressed wishes of a free people, who desire to be governed in a free manner, and by representative institutions. Let us do all this, and we lessen the power of despotism in Europe, by showing our conviction that we ought to support the Moldo-Wallachian people in their attempt to obtain representative institutions. If England ever wishes to take part in the affairs of continental Europe in such a way as to assert her own dignity and conduce to the interests and happiness of mankind, she can only do so by aiding a free people in their endeavour to obtain for themselves representative institutions. Upon these grounds I contend that if we do not accede to the Motion of the right hon. Gentleman we shall be doing all that in us lies to aid despotism in Europe—that the House of Commons will be doing more than ever it has done before to forward bad government in Europe — and that if we wish to support the cause of representative institutions we ought to assist the people of Moldavia and Wallachia in their attempts to be united and free.

Mr. DUFF observed, that, as the Emperor Nicholas had said to Sir Hamilton Seymour, "the sick man" was assuredly dying, and that our duty towards Turkey was a double one, we ought to endeavour to act the part both of the family physician and the family solicitor. We were bound by treaty to do all that we could to preserve that health which was daily sinking, but, failing that, we should take such means as were in our power to secure the sick man's rich inheritance to his natural heirs—the Christian population who were subject to his rule. Moldavia and Wallachia, by seeking their independence, were only following the example set by Servia nearly a century ago, and theyought, if possible, to be placed peacefully in the same position in which Servia had been placed after a long and bloody war. By such a course we should at once do what was best for this population, and, at the same time, should set an example which might be followed with advantage when Bulgaria and other parts of the Turkish empire were ripe to follow in the same course.

Viscount PALMERSTON: Sir, I have never heard a debate in which, if I may be permitted to say so, those who have taken part in it seem to me so imperfectly to understand the subject of discussion and the facts of the case. To hear what has passed one would suppose that the question at issue was whether these Principalities were to be subjected to the tyrannical or oppressive internal government of a Turkish pasha, or whether they were to have self-government, to be ruled by chiefs of their own, and to have representative institutions. That seems to be the alternative which the hon. and learned Member for Sheffield (Mr. Roebuck) appeared to consider the matter at issue. The hon. and learned Member for Cork (Mr. Serjeant Deasy) apparently thought the question was, whether we should comply with the wishes of the Danubian Principalities by placing them in the same relation to Turkey in which Egypt stands, or whether we should make them more strictly subject to Turkey. Sir, none of these questions are the real ones at issue. The real question is that which was very ably and clearly stated by the hon. Member the Under Secretary for Foreign Affairs—namely, whether we should adopt a course which would infallibly be the first step towards the separation of those provinces from the Turkish empire, and thereby commence the dismemberment of Turkey. The right hon. Gentleman who has made this Motion endeavoured to establish a distinction, a

refined distinction, between the condition of a country which is ruled by a Sovereign and one which is ruled by a Suzerain; and, if I understood his argument, it was that, inasmuch as these provinces were under the Suzerainty of Turkey, that meant nothing at all, and they were practically free and independent and formed no part of the Turkish empire. Well, the hon. and learned Member for Cork referred to a treaty, from which it appears that in the year 1460 those provinces acknowledged that the Sultan should have supreme power over their own Sovereign. Now, that seems to me to be something very like *suzerainté;* for if the ruler of one country is supreme over the ruler of another country—call it what you please—the country so situated is a portion of the dominions of the supreme ruler. But if these provinces are not part of the Turkish empire, how came my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) to be party to a war which could be justified only upon the ground that it was undertaken to repel an invasion upon the Turkish empire? Can it be supposed that the Government of that day called upon England—that the French Emperor called upon France, and that other Powers of Europe were invited to enter upon that war, merely for the purpose of protecting Wallachia and Moldavia against Russian aggression? Why, if those provinces had been separate and independent States, much as we might have regretted the invasion of their territories and the annihilation of their rights, the nations of Europe would not, I think, have taken up arms and made those sacrifices of blood and treasure which they have made in their defence. It was because they were outposts of the Turkish empire, and because their invasion was a menace to that empire, the integrity and independence of which we deemed to be essential to the interests of Europe, that my right hon. Friend and the Government of which he was a Member called upon the people of England to take up arms and to resist the Russian encroachment. Then, if we look to the ancient history of those provinces, we shall find that from the time when they ceased to form part of the Roman empire down to the present period they have constituted, with the exception of one short interval, two separate States, and that which we are now called upon to sanction is therefore something totally different from anything which has hitherto existed in the case of those provinces. But now let me ask whether their connection with Turkey has been marked by oppression? I believe that such has not been the case. I am, upon the contrary, of opinion that if those two provinces have suffered at all, their suffering has been owing to foreign aggression, and their military occupation, in the first place by Russia and then by Austria, though, I admit, for a purpose entirely different from that which existed in the case of the former Power. To their occupation by foreign troops is, I think, to be attributed those grievances and that impoverishment of which they complain, and not to their relations with Turkey. I say, not to their relations with Turkey, because, as has been stated over and over again by those who have taken part in this debate, the condition of their connection with Turkey was that they should be self-governed; that no Turkish troops should be stationed within their limits; that they should be ruled by native chiefs, and should be at liberty to frame such an internal organization as they might think fit—they at the same time acknowledging the supremacy of the Sultan, paying to him a certain amount of tribute, and affording him military aid in case of any foreign invasion. I contend, therefore, that that is a fallacious position which assumes that we are now called upon to decide whether those provinces should or should not be free. Free they have been, and free we intend them to be. The question is not whether their internal freedom shall be taken away from them, and they shall be subjected to the internal tyranny of a Turkish pasha, but what shall be the conditions of that internal freedom which all the Powers of Europe are by the treaty of Paris pledged to secure to them? It is said we are called upon by a sense of regard to our national honour and engagements to agree to the Address which my right hon. Friend the Member for the University of Oxford has submitted to our notice. I entirely deny the justice of that proposition. The treaty of Paris entered into no engagements in regard to this particular question. It is quite true that, at the conferences which took place at Paris, the opinion was expressed by the French and English Plenipotentiaries that certain arrangements might be desirable; but no decision was taken upon the point, and further deliberation was deemed to be necessary. The question that was to be referred under

the article of the treaty of Paris was not simply the question of union or separation of the provinces. It was the question of internal organization, and it is a misapplication of that word to confine its meaning within the limits by which it has been sought to be circumscribed. We are told that the *reglement organique* provides for a union of those two provinces. I should like to know the author by whom that union has been foreshadowed. Why, that was a Russian document, the terms of which were acquiesced in by the Russian Court; and it cannot, therefore, be regarded as embodying the inclinations of the people of Wallachia or Moldavia. Sir, it is quite true that this question of a union was not one which the Divans were precluded from considering as constituting a feature in their organization. We are told that if this question had not been included in their deliberations, faith would not have been kept with these provinces, and the conditions of the treaty of Paris would not have been fulfilled. But what were the conditions of the treaty of Paris? That the Divan should be called for purposes *ad hoc*, as they were termed. Well, they were summoned; and, according to a letter which had been read to the House, their proceedings were admirably well conducted. It is, however, in my opinion, very easy to imagine what was the nature of proceedings in the case of persons unused to a system of election got up by foreign agitators for particular purposes excited by the circumstances in which they were placed. Indeed, I may observe that the accounts which I have heard of their debates do not altogether tally with the representations made in the letter to which I have referred. It is also said that subtle intrigues were set on foot. Sir, they were not subtle, but open; and it is, I believe, known to everybody that during the whole course of these transactions foreign agency was the cause of the great excitement which prevailed in the Principalities with respect to this question of their union or separation. The Divans, however, did petition for an union; but not in the first instance, inasmuch as the Moldavian Divan was known to be adverse to the union. It was, however, sent about its business. Another was elected, but elected under influence which was paramount, and the Divan so elected joined the Wallachian in voting for an union. But what sort of union? Why, an union, as was stated by the hon. Gentleman the Under Secretary for Foreign Affairs, under a foreign Prince. And why was that the case? For this most obvious reason—that Moldavia would never submit to be ruled by Wallachia; that Wallachia would not submit to be ruled by Moldavia; and that neither the one nor the other of them would consent to be governed by a Prince appointed by the Sultan. Under these circumstances they asked for a foreign Prince. And who is that foreign Prince to be? The inhabitants of those provinces nearly all profess the Greek religion, and I am strongly of opinion that Russia would have an insurmountable objection to placing any other than a Greek Prince in the position of a governor of those united States. And where, let me ask, are you to find a Greek Prince? Why, to be sure, among the members of the Royal family of Russia. The House may therefore rest satisfied that the union of Wallachia and Moldavia under a foreign prince means nothing less than their union under the sway of the Russian Royal family, or of some one dependent upon Russia. To the appointment of a Catholic Prince I doubt whether all the five Powers would assent. If, moreover, a Catholic Prince were appointed, he would have to maintain himself against the powerful Greek influence which would be brought to bear upon him, by leaning on that power which can best control the Greek Church. We may be sure, therefore, that whether a Greek or a Catholic Prince were selected, he would be forced to become subservient to Russia—to occupy the position of her vassal—in order to secure obedience from his subjects. The appointment of a foreign Prince, then, I contend, to rule the Principalities, would be the first step towards effecting that separation to which some hon. Members are opposed. For can any man believe that a Prince fit to govern 4,000,000 or 5,000,000 people would long submit to be the vassal of the Sultan? Impossible! He would aspire to independence, and independence he would soon obtain. Well, then, fancy a country extremely small as compared with the adjoining countries, having Russia on the one side, Austria on the other, and Turkey upon a third, and see how such a country can maintain her independence. It is impossible, in my opinion, that she could avoid becoming the vassal of one or the other of her more powerful neighbours. Escaping that destiny she would follow the

fate of Poland, and be partitioned between them. It is perfectly absurd to think that a State so situated could bear up against the colossal power of Russia. Possessing no fortresses, no frontier defences, Russia would in a moment overspread her territories, as she has done whenever she chose to exert herself for that purpose. So situated, she would become a scene of intrigue and confusion to the detriment of her peace and welfare, or would, as I said before, follow the fate of Poland, and be either altogether absorbed by Russia, or divided between her and Austria. I say, we can all enter into the feelings of men for whom all wish a better political condition—that is to say, for a political condition of more honour and glory, and especially one sympathises with individuals belonging to that country who may think that in a united state there would be a better field for the display of the talents with which they are endowed; but I say it is a short-sighted view, even for the Moldavians and Wallachians themselves, if that which the right hon. Gentleman now asks this House to urge upon the Government to support were indeed established. We are told we ought not to deny them representative assemblies. They had them even by the organic statutes; they ought to have had them, only the jealousy of Russia took care that those assemblies should never meet, or, if they met, that they should be but mere shadows of representative assemblies. But, the Congress of Paris intended to record the opinion that they should have real representative assemblies, and it was for the purpose of asking them what conditions of internal organization they thought most conducive to their political and civil welfare, the development of their resources, and their internal prosperity. It was for that purpose the Divans were called, and their wishes asked, in order that they might be carried out. But these unhappy Divans, carried away by agitations and the intrigues of those who had other views than those who merely had the interests of the country at heart, refused to go into the real points upon which their wishes were sought to be known, and confined themselves to this unattainable object, the separation, as I may call it, from Turkey under the rule of a Christian prince. Then, I say, it is not for the interests of the Principalities themselves—it is not for the interest of Europe, it is not in conformity with the engagements of the Treaty of Paris, by which all the Powers bound themselves to maintain, as far as they could, the integrity of the Turkish empire — it is not consistent with any of those circumstances that we should assent to the proposition of the right hon. Gentleman, and that the representative of England at the Paris Conference should be instructed to urge the union of the two provinces. We are dealing with this matter really as if we were met at the Congress of 1815, when a map of Europe was spread out upon the Congress table to be divided according to the goodwill of the parties concerned. But, Sir, it must be remembered that the Government made war, Parliament agreed to that war, and the nation supported it for the purpose of maintaining the independence and integrity of the Turkish empire—that war was brought to a successful termination, and we concluded the Treaty of Paris, by which all concerned pledged themselves to maintain and to respect the integrity of the Turkish empire. And yet here we are called upon as the result of a successful war waged in order to maintain the independence of Turkey, as the execution of a treaty in which a most distinct pledge was given to maintain that integrity and independence, to take a step which the Turkish Government considers, as I think every reasonable man will pronounce, to be the first step towards a dismemberment of that empire. That would be stultifying ourselves, acting in opposition to all the rules of policy which this country has of late years uniformly maintained, and it would be, I think, contrary to the great and manifest interests of the Principalities themselves, if this House should be led away by the eloquence of the right hon. Gentleman whom we always listen to with pleasure, although we may differ as to the conclusions at which he arrives. I trust the House will not be led away by that eloquence to accede to the Motion, which would be adverse to the fundamental policy of this country, which would be contrary to the engagements of this country, which would not be for the benefit of the unhappy people for whose advantage it is intended, and which would lead to consequences probably entailing European dissension, if not European war. As I have said, this union would confer no benefit upon the Principalities, because they would receive without the union the same internal organization, the same representative assemblies, and the same internal

self-government which they would have if united. They would receive all the benefits, whether of commerce, trade, military arrangements, or internal legislation, as separate provinces which they could hope for if united; only in the former case they will continue to enjoy the additional security which the connection with the Turkish empire gives them under the treaty by which all the European Powers are bound, whereas if they were cast loose to become a little Poland in the midst of despotic military States, I say their fate would soon be sealed, their independence would cease, their representative assemblies would be quashed, and the jealousy of neighbouring arbitrary and military Powers would soon put an end to their internal freedom, which those who support this Motion are so anxious to secure, and they would either become the conquest of Russia, or they would be partitioned between the two great Powers of Austria and Russia, by whom they are surrounded.

LORD JOHN RUSSELL: Sir, the Under Secretary of State for Foreign Affairs asks us how it is that the House should be called upon to interfere in this matter of the Danubian Principalities, and has found fault with my right hon. Friend the Member for Oxford University as if he were proposing that the House should dictate to the Powers of Europe in conference assembled. To the first of these questions I answer, that here is a question to which the good faith of England is pledged; and I ask, can it be a matter of indifference to the House of Commons that the good faith of England should under any circumstances be called in question? I hold that, whether our character for good faith stands high, or is justly impugned, is a matter that the House of Commons must necessarily feel some interest in; it is not one that they can afford to pass by as if it did not concern them. But with regard to the hon. Gentleman's second question, I should say that my right hon. Friend (as I understand his Motion) does not propose to say what the Powers of Europe should give as their opinions in the Conferences of Paris, but merely says what in the opinion of the House of Commons should be the language of the Plenipotentiary of England. If that opinion be given, it will be the limit of the power of this House; and it is not my right hon. Friend's wish to say what should be the language of the other Powers of Europe. But if we are informed correctly, I believe I am right in saying that the language of Great Britain in these Conferences has not been confined to expressing her own views, but has been used to influence other Powers. Coming, however, to the question itself, I look upon it as one of great magnitude, and as one that must cause considerable anxiety. I agree with the hon. Gentleman the Under Secretary of State, that we ought not to set up any power in the Principalities that should be in any way a rival to that Power whose integrity and independence we are bound by the treaty, in common with the other Powers to that treaty, to maintain. We are bound in good faith not only directly to protect the integrity which we guaranteed, and for the sake of which we went to war with Russia, but we should not make any arrangement by which that integrity would be indirectly impaired and the independence of that Power diminished. So far, I agree with the hon. Gentleman. But let us see what the condition of the Principalities is, and what it is that we have undertaken. In the fifteenth century, as has been well remarked by the hon. and learned Member for Cork (Mr. Serjeant Deasy), certain stipulations were made between the Sultan and the rulers of these Principalities, by which a certain tribute was to be paid to the Sultan, but in which the largest powers of self-government were reserved to the rulers of these Principalities—powers extending even to the making of treaties and to the declaring war and making peace with the neighbouring States; and these powers, such as usually indicate independence, were reserved to the Christian rulers of the Principalities. These regulations, it is true, were not very strictly observed; the Sultan frequently violated them, and Russia found an opportunity, during the reign of Catherine, of interfering, and of asserting a power of interference and a power of meddling with that portion of the Turkish empire by treaties she made after successful wars. Those powers of interference had been carried so far by various treaties—by that of Kainardge amongst others—that at length there was hardly any transaction in any part of the internal government of the Principalities with which Russia did not claim the right of interfering. That being the case, when the war between Russia and France and Great Britain broke out, those Principalities, according to their organic statutes and according to treaties, had complete power of self-government. They could make their own laws as to

religion—no Turk was allowed to settle in the country. They could make their own laws for regulating commerce and trade, and their own laws respecting the administration of justice. In short, their whole internal government, so far as the Porte was concerned, was independent. But the interference of Russia, as I have said, was frequently employed in intriguing with respect to the internal affairs of those provinces, and against the influence of the Porte. Well, Sir, when we had settled what should be the terms of peace, if the first object was that Russia should no longer have the power of control and perpetual interference which she had formerly exercised, the question naturally arose what was to be the state of the Principalities themselves. That was a question of great difficulty, because, when the Powers of Europe were ready to place themselves in the position in which Russia had previously stood, so far as guaranteeing the privileges of these Principalities as against Turkey, it led to a discussion of what those privileges should be; and besides being the duty, it was the interest of the great Powers to make those privileges as safe with regard to their internal position and their internal peace, in order to prevent the necessity of the interference of any other Powers, as in their wisdom they could do. Those Powers, especially England and France, might have taken one of two courses. They might have said, we will consider what is best for the Principalities—we will review this organic statute which contains many excellent provisions, and we will guarantee the statute so revised and altered—leaving the Principalities with all the privileges they have hitherto enjoyed, and with such improvements as they may make. No doubt the Principalities would have submitted to that arrangement if it had really been one that would have contributed to their happiness and to the safety of their internal organization. Or we might have taken another course—we might have said we will consult the people of the Principalities themselves—we will go to the people of Wallachia and Moldavia and ask them to elect representatives—let them say what they will have, and then grant their wishes so far as they accord with the treaty we have concluded. Neither of these courses did we take. But we took a third course, the most unwise and irritating that could by any possibility have been adopted. We assembled the Divan—the representatives of the Principalities—and when they had deliberated and expressed their feelings, wishes in clear and unmistakeable language and with an unanimity rarely seen in a popular assembly, then we turn round upon them and say you are a disorderly set—you don't know what you are about—you have been acted on by external and by private influences—you have acted under excitement and in ignorance of your own interests, and therefore we will cast to the winds all that you propose and entirely neglect your wishes and requests. Now, that appears to me to be the most unwise and irritating course that could have been taken. There has been a great deal of talk here—my right hon. Friend, my noble Friend, and every hon. Member who has spoken in this debate has talked about the power and influence which Russia will have if these Principalities are united as they desire. Why, Sir, it seems to me that we have paved the way for Russia—we have opened the road for her. Last year I stated that it was quite obvious that without your interference the influence of Russia in the Principalities was secured. For if you set up a prince over Moldavia he would naturally look to Russia to increase his power by uniting the two provinces. He would know that the other great Powers could not forward his views He would be dissatisfied, and the whole of the inhabitants of the province would become discontented because Great Britain and France had refused their desires, and they would turn to Russia as the only Power that could assist them in attaining their object. So that you have so contrived it that whether you grant or refuse the wishes of the Principalities you increase the influence of Russia. The only way, as it appears to me, to get out of this dilemma is the course proposed by my right hon. Friend. The Under Secretary for Foreign Affairs tells us (and he read a paper to the House upon the subject which I had never heard of before) that Wallachia will not hear of this union unless she has a foreign Prince to rule over her. Is that to be understood as the formal declaration of the two provinces? Have they come to any formal resolution to that effect; and, if so, what has been said to them? Have we no Commissioner there? I believe that we have employed there one of the ablest men in our whole diplomacy. Have you said to them, will you take the union without the foreign Prince, or will you accept a Prince from some part of the

Turkish empire? Has that question ever been put to them? Have they ever been asked, and if so, have they ever refused? For unless they have it is most unfair for a Secretary of State to come down here and say if we grant four-fifths of their demands they will not be content unless we grant the other fifth. That appears to me to be a proposal that might be made. I believe it is a proposal they would accept, namely, to have an union of the Principalities, but with some person to rule over them not connected with either of the great Powers of Europe—one that should not be a Prussian Prince or a member of any of the great families of Europe, but one who is acquainted with their habits, manners, and customs. I think the hon. Gentleman said they would not like to have a Prince who would be liable to be deposed, and it is no doubt the constant deposition of their Hospodars that has been the great cause of the discord and difficulties of these Principalities. The Sultan reserved to himself the right of deposing, and there was in consequence always a number of families intriguing against the reigning Hospodar, who would get up complaints, and carry them to the Sultan, in order to get him deposed. In that way the state of these provinces was constantly disturbed, in consequence of the intrigues of the nobility against the reigning family. Then they say, and I think very reasonably, let us have a Prince who is not subject to these influences—let us have a foreign Prince. Let us imagine what would be the state of things then? They would have that self-government which but for the interference of Russia they would have enjoyed very many years, and they would increase in wealth and prosperity. But, says my noble Friend, that would be no barrier against the designs of Russia. It appears to me, on the contrary, that a people enjoying the benefit of self-government, increasing in wealth and prosperity—a people in the enjoyment of liberty—that such a people form the best barrier against foreign aggression and foreign conquests that can be devised—a barrier far better and more effective than any treaty. That has been the result in other parts of Europe. In the division of Europe in 1815 those wise persons by whom that arrangement was finally made, it is well known, departed from the plan of Mr. Pitt, with regard to uniting Belgium with Prussia—in that final arrangement Belgium was joined to Holland, and what was the result? Everybody who travelled in those countries at that time knows that Belgium speedily became discontented and demanded a separation. The Dutch, though they governed themselves very well, had not the art to govern the Belgians, whose language, religion, and habits differed from theirs. There was general discontent; and at last, in 1832, Belgium was erected into an independent kingdom under King Leopold. That was an arrangement made by my noble Friend the Member for Tiverton, who was then Foreign Secretary; and ever since then there had been a strong national spirit in Belgium. They have enjoyed their own constitution, their representative chambers, and their free press. They value those institutions, and I believe nothing would be so irksome to them, or so likely to create resistance, as any attempt to extend French or any other foreign influence in that country. These are matters which those who negotiate diplomatic treaties sometimes neglect to take into consideration. But they ought to remember in making these arrangements that the content of a people, the love of a people for their institutions, form a barrier against foreign foes more successful than the most skilfully drawn treaties. These, then, are my opinions as to the arrangements which ought to be made. I think the House ought to feel itself indebted to my right hon. Friend for bringing forward the subject. I feel that those who at Paris made an engagement to consult the Principalities, did, to a certain extent, commit the faith of this country. I feel also the justice of the statement made by the noble Lord opposite (Lord R. Cecil) that we are too often accused of giving encouragement to nations to assert their liberties and to proclaim their independence, and then calmly and coldly deserting their cause.

—— "Pudet hæc opprobria nobis
Et dici potuisse."

Well, Sir, one would not much mind that, but for the conclusion of the quotation

—— "et non potuisse refelli."

One would not mind the "opprobria" if it were not for the painful reflection, "non potuisse refelli." But it is painful, in such a case as this, coming forward at the time when the case of Sardinia is exciting attention, to find that after giving encouragement, we are about to withdraw from the Principalities the support of this coun-

try. It will give rise not only to disappointment, but the complaint of want of faith. I think that Her Majesty's Plenipotentiary should have instructions not to support the placing of a foreign Prince over the Principalities, whose aim it would be to extend his dominion into Bulgaria, but that they should have a united Government—a united Legislature; and I believe that, under such a Government and such a Legislature, the Principalities will flourish and afford a security to Turkey and an additional security to Europe.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the noble Lord who has just sat down has told us that it is only by adopting the Address moved by the right hon. Member for the University of Oxford that we can extricate ourselves from the dilemma in which we find ourselves. Now, it appears to me that, if we adopt the Motion of the right hon. Gentleman, we shall find ourselves in a dilemma, because the right hon. Gentleman, in his eloquent speech which produced that full effect it was in every respect calculated to produce, animated as it was by a generous spirit and a generous subject, has warned the House that France is at this time only anxiously awaiting the sign from us to adopt the policy which his Address recommends. Now, Sir, at the present moment there is upon this subject a perfect identity of sentiment, of views, and of policy, in the widest and truest sense of those words, between the Government of Her Majesty and the Court of France, and in a few days the representatives of these two Governments will be prepared to maintain, to recommend, and to enforce that policy; but, if the House of Commons should now come forward, on the eve of the commencement of negotiations, and adopt such an Address as that moved by the right hon. Gentleman, hampering the English representatives without in any way influencing the conduct of the French representatives, that appears to me a course which may indeed place us in a dilemma. The noble Lord who last addressed us has said that the honour of this House, of Parliament, and of the country, is concerned in this question, and that we are taking a course which involves a departure from the engagement into which we have entered. That is a very serious charge. We are all guardians of the honour of our country in this House, and I acknowledge the gravity of the allegation made by the noble Lord, if, indeed, it is susceptible of any proof; but when we are reminded of the engagements into which we have entered, is it not prudent—before we come to a hasty vote, which may have an influence upon the course of events that few Members of this House, perhaps, are prepared to contemplate—that we should have a clear idea of the engagements that have been contracted by this country? I must therefore ask the permission of the House to refer to the articles relating to this subject contained in the Treaty of Peace negotiated at Paris in 1856. The 22nd article of that Treaty provides,—

"The Principalities of Wallachia and Moldavia shall continue to enjoy, under the suzerainty of the Porte, and under the guarantee of the contracting Powers, the privileges and immunities of which they are in possession. No exclusive protection shall be exercised over them by any of the guaranteeing Powers. There shall be no separate right of interference in their internal affairs."

Who is there prepared to assert or to prove that any one who is or has been Minister of this country is trying to recede from this engagement? But the 24th article of the Treaty provides,—

"His Majesty the Sultan promises to convoke immediately in each of the two Provinces a Divan *ad hoc*, composed in such a manner as to represent most closely the interests of all classes of society. These Divans shall be called upon to express the wishes of the people in regard to the definitive organization of the Principalities. An instruction from the Congress shall regulate the relations between the Commission and these Divans."

Well, who denies that any expression by these Divans with reference to the definitive organization of the Principalities will not be respected? You have heard from the noble Lord that a joint Legislature is most desirable for the Principalities. But, Sir, there is no engagement on the part of this country which would prevent the establishment of a joint Legislature in the Principalities. The subject is open for the labour, the study, the thought, and the contrivance of the Conference which is now about to meet. In dealing with such a subject, we must have reference to the engagements of treaties and to the rights of Powers. You cannot settle a question of this kind by brilliant orations in a Divan *ad hoc*. This House, so jealous of the justice and of the honour of this country, must look in some degree, I suppose, to the rights of the Powers that are interested. That at least was the opinion of the noble Lord who has just addressed us when he was the representative of his Sovereign at Vienna. Nothing could be more

statesmanlike than the expressions of the noble Lord upon that subject, when the 6th protocol was discussed on the 26th of March, 1855. I find that on that occasion,

Lord John Russell observed that if in the discussion on the first point of negotiation he had not touched on several questions, such as the union of the two Principalities into one, the government for life or hereditary of the Hospodars, the opportunity for a national representation, it was not that their importance had escaped him, but it seemed to him that the initiative of propositions of this kind belonged to the Sublime Porte, and that the consideration of them ought to be adjourned to the time when the Ottoman Government was in a position to make known all its views to the Conference."

We do not now, however, find such consideration on the part of the noble Lord for the views of the Ottoman Government, of whose interests, when the representative of his Sovereign at Vienna, he was so justly sensitive. At that time the noble Lord, whose mind was absorbed in the consideration of this important subject,—who did not then take it up merely in debate, but treated it with the responsibility of one representing the honour and the interests of his country, and who was engaged in regulating the destinies of Europe — addressed a despatch to the Secretary of State, in which he expressed himself like a statesman, as when he writes despatches he always does. The noble Lord said in that despatch, with regard to the very point before us, that

"With regard to an hereditary Prince establishing himself by wise laws and conciliatory conduct —such a Prince would scarcely remain long a vassal of the Porte."

Now, we have heard something during the debate of the Pasha of Egypt, whose case was adduced as analogous to that under consideration by some hon. Gentlemen who, I suppose, are about to vote with the noble Lord. But what says the noble Lord in the despatch to which I am referring. He says—

"The Pasha of Egypt has the tie of religion to bind him to the Caliph; but a Christian Prince, though he might call the Sultan his suzerain, would be for all practical purposes independent."

The noble Lord at that time, having due respect for the interests and rights of the Porte,—feeling that upon such a subject Turkey ought to be consulted,—laying it down in a protocol that the initiative should be taken by Turkey, felt that for all practical purposes a Christian Prince would be perfectly independent. The noble Lord, exhausting the subject with the ability which he can at will command, and speaking of the Principalities as independent States, or *quasi* independent States, said further,—

"With regard to free institutions, it must be remarked that the Sovereigns of Austria and Russia would never tolerate in the neighbourhood of Poland and Hungary promoters of disturbance and rebellion among their subjects."

I read this important document because when we are told that the Government and Parliament of England are about to be false to engagements which they have entered into, we should clearly understand what these engagements mean, and then examine whether the interpretation put on them by the noble Lord is consistent with sound policy and English interests. But the noble Lord exhausts the subject. Speaking of the united Provinces as a *quasi* independent State, he proceeds to say :—

"Freedom of discussion and liberty of the press would scarcely be suffered to proceed to any large extent unmolested; disturbance would be alleged, insurrection feared, and armed intervention contemplated. It is questionable whether, in such circumstances, Great Britain could interfere in behalf of these weak provinces with any effect.

It is therefore worthy of consideration how far we should promote institutions which we should not be able afterwards to protect. That, Sir, is the whole question. Nothing in the world is easier than to come forward on an occasion like the present, on the eve of the meeting of a European Conference, with the interests of oppressed nationalities at stake, and make such representations as we have heard to-night; but when you analyze them they vanish like a fairy dream. These descendants of the ancient Dacians, free, independent, brave, prosperous, a community with which any generous heart must sympathize, and to accomplish whose destinies almost every man would be prepared to make a sacrifice,—these people, painted in such glowing colours, when we ask hon. Members what security there is for the maintenance of such a state of society, every practical man in a moment sees that it is the picture of a generous fancy, and one which probably would lead, if encouraged, to consequences that would afford an awful contrast to the dreams in which we had indulged. We have to consider the position of a limited population, scattered over a considerable region, with, no doubt, great undeveloped wealth and resources, but not a people of such multitude as gives strength to a State. We are to remember, too, that these 4,000,000 or 5,000,000 of

people are surrounded by powerful military States and all the organization of arbitrary Governments. But then we are told that they are to form a barrier to the innovations of Russia, Austria, and Turkey, when called into existence and supported by the influence—I fear only the moral influence—of the Great Western Powers. How, I ask, are we to reach them? How are we to support them? What can we do to maintain them? It is not by speeches in the House of Commons; it is not by votes in this House that we can maintain a factitious independence like this; all that we should obtain by our interference would be the remorse which, when their rising civilization was crushed, we should all of us feel, and which would be painted with admirable eloquence by the rhetorician of the day. Now, Sir, we must consider this question in as practical a manner as possible. What are the engagements into which this country has entered? I have read them to the House, and these engagements we ought to fulfil not only to the letter, but in the spirit. We ought to exert all the power and influence we possess to obtain for these provinces good government and self-government. We ought to obtain that, and I believe we can do so with the cordial co-operation of the French Government; and if we do that we shall not only fulfil our engagements, but obtain all that is now practicable to insure the welfare and prosperity of these provinces. But if we take any other course—if, on the one hand, we entirely neglect them, which would indeed be a stain on our honour; or if, on the other, we engage in fantastic schemes, or attempt to make unsound arrangements, we shall find the inevitable result to be confusion, anarchy, intervention—armed intervention, as the noble Lord says in his despatch to the Earl of Clarendon—the interference of the great military Powers with their neighbours, and on our part either the total neglect of those whose hopes we had encouraged, and whose fortunes to a certain degree we were bound in honour to guard, or a European war, the term and extent of which no person can calculate. It is impossible to conceive a course more impolitic than that recommended to us to-night—impolitic, generally speaking, if you only look at the consequences of such violent interferences, but still more impolitic if you look to the cruel results that must ensue to that very community in which we are all interested, and the prosperity of which we must all wish to promote. Is there any man in this House who really believes that Austria and Russia—I need not say Turkey, because Turkey to obtain her objects, if you were to pursue a policy contrary to that which you have followed hitherto, would join with either Austria or Russia—is there any man who supposes that these great Powers would calmly and quietly submit to your fantastic interference in that quarter of the world? They would first interfere themselves in a very different manner—and what then would be your position? If you succeed so far as to make some arrangement which may for a moment please the prevalent party in these Principalities—if you then leave them, and if there is disturbance and armed intervention, what will you do? It is a very grave question, when we hear the honour of England so strongly appealed to, to ask how far our honour will be pledged to interfere, and what may be the consequences of the engagements we are invited so carelessly to enter into. I must say that it appears to me we are asked to take a completely retrograde movement. When you heard that the Russians had crossed the Pruth, and could not conceal from yourselves that a European war was at hand, you entered into that war. In that war you underwent immense sacrifices. The blood of this country was lavished, and the treasure of this country expended. We were discussing only a few nights ago the difficulty of meeting the very pecuniary engagements incurred in consequence of that war; and now we are asked to take a course totally opposed to the well-organized policy of the country, and to take it on the eve of a great Conference at Paris. If the views expressed by the noble Lord the Member for Stamford (Lord R. Cecil) are sound—if the House accepts those political views, then you are justified in supporting the Address to the Crown. If, indeed, the fall of Turkey is to be looked on as a realized fact—if all that the Parliament of England has done during the last five years—if all that the people of England have suffered during the last five years on this subject is entirely an illusion, then you would be justified in ratifying the sentiments of the noble Lord the Member for Stamford. But, as I believe the opinions of the noble Lord are raw and crude opinions, as I believe they are not the opinions of any one who has sufficiently thought on the

subject on which he has spoken with so much authority, I must decline to follow his example. But that such opinions should be in any degree sanctioned by the right hon. Gentleman the Member for the University, a Member of the Cabinet that incurred the awful responsibility of entering into a war to maintain the integrity of the Turkish empire, is to me matter of deep astonishment. On the ground of high policy I would deprecate the House sanctioning this Address. I can assure the House that at this moment it would be impossible for the House of Commons to take a step more embarrassing than this, with regard to the Conference at Paris,—more embarrassing to the conduct of the Government of this country, that conduct being in entire unison with the policy which Parliament has so long sanctioned. No moment could be more inconvenient—I am not putting it on the plea, so often and justly ridiculed, that it is always inconvenient for Parliament to offer an opinion before an event; but I say that if, indeed, such strong feelings have impressed the right hon. Gentleman, the Member for the University, as he has expressed on this subject, it is deeply to be regretted that any delay has taken place in bringing the question under the consideration of Parliament, That at this very moment when there exists between the Governments of France and England a complete identity of political feeling on this subject, and that when their views are well considered and matured, an Address like this should be offered to the consideration of the House, I must ever deplore. Not taking, however, that larger view of the subject, but taking one which, however we may differ on the subject before us, touches, I am sure, the feelings of every hon. Gentleman present on whatever side of the House he may sit — namely, one connected with the condition of the Principalities themselves, I equally lament and deprecate the Motion. I think there is at this moment a prospect — I would say more than a prospect,— not of raising up in the Danubian Principalities a fantastic kingdom, not of establishing in those countries what indeed would be but the phantom of independence, but of securing for the inhabitants the enjoyment of a greater share of civil rights, and even of political liberty, than was ever yet enjoyed by any of the populations in the neighbourhood of that great stream. Believing this, and believing that there is more than a prospect of attaining these great ends, I must entreat the House for every consideration, both of the highest political character, and also of a character less in importance, but yet intimately connected with the future prosperity of these countries — I must entreat the House not to sanction an Address the consequence of which, if carried, will, in my mind, be of the most painful nature to this country and Europe.

MR. GLADSTONE: I feel it necessary to remind the House of the nature of the case really before us. The right hon. Gentleman has been, indeed, most liberal of praise to myself and others on the subject of the eloquence we have displayed. That appears to have made a great impression on his mind, and he has lavished compliments upon the "rhetorician of the day." I will not be guilty of the affected modesty of pretending to be ignorant that that designation was intended for myself. [The CHANCELLOR of the EXCHEQUER: I beg your pardon, I really did not mean that.] The right hon. Gentleman has satisfied my mind, and has thus spared the House some two minutes comment, with which, I am sure, they can well dispense. But the right hon. Gentleman has drawn largely himself on his stores of oratory, for what else were the sesquipedalian words and the long catalogue of horrors which he has placed before us? The right hon. Gentleman has said, in inflated language, "Do not let us have violent interference or fantastic interference, for the consequence thereof would be confusion, anarchy, armed intervention, and European war;" and then, relieving the dark side of the picture by another view which is cheerful, he intimates to us, in emphatic phrase and in words from which I wish I could extract a single grain of meaning, that, if only let alone, he will shower down blessings on the Principalities with a hand more liberal than has ever yet been opened for their welfare and prosperity. Now, what does all this mean in reference to what the House is invited to do? I affirm that there is no violent interference, no fantastic interference, and no interference at all asked for on the part of the House. We are not now going to decide anything, we are not going to attempt to bind the hands of the Conference at Paris, or to pretend that an independent State ought to be erected in the Principalities. We are not going to say or imply that the Principalities ought to be placed under a foreign Prince. Not one

The Chancellor of the Exchequer

word in this Address can legitimately bear any such construction, and in point of fact, all this language about violent and fantastic interference, and about horrors and alarms, is applicable only to the phantom which the right hon. Gentleman himself has conjured up. With respect to the Government of France the right hon. Gentleman has been so enigmatical as to leave me without the slightest guide for my conduct. The right hon. Gentleman says that the Governments of France and England have come to the same point. I never denied that, but stated strongly my conviction that if England persisted France must give way; but the right hon. Gentleman did not tell us that France had receded from the declarations which she made to Europe in 1856. In that year the Government of France and the Conference at Paris declared that the union of the Principalities was salutary and indispensable, and our Plenipotentiary supported that opinion. Surely these facts have passed from the recollection of the noble Lord the Member for Tiverton, for that noble Lord says that if the House adopts the Address, which cannot be considered as going further than expressing in mild and moderate terms a favourable opinion in respect to the union of the Principalities, that would be the first step towards the dismemberment of the Turkish empire. If so, I ask what was the meaning of the declaration of the Earl of Clarendon, made on the part of the noble Lord to the effect that the union of the Principalities was needful for the prosperity of those countries? The right hon. Gentleman asks why did we go to war, and I also ask why did we go to war, if, after peace is established, we, by violating our pledges and disappointing the expectations we have deliberately raised, exasperate the minds of a population which never can be held in permanent connection with Turkey unless it is placed in a state of contentment? That is the question now submitted to the House, and that is the basis of the policy laid down in a public document in the most solemn manner by the English and French Ministers, the English Minister being the Earl of Clarendon, who must necessarily be supposed to have expressed the views of the noble Lord the Member of Tiverton and of his Administration. The effect of the Earl of Clarendon's declaration was that union was salutary and needful for the Principalities, and the declaration, throwing a light upon the intentions of the Conference, having been made, an article was afterwards inserted in the Treaty of Paris, providing that the Principalities should be consulted. Well, the Principalities have been consulted, and have returned an almost unanimous answer in favour of the union; and now the question is whether you are going to abandon at once the policy which you yourselves declared, and likewise the pledges you held out to that population. The House is called on, at the latest moment, I grant, for patience and forbearance dictated the postponement of the question as long as possible, to say whether, now that the matter has become a question of national honour and good faith, it approves or disapproves the solemn conclusions deliberately taken and announced at Paris. The right hon. Gentleman may think that from some cause, not clearly explained, evil may arise from the adoption of the Address, but I, on the other hand, hope he will give credit to those who support the Motion for a sincere and conscientious conviction that to place England in opposition to the union of the Principalities, desired by almost the whole of the population, and to drag France through the influence of England into a similar position, in flat contradiction to the pledges and promises which those two powers have given, is indeed to take a step towards the dismemberment of the Turkish empire, and to adopt effectual means to drive the people of the Principalities to arms, or rather to lay them at the feet of the Emperor of Russia.

Question put.

The House *divided:*—Ayes 114; Noes 292: Majority 178.

THE *CAGLIARI.*

MR. KINGLAKE said, he had the following Motion on the paper—

> That this House trusts that, in the demands made by Her Majesty the Queen and by the King of Sardinia in relation to the capture of the *Cagliari* and her crew, Her Majesty will be advised to act in cordial concert with the Sardinian Government,"

but at that late hour (half-past 11 o'clock) it would be extremely inconvenient to bring forward his Motion. He wished, however, to ask the Under Secretary for Foreign Affairs whether he had any information to give the House relative to the liberation of the Sardinian crew of the *Cagliari.*

MR. SEYMOUR FITZGERALD said, he was sure that the House would feel that the continued postponement of the Motion on this very important subject was very much to be regretted. For his own part

he had entertained the hope that the explanation given by the noble Earl the Secretary of State for Foreign Affairs in the other House would have been satisfactory to the hon. Gentleman, as it had been satisfactory to the country. At any rate, he had the happines to tell the hon. Gentleman, that though his noble Friend's explanation had not been satisfactory to him, it had been entirely satisfactory to the Ministers and Government of Sardinia; and that Her Majesty's Government had that afternoon received a despatch from Count Cavour, stating that the Government of Sardinia cordially accepted the despatch of his noble Friend (Lord Malmesbury), and were prepared to act in accordance with the suggestions contained in that despatch and the spirit of the protocol of April 14, agreed to at Paris last year. He was not able to give the hon. Gentleman the information he required of the liberation of the Sardinian prisoners, but he was certain that the establishment of this harmony of action between Her Majesty's Government and the Government of Sardinia would lead to such consequences as they must all desire.

METROPOLITAN WORKHOUSES.

COMMITTEE MOVED FOR.

VISCOUNT RAYNHAM said, he rose to move

"That a Select Committee be appointed to inquire into the condition and administration of the Metropolitan Workhouses, and into the general arrangements made and carried out by the Parochial Authorities of the Metropolis for giving relief to the Poor."

MR. P. O'BRIEN seconded the Motion.

MR. SOTHERON ESTCOURT said, he was afraid that the Motion if granted would retard instead of forwarding the object of the noble Viscount. It would be impossible that such an inquiry should be instituted without implying some charge or suspicion upon those concerned in the Poor Law administration of the metropolitan districts. Those gentlemen had been taking great pains for years to improve the accommodation of the workhouses, and to institute schools in connection with them, and those improvements would be for the time put a stop to by the inquiry. Did the noble Viscount impute misconduct to any of the authorities? If so, he ought to have laid before the House some of the details on which that charge was made. He believed that one great object of the noble Lord was that ladies might visit workhouses for the purpose of inspection. There was nothing, however, to prevent such visits being paid at present, and there were many places in which ladies were in the habit of visiting the workhouses of the locality. However unwilling he might be to appear to throw cold water upon any plan for the improvement of the administration of the Poor Law, yet, as the noble Lord had shown no ground for the granting of this Committee, and had not indicated with sufficient clearness the result at which he expected to arrive, he felt bound to oppose the Motion.

VISCOUNT RAYNHAM, in reply, said, that the right hon. Gentleman had given no good reason why this Committee should not be granted, and therefore he should divide the House.

Motion put, and *negatived*.

House adjourned at a quarter-after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, May 5, 1858.

MINUTES.] PUBLIC BILLS.—1° Bishops' Trusts Substitution; Ecclesiastical Corporations Leasing.
2° Marriage Law Amendment.
3° Exchequer Bonds (£2,000,000).

MARRIAGE LAW AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. BERESFORD HOPE rose to move that the Bill be read a second time that day six months. He said the Bill came before this House for the first time, for it must be remembered that this was a new House, and the noble Lord who had charge of it himself had not yet heard any discussion on the question—a question which was of the utmost importance in a social point of view to every person in the kingdom, from the Queen on the Throne down to the meanest mendicant. It affected most vitally the social position of every one in this country. Every Member of this House now present who had a wife, sisters, or daughters, had his social position for good or evil altered by this Bill. It was, therefore, a question which ought to be investigated in every aspect before the House decided upon giving it either approval or disapproval. It ought

to be considered with a view to its connection with the various relations of domestic and social life, with all of which it was bound up, and appealed to our dearest sympathies and affections. But, important as it was, there was great danger in one solution of the question—in giving it their approval—in case it should happen to run counter to the most sacred obligations, not only of revealed but of natural religion. There was the danger that it was a retrograde step in that better system of social polity which had for fifteen hundred years infused and changed and transfigured every relation of public and of private life. If the thing was not desirable and practicable, then it was a grievous wrong. The Bill had been laid upon the table with only a few remarks by the noble Lord who had moved it, characterized, it was true, by great good taste and good feeling, but which in no way exhausted the subject; and on the present occasion he had moved the second reading without offering a single reason why they should proceed to alter a marriage law which had been the marriage law of England for certainly 300 years, and, he should contend, for a far longer period. What was the history of the question? In 1847, in a very thin House, a Commission was granted to inquire into the subject on the Motion of the right hon. Member for Bute, in consequence of the great personal consideration which he possessed. The Commission was appointed, and made a Report; but of all the Reports of Royal Commissions which had ever been presented to that House, that Report had been treated with the least amount of respect. Ever since the Commission had made it, their blue-book had been the subject of comment, of jest, of criticism, and of depreciation. Persons in this House, whom they all respected, such as the late Sir Robert Inglis and Mr. Goulburn, the last men in the world from their grave, business-like character, to handle such a document slightingly without good cause, had treated it as a mockery and a snare, and an insult on common sense. In 1849 and 1850 Bills were brought in founded on that Report, and passed that House, but were lost in "another place." A few years later Earl St. Germans tried to introduce a similar Bill in that other place; but he did not succeed. Only sixteen Peers were found to vote for the Bill. In the last Parliament the then Member for Lancashire (Mr. Heywood) brought in a Bill, in his turn, which met with a similar fate. The measure had passed the House of Commons several times. That was a fact he was happy to make the noble Lord a present of; but on every occasion it had been thrown out elsewhere. And what had the country said to it? Just absolutely nothing at all. There had been no feeling expressed; no display of what would show that popular attention was aroused in favour of carrying the measure; nothing to show that the various classes that made up the totality of the people of the United Kingdom cared one iota for its passing. Was that the history of changes in the law which the people were really determined upon? Take the Reform Bill. London was then alarmed lest the Birmingham Political Union should march down upon it. Take the agitation in favour of the repeal of the Corn Laws, which had made even the stout heart of Sir Robert Peel quail. And yet neither of these measures was really more interesting to the general population than the present one, which affected the condition of every hearth. Still more lately, they were well aware of the language used in regard to the repeated rejection by the House of Lords of the Bills for emancipating the Jews, and yet these Bills directly affected only a very small portion of the whole people. The change now proposed reached to every man, every wife, and every woman in the empire; and yet there was no agitation when the Lords continued to reject it. The great public, in fact, had not wagged a finger in favour of it. The whole thing, they knew, had been got up by a few interested persons who had put their case into the hands of Messrs. Crowder and Maynard. They knew that these gentlemen were at the elbow of the Commission, that they had rigged the evidence, and that before the Commission was appointed they sent out agents about the country to collect evidence. The offence was rank and smelt of the attorney's shop. No trouble was taken to collect evidence on the other side; no invitations were issued for persons to come forward and defend the existing law. No husband who would be deprived of the society of his wife's sister—no widower whose children would be debarred from the guardianship and the attention of their aunt—no wife whose domestic happiness would be wrecked for ever if this Bill passed, had been invited to come forward. It might be said, "Why did not these

persons come forward of themselves?" But what! were people likely to come forward and give evidence on so delicate a question as this without some invitation? Besides which, they naturally thought that the commissioners themselves would act as the Judges used to act before a prisoner's counsel was allowed to speak—that was to say, when the Judges themselves were the advocates for the prisoner. Who were the witnesses examined? First, Mr. Crowder and his commissioners, ten in number, one of whom, after trying London for a fortnight, gave it up as a bad job. Then came five clergymen for, paired against five opposed to, the change; then three Dissenting ministers, and the notorious swindler Matthews, to represent the Presbyterians of Ireland; one Scotch and one German lawyer, nine anonymous witnesses testifying to the infraction, or desire of infraction, of the law on theirs or their friends' parts, and six more who gave their names. No attempt was made, as might have been done, to get the real statistics of the kingdom on the subject, through inquiries sent to the clergy and the Dissenting bodies, and that vast machinery existing for the special object of such inquiries, the Registrar General's office. As to the value of the opinions of the commissioners of Messrs. Crowder and Maynard, he might refer to a case in which one of them described a "man of wealth," who lived in open concubinage with his wife's sister, as being generally respected as an excellent man and a good citizen. It was such gossip — tea-table talk and railway chatter—which they embodied as evidence in a Report, on which Parliament was asked to act; while the evidence of the clerical witnesses, even on their own side, such as that of Mr. Denham and Mr. Hatchard, showed the great infrequency of marriages of the kind in large parishes which had come to their knowledge. Mr. Denham with a parish of 2,000 inhabitants, only knew of one such marriage, but thought there might be more among the lower classes. Mr. Hatchard had been twenty-three years rector of Plymouth, with a population of 25,000, and of his own knowledge he could speak but of one case; however, he knew several at Chatteris, where he had previously been. Mr. Owen, of Bilston (22,000), did not think one case had occurred in his district, though he had heard of four in the neighbourhood, and seven in that of which he was surrogate, a district with a population of 780,000. Mr. Jenkins knew of none among 3,000. Mr. Garbett, rector of St. George's, Birmingham, with a population of 20,000, knew but of two or three cases among the higher classes—none since 1835. He was surrogate over two dioceses, each with from 600,000 to 700,000. Mr. Tyler and Archdeacons Sinclair and Hale, witnesses on the other side, knew of no instances. What had been the course taken since? Why, the whole thing had been, as it had been before, the work of an attorney's shop. Not one hundred yards from where they were now debating, next door to their own printer's, was an office, upon the door of which was a zinc plate, upon which was inscribed in large letters, "Marriage Law Reform Association;" then, in small characters, "for the exclusive object of promoting the passing of an Act to render lawful"—then came two lines, which in theatrical language would be termed "screamers"—"marriage with a deceased wife's sister." Who sat in that office was a mystery which, of course, he could not penetrate. Whether it was fitted up like the Continental churches, with a confessional, where the heart-broken widower and the longing widower's wife's sister came to pour their griefs into the sympathetic ears of his noble Friend opposite, he did not know. Neither could he inform the House whether his noble Friend sat there to give them absolution—or whether he gave them there any such advice as that which the association had offered in advertisements in *The Times*, to go and get married at Altona—advice most unwise, most incorrect, most cruel to those who acted upon it, as the late decision in "Brook *v.* Brook" had proved it to be. Whether, also, he was relieved occasionally by the more lively, by the literary, the accomplished presence of his hon. and poetical Friend the Member for Pontefract (Mr. M. Milnes) he (Mr. Beresford Hope) was also ignorant. At any rate, the House had before it the fruits of this association in the petitions, of which so large a covey had just alighted on the table. The returns of the Committee upon petitions clearly proved how delusive was the large list of signatures which were collected by the association to which he referred. It sent its emissaries right and left to obtain these signatures, and it appeared from the Report of the Committee, of the number of petitions which had been presented on the 12th, and 20th, and 21st

of April, that the petitions in favour of the object which the noble Lord opposite sought to promote by his Bill, particularly the London ones, were signed in many instances by the exact number of thirty-nine persons, and others by thirty-five and forty, and many by seventy-one, a circumstance which he (Mr. Beresford Hope) thought justified the inference that the emissaries of the association were paid either by the forty or by the dozen, and contrived to stint their numbers in seeking payment, and that the whole system was a gigantic humbug. Petitions thus got up in street after street in London were dealt out among Members of that House from every conceivable part of the Kingdom. He had just seen the noble Lord the Member for Mayo present several. The whole affair, in short, was a mere matter of machinery, and never, he believed, since the presentation of the immense petition in favour of the Charter by the late Mr. Feargus O'Connor, had petitions embodying less of weight, importance, or conviction, upon the part of those by whom they were signed, been laid upon the table of that House. Could his noble Friend who had charge of the Bill, or his hon. Friend the Member for Pontefract, profess to doubt that if he (Mr. Beresford Hope) or his friends had quietly told the persons who collected these signatures, that if they managed to procure them in duplicate, and handed over one set to the other side, they should be paid half as much again as they now got for their job, there would not have been as large a show of petitions against the Bill as there was in its favour? Having shown what was the nature of the organization which had afflicted them with this Bill, he would next proceed to the main question, the case itself; and, as broadly as he could, with due respect to the differences of religious feeling which existed in that House, and which he should be the last to offend, address a few words to what was, after all, the cardinal turning-point of the question—Were those marriages lawful, or were they not? Of course, with the differences in religious opinion which prevailed in that House, the question was a delicate and difficult one to argue. He would therefore place it on this footing—Did the evidence of Scripture, interpreted by its own words, and by the opinions of expositors of various Christian denominations, raise any high degree of probability that these marriages were not lawful? and if that probability was not set aside by considerations of social convenience, ought not those considerations of probability to be considered as a strong cumulative reason for refusing the second reading of the Bill? The Commissioners stated in the third paragraph of their Report:—

"We conceive that it is not necessary, in the discharge of the duty intrusted to us, that we should attempt to enter into an examination of the law or practice with respect to such marriages in the early ages of Christianity."

He would not admit that they were justified in this abstinence. It threw the onus of proof upon those who were defending the existing law. He thought that they were to look for the real interpretation of the Divine law in those verses of Lev. xviii. which preceded the 18th verse, upon which the arguments had generally rested, and on turning to the 2nd and 3rd verse he found that it had clearly reference to the doings of the Egyptians and Canaanites:—

"2. Speak unto the children of Israel, and say unto them, I am the Lord your God.

"3. After the doings of the land of Egypt, wherein ye dwelt, shall ye not do; and after the doings of the land of Canaan, whither I bring you, shall ye not do; neither shall ye walk in their ordinances."

While the 4th verse says,—

"Ye shall do my judgments and keep mine ordinances to walk therein; I am the Lord your God."

The 5th verse repeats the same argument and the same solemn sanction; and the 6th lays down,—

"None of you shall approach to any that is near of kin to him to uncover their nakedness, I am the Lord."

The Levitical law was, to use a modern term, as accurately drafted as any Act of Parliament, and the phrase, "I am the Lord your God," was as strictly a legal phrase as the "Victoria Regina" of the present day attached to Acts of Parliament. The whole scope of the chapter was to define those marriages which were unlawful in the eyes of God, although it was agreed by all theologians that the cases therein enumerated did not include the whole of the degrees in which a marriage was unlawful. There could be no doubt that it was intended to prevent the alliance of those who were near by kin, or who, according to the literal translation, were "flesh of flesh." In the 7th verse the marriage of a woman with her father, or a man with his mother, was specifically alluded to; and in the 8th, what was of more importance, the father's wife, because it

invested the woman with the same degree of relationship as if she had been the mother of the man—"near of kin" within the degrees of which by the 6th verse marriage was prohibited; while the 14th, 15th, and 16th verses extended that prohibition to the father's brother's wife (no mention being made of the mother's brother's wife) to the daughter-in-law, and to the brother's wife. Now, if it were not permitted to a man to marry his brother's wife, upon what just ground, he would ask, could it be held lawful for him to marry his own wife's sister? The tie of kin was exactly the same in both cases. If not, it must be held that while a marriage with a paternal uncle's wife was forbidden, there was no prohibition to one with the wife of a maternal uncle. Nay, more, there is no prohibition to marriage with a man's own daughter. But the 18th verse of this chapter of Leviticus was that which was most relied upon by those who supported the views of which the noble Lord was the advocate. The words of that verse were—"Neither shalt thou take a wife to her sister to vex her, to uncover her nakedness beside the other in her lifetime." But there is an alternative rendering in the margin, "One wife to another," and this he believed to be the more correct version. The supporters of the Bill before the House contended that those words simply prohibited marriage with two sisters at the same time. He was quite aware that the hon. and learned Member for Aylesbury (Sir R. Bethell), discussing another branch of the marriage question last year, had said—"Blessed is he that is content with the Authorised Version;" but as that Beatitude had not been made a Standing Order of the House, he should, on this occasion, take the liberty to dissent from it. The best interpreters of the passage held that the word sister in the verse meant "woman," and that it must be regarded in the light of a prohibition of polygamy. The use of such words as "brother," "twin," &c., to describe what was of the same sort, is common to present languages, but it was still more so to the figurative language of the Jews. There are thirty-four instances of the use of "sister" in this sense in the Old Testament to thirty-five of its literal use. He might refer to the passage in the Book of Numbers, in which Cozbi, the Midianitish woman, for whose sin her nation was destroyed, is called their "sister." Junius and Tremellius, in their version, gave this interpretation to the verse before us; so did Schleusner in his Lexicon, a work as was well known of great authority. So did Hammond. Besides, had the passage implied what it was often assumed to mean the words would have been surely inverted, and it would have run "her sister to thy wife." But, even assuming the correctness of the Authorized Version, it made nothing for the other side. It must be remembered that Moses was legislating for a state of polygamy, when a man might have daughters of absolutely the same age by various wives. Consequently, the number of marriages with two living sisters would be out of proportion greater than with a deceased wife's sister, unless it had been prohibited; and there was nothing but this prohibition which could have prevented a rich Jew from going into a family and carrying off three or four of the daughters. It was true that among the Jews a man was in one special case commanded to marry his deceased brother's wife, yet this exception only proved the general rule. Coming to Christian times, the first regulations on this subject were contained in what were called the "Apostolic Canons," which were certainly drawn up during the three first centuries. By this a man who married a deceased wife's sister was prohibited from ever obtaining holy orders. At that time the Church, under persecution as it was, and often hiding in the dens of the earth, could only enforce its discipline by spiritual penalties; these marriages were lawful in the eyes of the State, and if a man did not care for being cut off from the faithful, he could contract one with impunity—but as soon as ever the State became Christian and commenced to legislate in a Christian sense, it, by a decree of Constans and Constantius, in 355, declared these marriages unlawful, and the issue spurious. The next authority to which he would refer was Basil. This great man, who flourished in the fourth century, and who has had great influence in moulding the mind of the Christian world ever since, having been consulted by one Diodorus on the unlawfulness of such marriages, answered by a long letter, from which he (Mr. Beresford Hope) would give a few extracts:—

"First of all, we have to allege that which is of the greatest weight in such matters—the custom established among us—which is equivalent to a law, inasmuch as such ordinances have been handed down to us by holy men; and the custom is, if a person, at any time, mastered by an impure passion, shall have fallen into a lawless union

with two sisters, neither to account this a marriage, nor to receive such at all into the body of the Church, before that they are separated from one another; so that even if we had nothing else to say, custom had sufficed as a safeguard of what is right. * * * But in order to get out of the difficulty, it will be necessary to recur to the circumstances which preceded the publication of the law; for the legislator does not appear to embrace every species of offences, but especially to interdict those of the Egyptians, from among whom Israel had gone forth, and those of the Canaanites, among whom they had come.* * * * * To take a case in point; it is not written in these laws that father and son ought not to cohabit with one woman, and yet by the Prophet it is denounced as the greatest of crimes; 'for the son,' it is said, 'and the father have gone in to one woman.' And how many other kinds of unclean passions are there which the teaching of devils hath invented, but the divine Scripture hath omitted to mention, not choosing to defile its own delicacy by the mere naming of things shameful, but condemning impurities in general terms? * * * But I maintain that this point is not passed over in silence, but that legislator hath prohibited it in the very strongest manner; for the expression—'None of you shall approach unto any that is near of kin to him, to uncover their nakedness,' embraceth also this species of relationship. Nor what can be more akin to a man than his own wife, or rather his own flesh? 'For they are no longer two but one flesh.' So that by means of the wife the sister also passes into the kindred of the husband, so that as he shall not take the mother of his wife, nor the daughter of his wife, because he shall not take his own mother, or his own daughter; so in like manner he shall not take the sister of his wife, because he cannot take his own sister. And, on the other hand, neither shall it be lawful for a woman to marry the kindred of her husband, for on either side the rights of kindred are common to both."

A whole cloud of Councils followed, repeating this prohibition. About the fifth century, however, as the Church had become more artificial, a great number of prohibitions against marriage upon the ground of consanguinity and of natural and spiritual affinity had sprung up, and it was not until the eleventh century that the evil began to cure itself by the invention of the Romish system of granting dispensations. But still, there was for many centuries no instance of any dispensation for a marriage of this class, and who does the House think was the very first minister of religion, the very first Christian man from the day of the Sacrifice on Calvary, down to the end of the fifteenth century, whoever thought of giving permission for a marriage of this sort? It was a Pope—well known in history, perhaps more so than most of his line—Alexander VI., the father and the lover of Lucretia Borgia. He gave permission to Emmanuel, King of Portugal, to marry a daughter of Ferdinand and Isabella, being the widower of her sister. It was, by the way, curious that another of these sisters, Catherine of Arragon, should have married two brothers, and yet only half a century before his time an eminent Roman Catholic authority, Cardinal Turrecremata (sent to the Council of Bale, by Pope Eugenius, who had great confidence in him), wrote with reference to this very question in answer to one who had maintained its lawfulness:—

"We have not seen this; nay, on the contrary, when the King of France now reigning (Charles VII.) was Dauphin, he applied that, his wife being dead, he might contract marriage with her sister. The matter was examined before me, by the command of the Lord Eugenius, to whom the cause was committed, and it was judged that the Pope could not dispense (*quod non poterat Papa dispensare*). That, supposing it had been sometimes done, should it be done by any Pope either ignorant of the Divine law, or blinded by money which is wont to be offered for such irregular dispensations, or, supposing it to have been done to please men, it does not follow that he could do it rightly (*juste*). The Church is ruled by laws and rights, not by such acts or examples."

He (Mr. Beresford Hope) would add it was not ruled by Acts of Parliament any more than by acts of Popes. The Council of Trent having been led into a dilemma by the Act of Alexander VI., strove to establish the legality of such dispensations; yet Estius, who wrote in 1613, could only find three instances of such marriages by dispensation, one being that of a governor in a West India island. He now came to the settlement of the question made in England by the Reformation, which he, for one, considered a happy and satisfactory one. Why, he (Mr. Beresford Hope) asked, was it that Henry VIII. repudiated Catherine of Arragon? Mr. Froude stood up for Henry VIII. He (Mr. Beresford Hope) did not stand up for him, but it was well known that on some occasions wicked men might do righteous things. That monarch repudiated his marriage with Catherine on the ground of her previous marriage with his brother. And in 1540 a law (32 Henry VIII., c. 16) was passed, which provided that no reservation or prohibition—God's law except—should avoid or impede marriages without the Levitical decrees. Later, as it was well known, Archbishop Parker drew up that table of prohibited degrees which is affixed to our Prayer-book, and which was confirmed by the Canon of 1603. But previously to this date that great authority, Bishop Jewell, wrote a letter on the subject, printed in *Strype's*

Life of Archbishop Parker, with which he would trouble the House :—

"Yet will you say, although this manner of reason be weak, and the words make little for you, thus far the reason is good enough; for these words make not against you; which thing, notwithstanding I might grant, yet will not this reason follow of the other side; there are no express words in the Levitical law whereby I am forbidden to marry my wife's sister; *ergo*, by the Levitical law such marriage is to be accounted lawful. For notwithstanding the statutes in that case make relation unto the 18th chapter of Leviticus as unto a place wherein the degrees of consanguinity and affinity are touched most at large, yet you must remember that certain degrees are there left out untouched, within which, nevertheless, it was never thought lawful for a man to marry. For example, there is nothing provided there by express words, but that a man may marry his grandmother or his grandfather's second wife, or the wife of his uncle by his mother's side. No, nor is there any express prohibition in all this chapter, but that a man may marry his own daughter. Yet will no man say that any of these degrees may join together in lawful marriage; wherefore we must needs think that God, in that chapter, has especially and namely forbidden certain degrees, not as leaving all marriages lawful which He had not there expressly forbidden; but that thereby, as by infallible precepts, we might be able to rule the rest; as, when God saith, no man shall marry his mother, we understand that under the name mother is contained both the grandmother and the grandfather's wife, and that such marriage is forbidden. And when God commands that no man shall marry the wife of his uncle by his father's side, we doubt not but that in the same is included the wife of the uncle by the mother's side. Thus, you see, God himself would have us expound one degree by another."

In the next century Dr. Hammond, one of our greatest divines, wrote a treatise on this particular subject, to which, however, he would only refer to say that Hammond's interpretation of the 18th verse of the chapter of Leviticus is, that "the Hebrew is fitly and truly rendered not 'a wife to a sister,' but 'one wife to another,'" and so is a prohibition of polygamy. But the advocates for the change relied on the practice of foreign Protestant countries, and upon that of Roman Catholic countries, in all of which it was said that marriage with a wife's sister, with or without dispensation, either from the Pope or from the civil authorities, was lawful. Why, then, it was asked, should Russia and England be the only two countries in which a man might not marry his wife's sister? And his answer to that question was, why should England and Russia be the only two countries in which a man was absolutely prohibited from marrying his niece or his aunt? It might be an accident that in every country in which marriage with a deceased wife's sister was allowed, marriage was permitted with an aunt or a niece. But he looked on it as something more than mere accident. He looked on it as indicative of the want of moral perception in those countries, and he thought that the attempt to legalize such marriages, as it was now proposed to do, would be merely opening the door to the practice of incestuous intercourse. It would be the first step in a downward course, the logical consequences of which the promoters of the Bill under discussion were bound to face. They might themselves look with horror on a marriage with a niece or an aunt; but they must face the fact that the permission of these marriages always accompanied that of the wife's sister. Were they, then, prepared to go this length, and sacrifice the British niece to the almost parental embraces of an incestuous uncle? One of the witnesses before the Committee stated that a German had told him that the state of the marriage law in his country was such as to make a German cover his face for shame. They all knew the story of the whist party in Prussia, when the man sat down to play with his wives in the present, past, and pluperfect tenses; it did not appear, however, whether the wife in the future tense was looking on. He would make them a present of the example of the United States. Marriage there with a deceased wife's sister was considered most desirable, although that of an uncle and aunt was not allowed. They might make the most of the authority of a country where divorce was so easy, and where a married man who had had intercourse with an unmarried female was not considered guilty of adultery. He had the authority of the right hon. Gentleman the Member for the University of Oxford. [Mr. AYRTON: In what state?] He would ascertain, and let the hon. and learned Gentleman know. As to the facility of divorce, the case of Mrs. Kemble Butler, who had repudiated her husband from incompatibility of temper, was a well-known instance. He would now give his authority—*Kent's Commentaries*, vol. ii., p. 67 :—

"It was adjudged in New Jersey, in the case of 'the State *v.* Lash,' 1 *Harrison's Report*, p. 380, that a married man is not guilty of adultery in having carnal connection with an unmarried woman."

[Mr. AYRTON: Hear, hear!] Hear, hear! [Mr. AYRTON: That was the Jewish custom.] He was obliged to the hon. and learned Member for that statement; it was

the shortest and the most satisfactory explanation of the motives of the promoters of the Bill he had ever heard. The object of the Bill was to abandon all the superior purity, all the greater holiness which the world for eighteen centuries had reaped from the Christian revelation, and to throw it back into a state of Jewish morals. He would next consider the social question, as affecting the case of those respectable violators of the law who got up the agitation, and of those poor persons who were alleged to be compelled to a life of sin by the present law. He would take the latter first. The Commissioners stated that they had found 1,500 of these cases, of which, by the way, only forty were stated to have taken place among the lower classes, the remainder being found in the upper and middle. Even if that were true, what did it prove but that there was a large amount of crime and ignorance of law among the lower classes? It was a proof of that growth of vice and immorality of which they saw the results in the Haymarket every night, and as to which the police courts and petty sessions teemed with examples. They knew that immorality was, alas! widely spread, and that even the sacred relationship of brother and sister was too often disregarded, or what was the meaning of the cry of the urgent necessity for better cottage accommodation? They knew that the morality of the people did not keep pace with their growth in wealth, power, and influence, and that the subjects of cottage accommodation, lodging-houses, and the duty of landlords and middlemen towards the poor people who came within their power, were constantly requiring the most vigilant attention. It proved that there was a great deal of wickedness, of vice and ignorance existing; and if such did not exist, what, he asked, was the meaning of the cry for extending schools and philanthropic institutions of all kinds? The necessity for those establishments proved that sin and evil existed to a great extent amongst the population, and nothing more. By such, and not by the Bill before the House, was the evil to be rectified. The Commission calculated, taking as its basis the alleged discovery of 1,500 marriages of the sort within the area of Mr. Crowder's inquiry since the passing of Lord Lyndhurst's Act, that no less than 30,000 of these marriages must have been contracted over all England during the period. So extravagant a statement could not pass uncontradicted. A man mighty in numbers took it to pieces, and demonstrated its fallacy. The late Mr. Goulburn applied the test of statistics, and taking the Registrar General's Reports from 1835 to 1848, he found that the number of marriages had during that period risen from 100,000 to 144,000; that of these 144,000 marriages, in 1848, 12,000 were between widowers and spinsters, and that, therefore, taking the similar proportion of 3,000 marriages with a deceased wife's sister in that year, it would follow that one widower in every four on re-marrying had contracted marriage with his deceased wife's sister. Such a conclusion was monstrous and entirely repugnant to fact. But he (Mr. Beresford Hope) had other statistics to offer. Immediately after the Commissioners' Report, another investigation was made, chiefly in rural districts and the smaller towns, which resulted in the discovery of 269 unlawful marriages, of which only 178 were with a wife's sister, 41 with a brother's widow, 6 with an own aunt, 19 with an own niece, 6 with a wife's daughter, 1 with a half-sister, 1 with a father's wife, 1 with a brother's wife's daughter, 2 with a son's wife, 3 with an uncle's wife, and 11 with a wife's niece. If then the statistics of the Commission were worth anything, and if their arithmetical proportions had any value, upwards of 20,000 marriages within all the other prohibited degrees must have taken place between 1835 and 1848, of which 4,500 must have been with an aunt or niece, 7,500 with a brother's wife, and upwards of 1,000 with a step-daughter. The two tables must stand or fall together. Since the question was last before the House they had had another proof of the low condition of general morals in the numbers of the wives and daughters of England who had trooped away to seek a licentious peace in the harems of Utah. Mr. Denham, one of the chief clerical witnesses in favour of the change of law, asserted that out of fifty proclamations of banns in London, only twenty terminated in marriage. He could hardly believe this statement, but if it were correct it only proved the general state of laxity in regard to the marriage tie. He would not take the case of the upper classes. Anything more weak than the instances of supposed hardship given in the evidence of the Report could not be conceived. There was one case of the stockbroker, whose wife died in 1840, after a marriage of twenty-four years, and whose daughter, then pro-

bably about twenty-six, was about to be married in 1844, whereupon his brother-in-law wrote to him, who must then have been at least forty-nine, that hitherto the mature age of that daughter had justified the residence in his house of the wife's sister (who had been an inmate since the first year of his marriage, and must have been at least forty-three), but that now as this mature daughter was about to be married, he must either marry the more than mature sister-in-law, who had lived with him twenty-eight years, or else she must leave his house. Then there was that monstrous case of an architect of Bristol, who proved himself to be near seventy, and discussed expatriating himself so as to marry a sister-in-law of sixty. Where was the grievance which required redress? At present, if a man's wife died he might put his children under the charge of his own sister (a relationship the promoters of the Bill found it convenient to forget), of his wife's sister, or of any other female relative in whom he had confidence; but if this Bill passed, with all the noise which it would excite, by the conventional laws of a censorious world no wife's sister would ever be able to enter the door of her brother-in-law and take charge of his children unless she were prepared to follow him to the altar, a step from which most women shrank with horror. It was said that the aunt made the best protector to the children. He agreed; and therefore he would have the aunt always an aunt, and never more than an aunt, and he would not raise other ties which must infallibly conflict with her duty and love to her nephews and nieces. He would preserve for her one hearth and one family in which, whether she married or whether she remained single, there could be no claims conflicting with her duties to her lost sister and her offspring. Women were not born step-mothers; they became step-mothers on entering a condition right and virtuous in itself, but full of difficulties to a weak mind. A wife's sister becoming a stepmother would be no more free from those difficulties than any other woman, and if they bore children they must prefer their own to the children of their dead sister. If a wife's sister became a step-mother, and bore children, she had all the temptations to neglect the children of the first marriage that any other woman had. They were told that in the lower orders the wife's sister was generally the housekeeper, and if she did not marry the brother-in-law she would most likely lead a life of sin. The fact was, however, that amongst the lower classes the wife's sister was one of the last persons who was likely to become a housekeeper. In the lower orders families were early dispersed and went off to service or labour, and it seldom happened that much intimacy was kept up with the wife's relations. It was not a question of the children at all. A man married his wife's sister because he had a passion for her. Talk of love! if they they passed this Act they would shut the door on love and open it to lust. If all that the promoters of the Bill alleged as to the impossibility of a sister-in-law living in the house of her sister's husband were true, what were we to say to a man bringing his own sister into his house to take care of his children? If the arguments of the promoters of the Bill were pushed to their legitimate extent, such an arrangement would be impossible, and the fact showed to what an abyss the logical conclusions from a faulty premiss must lead its abettors. All measures based, as this was, on the assumed turpitude of human nature, and appealing to lower in preference to higher natures, brought them deeper and deeper down in the scale of humanity. Then, again, what had they done with the wife's niece? They had omitted in this Bill the wife's niece, yet they allowed marriage with the sister of the wife. They were inconsistent enough to allow by this Bill marriage with a deceased wife's sister, and excluded marriage with the niece, who was one degree further removed. They felt her *quasi*-filial position, and yet they sanctioned marriage with the woman who, on similar grounds, was like a sister to the man. Could absurdity go further than this? As to the brother's widow, why was not a man allowed to marry her, if he could marry his wife's sister? Both were equally sisters-in-law. The reason was this—a marriage between a man and his wife's sister is one generally between a widower and a spinster; that between a man and his brother's widow one between a batchelor and a widow; so that the former generally is a connection which is thought eligible, the latter esteemed not one that is so unless there are collateral advantages. The Bill was, in short, one to enlarge the area of spinsters, out of whom widowers could select wives, but not the area of widows, wherein a bachelor might choose. Spinsters were deemed more eligible than widows, and for no higher, more moral, more sublime, or more heroic reason, were the un-

Mr. Beresford Hope

lucky brother's widows thrown out of the question. Since the last Session, too, the question had assumed a more serious aspect. The marriage law was considerably altered by the Act which gave facilities to divorce, and the effect of its operation had been to allow a woman a divorce upon her husband being proved guilty of incestuous adultery; so that if a husband seduced a wife's sister the wife would be compelled by the opinion of society to divorce the husband, and he would be then free to marry the wife's sister whom he had seduced. All the cases before the Commissioners constructed a plea for the rich which, if listened to, would tend greatly to strengthen the assertion made—unjustly as he thought it at the time—by the hon. Member for Birmingham (Mr. Bright) a few nights ago, that the benefits of legislation were intended to serve the few selfish rich, and not the general people. The Bill, if passed, would vitiate all those delicate feelings, gentle affections, and holy sympathies which had made marriage in this country a crown of honour and glory, whilst abroad it was a matter of mere attorneyship. Why, again, was Ireland to be included in this Bill and Scotland excluded? The measure would be viewed in the sister country with a universal feeling of abhorrence by all denominations—for to the credit of Ireland the sacred character of marriage was always maintained there in the most admirable manner. He called upon the House not to yield to the fictitious agitation which had been raised—not to be led astray by the carefully devised plans of paid agents—and not to run counter to the unanimous voice of the whole Christian world for fifteen centuries, and concluded by moving that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. BUXTON said, all persons allowed that, in point of expediency, this question was open to doubt. It was argued that the passing of the Bill would make it less safe for a wife's sister to live with her brother-in-law; but even now, he believed, it was not at all usual for a young woman, in the bloom of youth, to keep the house of her deceased sister's husband. It was contended that jealousy and fear would be excited in the mind of the wife towards her sister; but, when a woman felt that her days were numbered, her dread was that her successor would not display a tender love for her children, and perhaps nothing would more soothe her dying hour than the hope that they would fall into the hands of one already bound to them by a tie almost as strong as that of the mother herself. Under the present law, the sister was driven from the home she could make so happy, and the children were placed under the care of a stranger. With regard to the widower, it constantly happened that he desired to marry the sister of his deceased wife. He might be advanced in life; he might have no opportunity of seeking a partner elsewhere; and very often she might be more likely than any one else to repair his shattered happiness, because, if he had dearly loved his wife, her sister could share his tender interest in memories of the past, instead of those allusions only exciting jealousy and pain. It was a cruel hardship on many men to be debarred from these marriages, and it was certain, as was proved by the evidence before the Commission, that among the lower ranks the restriction led to a large amount of profligate concubinage. He did not think the argument from Scripture had any force. The hon. Member for Maidstone (Mr. B. Hope) did not produce any text of Scripture forbidding the marriages in question, and for the very good reason that no such text existed. It was true that marriage with a living wife's sister was distinctly prohibited by Scripture, and was not the inference from that irresistible, that after his wife's death a man might marry her sister? Formerly the marriages of priests, or of first cousins, or of godfather and godmother were unlawful; but those restrictions no longer existed in the Church. If it could be proved that it was morally wrong for a man to marry his deceased wife's sister, then that would be a complete answer to this Bill; but in the absence of all such proof—on the contrary, with evidence before them that the best moral effects would follow from such an arrangement—he submitted that the House should not hesitate to pass this Bill.

MR. COLLIER said, that the hon. Member for Maidstone had introduced a number of topics, such as the social evil, cottage accommodation, and others, which were not at all cognate to the question. The hon. Gentleman argued that the number of petitions presented to the House were in themselves arguments against this measure. The hon. Gentleman seemed thus to think that the more petitions pre-

sented in favour of the Bill, the worse must be the measure itself. The result of a very artfully contrived proceeding against the Bill was the presentation of one only petition, one of the first signatures to which was the name of the hon. Member for Maidstone himself. In his (Mr. Collier's) opinion, if the hon. Member imagined that all the marriages of this description which had taken place had been got up by Messrs. Crowder and Maynard, he evinced greater credulity than it was scarcely possible to expect in the mind of any hon. Member. It seemed to him (Mr. Collier) that if a man and woman desired to marry, it was not for them to show why they should do so, but for those who objected to the marriage to show why it ought not to take place. The objection should be plain, and clear, and decided. Some prohibition by the law of God—some prohibition by the law of nature—or some irresistible and overwhelming evil attending such marriages, ought to be adduced to justify their prohibition. In a former debate, the high religious ground seemed to have been evacuated, and the objections which were raised rested on social grounds. The religious ground had again been touched upon, but not with any very great success. The religious argument was based on one text, and one text only—"Thou shalt not take a wife to her sister, in her lifetime, to vex her." The obvious interpretation of that text would be, "You are not to take a wife to her sister in her lifetime, but you may do so after her death." Nor had the objections to the translation of this text in the authorized version of the Scriptures any weight in the opinion of Dr. Adler, a great Jewish authority. An analogy was raised from the case of the brother's wife, and it was said that a brother was prohibited from marrying his brother's wife. But the prohibition expressed in Scripture was that of taking a brother's wife in his lifetime. Assuming that to be a prohibition to marry a brother's widow, was it on the ground that the marriage would be incestuous? It was impossible to support the prohibition on that ground, because in another chapter a man is enjoined to marry his brother's widow, if she be childless and to raise up seed to his brother. Could the incest depend on the question of children? It was obvious that no such argument could be reasonably maintained. These were the only texts that could be referred to as bearing distinctly on this question. But what had been the interpretation of the law? It had been said by the hon. Member for Maidstone, that "Leviticus was drafted with as much care as an Act of Parliament." But if that book was intended to convey to the Jews a prohibition to contract such marriages, was it possible that it would have been so worded that they would not have been able to understand it? The Jews had always held that they had the right to contract such marriages, and had been in the habit of contracting them up to this very time. That people had been rebuked for their many backslidings, but amongst those backslidings the contraction of these marriages had never been included. It seemed impossible for those who stood by the Act of Lord Lyndhurst to maintain that these marriages were contrary to the divine law; for that Act had expressly sanctioned all such marriages as had taken place before that time, and it was not to be supposed that the Legislature had directly sanctioned a violation of the Divine law. If the question was to be argued upon Scriptural grounds, the Scriptures permitted such marriages. The Jews practised them. But if the question was a doubtful one, surely the House ought not to be turned into a convocational council, to interpret doubtful texts. He now came to the social ground on which the attempt was made to defeat the Bill. It was not right to prohibit such marriages on sentimental grounds, or on the suggestion of imaginary evils. Clear evidence must be adduced of the overwhelming evils likely to arise from marriages of that description. Now, what were the alleged evils? It had been represented that the wife would be devoured by jealousy, and actuated by feelings of bitterness and hostility to her sister—that the sister would be intriguing to supplant the wife—that the husband would transfer his affections from the wife to the sister, and would be intriguing with her or entertain the wish to marry her after the wife's death, and that the peace of the household would thus be at an end. He would only say, that if husbands and wives and sisters were so vicious as they had been represented to be, they could not be made virtuous by Act of Parliament. But were these fears real or imaginary? Did they prevail where these marriages were allowed? They did not prevail in America, and he did not find any movement taking place in any country for the repeal or change of the law respecting such marriages. And what was the origin of the

present law in this country? It was passed for the purpose of gratifying the lust of one of the most arbitrary monarchs that ever sat upon the throne. Up to the time of the passing of Lord Lyndhurst's Act, practically these marriages took place, and the children became legitimate unless steps were taken to render the marriage invalid. But, on the other hand, did no evils arise from the maintenance of this law? So long as men believed that these marriages were not contrary to the Scriptures, nor prohibited by the law of nature, they would continue to contract them, and misery would ensue. It was well known that persons had gone to Denmark under the belief that they had the right to contract marriage there, and it was only within the last few weeks that they had been informed that such marriages were illegal, and that their children were bastards. Some sympathy ought to be felt at least for the children, who were the innocent victims of an unjust and tyrannical law. The law was attended with evil amongst the higher classes, but with still greater evil amongst the lower; for whilst amongst the former it caused scandal, amongst the latter it produced guilt. The guardianship of the wife's sister over the children could not take place now without suspicion, or perhaps guilt; and in order to conform to the law and avoid suspicion, the care of the children had to be intrusted to a stranger. Believing that there was no scriptural objection to the Bill, no objection based on the law of nature, and that it would not be productive of social inconvenience, he would give his cordial assent to the second reading of the Bill.

MR. BAINES said, he should very cordially support the second reading of the Bill, as he knew from his own personal experience several cases illustrative of the hardship of the present law. He did not intend to follow the hon. Member for Maidstone into his theological argument, but he felt compelled to say that, applying his own capacity to the examination of the passages of Scripture which related to the subject he was unable to discern any prohibition of these marriages. He found also that the people to whom the words were originally addressed never put any such interpretation upon them, and that almost every Christian State had permitted such marriages, either by dispensation or otherwise, and if by dispensation they could not suppose them to have been prohibited expressly by the word of God. The whole body of Protestant Dissenters throughout the country were, as nearly as possible, unanimous on the subject of the inexpediency of the existing law, the repeal of which was now asked for. He would remind the House that Martin Luther, Jeremy Taylor, and John Wesley, had not put any such construction on the passages of Scripture which had been referred to, as would justify the theological objections to the Bill. As to the question in its social bearings, the advocates of the existing restriction must make out an imperative necessity, such as to call for the interposition of the Legislature, and the onus was thrown upon those who opposed the Bill. Unless they could create a public opinion against such marriages it was useless and unwise to prohibit them. The experiment of an Act of Parliament (Lord Lyndhurst's Act) had failed—experience was against it. As to the Commissioners, concerning whom the hon. Gentleman the Member for Maidstone spoke so disparagingly and so unjustly, in his opinion they were deserving of the highest praise for the able and honest discharge of their duties. The Commissioners were the Bishop of Lichfield, Mr. Justice Williams, Mr. Stuart Wortley, Dr. Lushington, and Lord Rutherford. Great numbers of those marriages had taken place since the passing of 5 & 6 *Will.* IV., and the Commissioners were of opinion that such marriages were not dependent upon legislation, and such being the case, legislation was worse than useless. He entirely concurred with those who said that there might be doubts as to the opinion of the higher classes of society. He thought, upon the whole, they were rather adverse, though such marriages had taken place in those classes between persons of the highest character, rank, and station. But after all, Parliament must look to the masses—to the interests and feelings of the middle and lower classes, which they were bound to consult. The most important question of all was, what was the effect of the existing law as to the interests of the poorer classes. As to that he could entertain no doubt whatever — their feelings and interests were entirely in favour of the proposed legislation. On this point he hoped the House would allow him to call their attention to the evidence of the Rev. J. F. Denham, the rector of St. Mary-le-Strand and the lecturer of St. Bride's, Fleet Street—

"Have you reason to think that marriages of this description (with a deceased wife's sister) are

common among the lower classes? I think they have been very common.—Have you as a matter of experience, and as regards the lower classes especially, formed an opinion whether a marriage of that description generally contributes to the comfort and to the moral benefit of the parties? Decidedly so.—Do you believe it to be of advantage for the children of a poor man who is engaged in his work, to have the sister of their deceased mother as their stepmother? Very great; that is the great inducement to it; it is a great advantage.—Have you ever had occasion to observe, either in the middling classes or in the poorer classes, any injury or immorality arising from marriages of this description? I have never seen a case of such a nature."

Then three of the present bishops, the Bishop of Carlisle, the Bishop of Bath and Wells, and the Bishop of Ripon, all of whom had ministered in populous parishes, were in favour of this alteration of the law. And so were likewise the Rev. Canon Champneys and Dr. Hook, the vicar of Leeds. In short, the greatest ornaments of the episcopal bench and large numbers of the clergy bore testimony in favour of legalising these marriages; and if the weight of authority was in any way to influence the decision of the question, he thought that the opinions cited by the hon. Member for Maidstone would not stand against such authorities as those. Another argument in favour of this Bill was to be drawn from the peculiar hardships which the present law sometimes inflicted on the poor, and on this point he would state one or two cases which came under his observation while he was President of the Poor Law Board. A man contracted a marriage of this kind, and had a family. He turned out profligate, and there were no means of compelling him to maintain his wife and family, and he laughed at the relieving officer when he attempted to compel him to maintain them. In the eye of the law the woman was not his wife and the children were not his children. Then take another case, that of a man who had contracted a marriage of this kind. He and his wife lived together, and they had several children. Perhaps he was thrown out of work, or sickness befell him, and they became paupers. And now see the operation of this law combined with that which he should always consider a mischievous law — the law of settlement. They became chargeable, and the husband was torn away from the wife, and sent to one part of the country, while the wife was sent under her maiden name, she being in the eye of the law no wife, with the children, who in the eye of the law were her bastards, to another part of the country. These were no mere sketches of the imagination, but such cases had fallen under his observation. He would conclude with quoting the opinion of Lord Denman on this subject. That learned Judge presided in the case of King *v.* Chadwick, and had the fullest opportunity of knowing what the law was. Lord Denman was a kind-hearted, enlightened man, and almost the last thing he did was to write a pamphlet on this subject, and in the concluding words of that pamphlet he said—

"If the Act has notoriously failed in its operation, if these marriages, though discountenanced by the Legislature have become more numerous, not only among the lower classes, a large proportion of whom may ever remain ignorant of the existence of this and similar interference by law with freedom, but among the cultivated, the thoughtful, the conscientious, the exemplary; if the stigma set by the law is not stamped by the public opinion; if the offenders are as well received as before, and are even respected for acting on a just view of Scriptural texts, perverted by erroneous interpretation; in such case it will surely be more politic to make the law consistent with reason than to persevere in a fruitless endeavour to bend reason to arbitrary law, to vex and persecute where we cannot prevent, to 'curse whom the Lord has not cursed, and defy whom He has not defied.'"

Mr. DRUMMOND said, he wondered that the right hon. Gentleman who had just sat down had not distinguished between what was the present state of things and that which had existed before Lord Lyndhurst's Act. Though he (Mr. Drummond) should vote against the Bill, be the consequences what they might, he would admit that the existing state of things was such that it was impossible for it to remain so much longer. He admitted that individual experience was poor ground for influencing the decisions of a deliberative assembly; but from his experience he should say that he thought it was not the lower but the middle classes who were demanding a change in the law. If they wanted to know what was the meaning of words or customs used in past times, they must resort to the opinions of the people who lived nearest to those times. Now, there could be no doubt that up to the time of that singularly wicked man, Pope Alexander, it was the doctrine of the Church that these marriages were contrary to the law of God. The right hon. Gentleman (Mr. Baines) said it was of no use attempting to establish a practice which was contrary to public opinion, and that as the statute had not put down this practice,

they should repeal it. Now, that seemed rather a dangerous doctrine. They had Acts of Parliament against all sorts of things which those Acts had not yet put down; but would they repeal the Act against murder or poison, because murder was committed and poison administered? Indeed, if this principle were reduced to practice, what would become of the greater portion of their statutes? The Church of Rome granted dispensations for those marriages; but it did so for a very good consideration. It drove a very profitable trade from them; but the fact of its holding that a dispensation was necessary, showed that it knew that those marriages were unlawful, though it blasphemously took upon itself to set the law of God aside. These marriages were incestuous. Of that he thought there could be no doubt; and it was a strong fact that from the returns of the number of idiots, it appeared that more idiots were the fruit of incestuous than of any other description of marriages. And in Spain, where the grandees had addicted themselves to incestuous crime more than, perhaps, any class in any other country, the people had degenerated, not only morally, but physically. In his opinion, these marriages were unlawful and incestuous, and forbidden by the interpretation of the Church. That interpretation it was in the power of an Act of Parliament to set aside, but it could not alter it. He should, therefore, vote against the second reading of the Bill.

SIR GEORGE LEWIS said, that as he had never before had an opportunity of expressing an opinion upon that subject, he hoped the House would favour him with its indulgence for a few moments while he stated the reasons which induced him to give his cordial support to the Bill. He had never heard more direct appeals made to mere prejudices than in the course of that discussion. The hon. Gentleman the Member for Maidstone told them that that was an attempt to establish polygamy. [Mr. B. HOPE: No!] He had distinctly heard the hon. Member make use of the word "polygamy" in the course of his argument; he had said that the Bill would legalize polygamy with two sisters. But he need not remind the House that it was only by an abuse of language that such a term could be applied to the case of a person who had at any one time only one wife. The hon. Member for Surrey (Mr. Drummond) had said that these marriages were incestuous, but with respect to that charge there could be no doubt that, if such a charge rested upon the slightest foundation, no hon. Member would for a moment hesitate in voting against the Bill. That, however, was the very question at issue, and the hon. Gentleman, who had stigmatized the Bill as sanctioning it, instead of establishing the fact which he asserted, had begged the whole question. He thought, too, that it was most unfair to prejudice the question by introducing the subject of marriages with a brother's wife. That had nothing whatever to do with the present Bill. The real difficulty in which the question was involved had arisen out of the Act of Lord Lyndhurst, passed in the year 1835. By the law of this country, since the time of the Reformation down to that year, those marriages were by law voidable but not void—that was to say, that they remained good unless they were set aside by a proceeding in an Ecclesiastical Court; and such a proceeding took place in those cases only in which the right to inherit property was involved. The consequence of that state of things was, that among the poorer classes these marriages were practically valid down to the year 1835. But unluckily in that year there were strong motives in Lord Lyndhurst's mind for giving validity to a marriage of that character contracted by a noble Duke; and the consequence was that the House of Lords by his advice had agreed to confirm all existing marriages with deceased wives' sisters, but had provided that thenceforward they should be, not voidable, but void. Now, he (Sir C. Lewis) did not see how it was possible to answer the argument, that the Members of the Legislature, including the bishops of the Established Church, would never have legalized past marriages of that description if they had believed that they were contrary to the law of God, and prohibited by a Divine sanction. It seemed to him that no argument could be stronger or plainer than that. The law upon that subject in England was unlike what it was in any other country. In Roman Catholic countries a dispensation might be obtained under which such a marriage could be contracted, and in all Protestant countries, with the exception of England, they had been held to be legal ever since the time of the Reformation. It was unfair to argue, as had been done by the hon. Member for Maidstone (Mr. B. Hope), and by the hon. Member for West Surrey (Mr. Drummond), that permission to contract such marriages had

first been granted by the infamous Pope Alexander VI., for the fact was the early reformers in almost every country of Europe had abolished the Papal prohibition of such unions. Another point to be considered was, the hardship which the present law imposed upon individuals. Many hundreds of Englishmen had contracted marriages of that character in some foreign State, and many eminent lawyers believed that such marriages were valid. There certainly existed a strong presumption in favour of the justice of that conclusion, in the fact that as a general rule the law of England recognized the validity of marriages contracted according to the law of a foreign country. Those persons, however, now found that their children were illegitimate, and in his opinion that was a case of great hardship. Upon the whole, looking at the history of the law, the practice of foreign countries, and the unwillingness which undoubtedly prevailed in this country to submit to the present law, he should give his cordial assent to the second reading of the Bill.

MR. BERESFORD HOPE explained that he did not use the word polygamy in the sense ascribed to him, and said he was hardly likely to do so, as he knew the use of the word. He was alluding to the case of a Jew, with whom polygamy was allowed, having two sisters as wives at the same time.

THE LORD ADVOCATE, in giving his reasons for decidedly opposing the Bill, said, that he did not intend to argue the theological question, which had been disposed of by the unanswerable speech of the hon. Member for Maidstone; nor did he intend to rely upon authorities, of which many of great weight had been adduced on each side. The question must be dealt with in that House as one of policy and expediency. Upon examining the Bill in that point of view, he found that the mode in which it was proposed to deal with Scotland, constituted one of the gravest objections to the measure. By the last clause it was provided that "the Act should not extend to all marriages hereafter contracted in Scotland," and he took it for granted that that was intended as a concession to the strong religious feeling in Scotland upon the subject. Undoubtedly there did prevail in that country a strong opinion, and it was based upon the doctrines of the Church of the great majority of the people. The great majority of the Scotch were Presbyterians, and adopted the Westminster Confession of Faith, according to which among the marriages within the prohibited degrees were those which the Bill sought to legalise:—"A man may not marry any of his wife's kindred nearer in blood than he may of his own kindred," and *vice versâ* in regard to the woman. That was also the doctrine of the civil law of Scotland. He was not surprised, therefore, that the supporters of the Bill were disposed to make some concession to the strong feelings of the people of Scotland on this subject. When it was said that the validity of those marriages was recognised in all Protestant countries, he had to observe that the Westminster Confession of Faith was received by a very large portion of the Dissenters of England, and that the Church of Scotland boasted—and he believed with truth—that she represented the doctrine and the Church of the Reformation more fairly and more justly than any other communion. Out of deference to the feelings of the people of that country these incestuous marriages were not to be contracted in the kingdom of Scotland. But all marriages contracted between the people of Scotland, in England, and in other parts of the world, were declared to be lawful, and it was, therefore, a mere sham to pretend that the Bill respected the law of Scotland, while it made such marriages lawful in Scotland when contracted elsewhere. Was it intended to inaugurate a new class of border marriages, and were Scotchmen to be invited to come across the border to contract these incestuous marriages, and then go back, a scandal and a shame, to mix with their friends and neighbours? But he would suppose—as was most probably the case—that the framers of the Bill wished to exempt Scotland from its operation; and then he would ask what would be its tendency? One of the great objects of modern legislation had been to assimilate the laws of the two countries; but that measure would actually introduce a new variance between those laws. He said it was a new variance, because he believed the law of the two countries upon that subject had hitherto been identical in principle. The Act of Lord Lyndhurst made a change not in the principle but in the practice of the law of England, and it would be a complete mistake to attribute to it any other operation. To make such a variance now between the laws of the two countries was, in his opinion, a great practical evil. Suppose a case occurring in a Scotch family

Sir G. Lewis

where the eldest son, like the rest of his countrymen, held these marriages in abhorrence. Suppose two of his sisters married successively, with all the sanction of the law of England and the Church of England, to an Englishman, and that the brother should be obliged to receive into his household persons associated together by a tie which he had been bred to regard with horror. Was it a desirable state of things that in these delicate relations there should be such variances of doctrine, practice, and law as should lead to these results? It was said, that the presumption was in favour of freedom. That might be a fair argument if they were considering this subject for the first time; but was it to go for nothing that the whole history of the Church was against the validity of such marriages? It was also said by the promoters of this Bill, "If you are too holy, you need not contract such a marriage, but allow me to be free." There would be a great deal of force in that argument if it were possible to confer this freedom on one portion of the community without interfering with the rights, feelings, and sentiments of the other. But was that possible? Was a man to rob him of the love of his sister in order that he might marry her? It would prevent the possibility of their meeting on the same terms of affection if this Bill were allowed to introduce a new relation between a man and his sister-in-law hitherto unknown to the Church. The relation between a brother and sister—and he would add between a brother and his sister-in-law—was perhaps the holiest and purest affection of which the heart was capable; but if this Bill passed, there would be an end to that. There was a great deal more to be adduced against such marriages besides the express prohibition of the Word of God. The burden of proving the lawfulness and policy of such marriages rested entirely upon the side of the supporters of this Bill, and as no such proof had been made out, he should vote against the second reading.

Mr. PULLER reminded the House, in answer to the argument which the right hon. Member for Radnor (Sir G. Lewis) had drawn from the conduct of the Bishops in not opposing the passing of Lord Lyndhurst's Act, that by the law as it stood before that Act, marriage with a wife's sister only became void by a decree obtained in a suit instituted in the Ecclesiastical Courts. Such a state of the law was a great temptation to persons who wished to contract such marriages to do so, because they might easily persuade themselves that no person would have any motive to institute such a suit; and in many cases that was the result. But then it often happened that by a change of circumstances some person was afterwards induced to institute a suit, the result of which was that the unfortunate children the fruit of that marriage which the parents had been so tempted, and, as it were, encouraged to contract, were afterwards bastardized. Well, then, when Parliament determined to put an end to that state of things, by declaring that all such marriages should in future be void, although, perhaps, in strict logical consistency, they ought to have declared all previous marriages of the kind void also, and all the children of such marriages bastards, was it not very natural and very excusable that Parliament, having regard to the unfortunate position of those children, should prefer the more merciful course of declaring the previous marriages valid? Coming, then, to the real merits of the question before the House, he would not detain them at any length on its social aspect; first, because that part of the subject had been already exhausted by the speech of the Lord Advocate; and secondly, because he was bound to admit that, although he had a strong opinion on that point, yet as there was much to be said on both sides, he should hardly have felt himself free to make his own opinion as to the comparative advantages or disadvantages of allowing such unions a ground of interfering with the liberties of others in a matter so intimately affecting their happiness. But the case was very different with that which was called the theological side of the question. He thought he should correctly describe the feeling of the House, or at all events of a very large majority of the Members, if he said that supposing the marriages in question had not been prohibited in times past by the law of the land, and it could be proved to the satisfaction of hon. Members that the Scriptures did clearly forbid them, they would be willing to pass an Act making the law of the land conformable to the law of God. He quite admitted that in such a state of things the *onus* would lie on the person proposing such a law to prove very clearly that the Scriptures did contain such a prohibition. But where, as in this country, the law of the land had for many centuries prohibited such marriages, on the express

ground that they were forbidden by the law of God, the *onus* lay on those who sought to alter that law of proving that the Scriptures did not contain such a prohibition. The hon. Member for Newport (Mr. Buxton) had asked where was the text which forbad them. But was that a reasonable question? Where was the text which forbad marriage with a man's own niece, or even his daughter? But would it be denied that such unions were forbidden by the law of God as expressed in that very chapter of Leviticus on which the discussion must mainly turn? It had been argued in the course of these debates that those who considered that these marriages were against the law of God had no right to bind the consciences of others who did not hold that opinion. That was a plausible and popular argument. But were those who used it prepared to carry it out consistently? Would they allow people to decide for themselves whether they might lawfully marry their aunts, their nieces, or their daughters? Surely the real question was not whether a line must be drawn somewhere, but where it ought to be drawn. Then, again, it was said that the law of incest, contained in the Leviticus, was one intended only for the people of Israel, and was not binding on Christians. Even if that were so, unless it appeared that we were differently circumstanced from the Israelites in these matters, a law promulgated by Divine wisdom on the subject of marriage might reasonably be considered as a model which we should be wise to adopt and imitate. But was the law in question intended only for the people of Israel? Was it not, on the contrary, preceded and followed by expressions which proved that it was applicable to the whole human race, and one for the infraction of which the people of Canaan had incurred the Divine wrath? Well, then, the real question was, whether marriage with a wife's sister is or is not prohibited by the eighteenth chapter of Leviticus; and it was the duty of every one to look not merely at the letter of the text, but, by comparing one passage with another, and applying his reasoning faculties to their consideration, to ascertain the real meaning of the law. It had been said by the hon. and learned Member for Plymouth (Mr. Collier) that from the time of Moses the Jews had universally allowed of marriage with a wife's sister, and that Dr. Adler, the chief Rabbi, had given evidence to that effect. But he must remind the House that the Jews as a people were divided into two bodies—the Talmudical Jews, who were the most numerous, and whose religion was based not so much on the Scriptures as on the traditions contained in the Talmud; and the Karaite Jews, who, rejecting tradition, held, like the Protestants among Christians, by the Scriptures as their rule of faith. The Talmudical Jews allowed the marriages in question, the Karaites did not. He thought the House would consider the Karaites the more trustworthy guides on such a subject. And when it was said that the Israelites from the time of Moses had allowed such marriages, he asked on what authority was that statement made? He had taken some pains to ascertain what the practice of the Israelites had been before the time of our Saviour, but had not found any authority earlier than the Mishna, which was said to have been written about 150 years after Christ. In that book it was said, in allusion to the law which allowed a man to marry his brother's widow if there were no children, that if two brothers had married two sisters, and the one brother having become a widower, the other brother died, the widower could not, in that case, marry the widow, because she was his sister-in-law. Now this was certainly evidence, as far as it went, that the practice of the Jews in early times had not been such as it was represented by the hon. and learned Member for Plymouth. Then there had been an attempt to prejudice the law in question by representing it as a relic of Popery; but in answer to that, he must remind the House that it was at the time of the Reformation, and by the Reformers themselves, that our law respecting marriage had been established, and he would ask leave to read an extract from a document, which, though of no legal force, had always been considered one of great authority—the *Reformatio Legum*. In that work the following rules of construction are laid down:—

"This in the Levitical degrees is to be observed, that all the degrees by name are not expressly set down; for the Holy Ghost then did only declare plainly and clearly such degrees, from whence the rest might evidently be deduced. As for example, when it is prohibited that the son shall not marry his mother, it followeth also that the daughter shall not marry her father. And by enjoining that a woman may not marry her father's brother, the like reason requireth that she shall not marry her mother's brother. To which the same book adds two particular rules for our direction in this matter:—

"1. That the degrees which are laid down as to

men will hold equally as to women in the same proximity.

"2. That the husband and wife are but one flesh, so that he who is related to the one by consanguinity is related to the other by affinity in the same degree."

These were the rules of construction laid down by our Reformers, and which had been acted upon ever since in our courts of justice. Had any one attempted to impugn them? Would any one say that there was anything unreasonable in them? Well, then, applying these rules to the particular chapter to which reference had been made, and putting aside for a moment the eighteenth verse, the true meaning of which was matter of dispute, could any person doubt that when marriage with a brother's widow was forbidden, marriage with a deceased wife's sister, who stood in exactly the same degree of relationship, was by parity of reasoning forbidden also? He was free to admit that if the translation of the eighteenth verse, which was given in our authorized version, were assumed to be correct, it would furnish an argument to those who advocated the lawfulness of these marriages; but the House was aware that the translators of the Bible had placed by the side of that verse in the margin another translation which they considered to be also admissible, and which many Hebrew scholars since their time had considered the true one, and which would make the verse a simple prohibition of polygamy. Now, he was not himself acquainted with the Hebrew language, and would not venture to speak with any confidence on such a subject, and it seemed to him that the House had not sufficient information before it to decide a question of so much difficulty. He would, therefore, venture to suggest that the Government might properly issue a Commission addressed to the most learned divines and Hebrew scholars, to ascertain their opinions and the opinions of other learned persons as to the true meaning of the disputed texts. He was aware that there had already been a Commission on the subject of this law, but the attention of that Commission had been directed rather to the operation of the existing Acts, and the state of the law in other countries.

MR. MONCKTON MILNES said, as he was in some degree responsible for this Bill, he should have been glad to have gone into its provisions, and the question involved, very fully, and he should not have been deterred from doing so by the speech of the hon. Member for Hertfordshire (Mr. Puller), who had argued that the Bill was in direct violation of Divine law; but, the House being impatient to go to a division, he should confine himself to one or two points. Indeed, the House pretty well understood the question now, and there was no need for a protracted discussion. He could assure the learned Lord Advocate that the reason for omitting Scotland from the operation of the Act was not out of any deference to the feelings or the prejudices of the Scottish people, but because they felt that the Scotch marriage law widely differed in so many particulars from the English and Irish law; and as there was no demand for the alteration of the law in Scotland, it was thought better to leave in Scotland this one anomaly more. But when the learned Lord referred to the inconvenience this law existing in England would produce in Scotland, he must remind him that there were two sides to that question; and, if the learned Lord would recollect the misery which the Scotch law of marriage had created in many an English house, he might see that the balance or inconvenience was not all on one side. As to the argument of the hon. Member who had just sat down, he would remind him that the advocates of this measure had as great reverence for that book which was the foundation of all Christian morality as he had, but they did not admit his construction upon it. They interpreted the Levitical law by the light and the liberty of the Christian Church. They held that the English people had been deprived of their Christian liberty by the caprice of the strangely-constituted—though he did not doubt honest—mind of Henry VIII. It was urged that if you allowed marriage in one case of affinity you must allow it in all. No such thing; such marriages were to be permitted only so far as they were consonant with common sense and with the religious feeling of the people, founded upon a common sense interpretation of the Scriptures. Any interference with the freedom of contracting marriage beyond that was a hardship and a grievance. The people of this country upon the whole reverenced the law of the land, but in this respect they broke it, because they believed it was bad and against Scripture. Those who contracted such marriages were from the middle and lower classes, and among them there was no difference of opinion as to the right of the Christian people to make such a contract. This was proved by the

agitation which the hon. Member for Maidstone (Mr. Hope) had endeavoured to get up, and in which he entirely failed. The hon. Member had sneered at the way in which petitions had been got up. He (Mr. Milnes) admitted there was management on both sides; but there was this difference, that while the petitions in favour of the measure were signed by thousands, those against it were signed only by hundreds.

Mr. AKROYD said, this was a measure which affected the social and domestic happiness of thousands, and his constituents at Huddersfield took a deep interest in it, as was shown by the petition which they had sent up in favour of it, which he said had been numerously and quite honestly signed. The objections to the measure might be divided into two classes, the religious and the social. He declined to enter into the religious argument, for he thought that House was the last place where it could be adduced with effect. He was content with this, that the authorized teachers of religion were not at one upon the subject. The Bishops were divided; and there was a growing minority in its favour on the part of the parochial clergy. The dissenting ministers were almost unanimously in its favour; and though the Roman Catholic clergy prohibited these marriages in their own communion, he held that there was not that religious liberty among them which would cause them to be held up as examples. He held that the hon. Member for Maidstone had libelled the subjects of these marriages in the motives he had imputed to them. It was sufficient for those who supposed such marriages prohibited to act upon their conviction, but they ought not to go further and seek to impose shackles upon those who conscientiously differed from them as to the scriptural authority, and the propriety of these marriages. The existing law was a vestige of that intolerant spirit which formerly prevailed, and its maintenance was calculated to alienate the confidence of the people in their legislature. Of his own knowledge he could speak of two cases where a beloved wife on her deathbed had made it her dying request to her husband that he would marry her sister for the sake of the children. He hoped the House would pass this Bill in the present Session, and would thus entitle themselves to the confidence of the country as having passed one popular measure.

Mr. MALINS said, he had voted for the first time for this measure on its introduction this Session, but he stated he would not then pledge himself to vote for its second reading. He had since examined the question again and again, and the conclusion he had come to was, that he must vote for the second reading. He would not go into the religious part of the question, except to say that from the differences among theologians on this subject no man was entitled to dogmatize upon it. With regard to the social question, he could not agree with the learned Lord Advocate that if this law were passed, it would diffuse jealousy and suspicion of their own sisters among the wives of England. His own experience was directly the reverse, for he had always found that where there were love and happiness among married parties, it rested upon personal confidence and not upon Acts of Parliament. Previous to 1835, these marriages were voidable but not void; and though thousands of them took place, there were not, he believed, in fifty years ten applications to avoid marriages within this degree. This showed the feeling of the country on the subject. But what had been the effect of the law of 1835? A recent decision had made all such marriages void, though contracted in a foreign country, notwithstanding that the highest legal opinions had held the contrary view. He alluded to the recently decided case of "Brooke *v.* Brooke." So defective was the Act under which this decision was given that he, as counsel in favour of the validity of the marriage, was furnished with the opinions of the present Attorney General, of the late Attorney General, of some most eminent Queen's counsel, and of other distinguished counsel, that such marriages solemnized abroad were legal and valid. As it had been decided otherwise, he begged to suggest to the House that whether they agreed to this measure or not—and he fully admitted its difficulty—they ought at least to pass an Act legitimatising the issue of marriages so solemnized abroad, on the faith that the English law as it stood recognized them as valid.

Viscount BURY said, he had come down to go into the measure in all its bearings, but as he found that the House was impatient for a division he would not protract the argument, feeling content to leave the matter on the arguments that had already been urged in favour of the Bill.

Question put.

The House *divided:*—Ayes 174; Noes 134: Majority 40.

List of the AYES.

Adair, H. E.
Akroyd, E.
Anderson, Sir J.
Ashley, Lord
Atherton, W.
Ayrton, A. S.
Bagwell, J.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Baring, T. .
Barnard, T.
Bass, M. T.
Beach, W. W. B.
Biggs, J.
Bland, L. H.
Bonham-Carter, J.
Botfield, B.
Brand, hon. H.
Bright, J.
Briscoe, J. I.
Brocklehurst, J.
Brown, Lord J. T.
Bruce, H. A.
Buckley, Gen.
Butler, C. S.
Byng, hon. G.
Caird, J.
Calcraft, J. H.
Campbell, R. J. R.
Clay, J.
Clifford, Col.
Clive, G.
Colebrooke, Sir T. E.
Collier, R. P.
Colvile, C. R.
Coningham, W.
Coote, Sir C. H.
Crawford, R. W.
Crook, J.
Damer, L. D.
Davey, R.
Denison, hon. W. H. F.
Dillwyn, L. L.
Duff, Major L. D. G.
Duke, Sir J.
Ebrington, Visct.
Elliot, Hon. J. E.
Elphinstone, Sir J.
Elton, Sir A. H.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fenwick, H.
Ferguson, Sir R.
FitzRoy, rt. hon. H.
Foley, H. J. W.
Foljambe, F. J. S.
Forster, C.
Fortescue, hon. F. D.
Fortescue, C. S.
Fox, W. J.
Gard, R. S.
Gaskell, J. M.
Gibson, Rt. hon. M.
Gifford, Earl of
Glyn, G. C.
Glyn, G. G.
Goderich, Visct.
Greene, J.
Grenfell, C. W.
Gray, Capt.
Grosvenor, Earl
Gurdon, B.
Haddo, Lord
Hadfield, G.
Hamilton, Lord C.
Hanbury, R.
Handley, J.
Hankey, T.
Hardcastle, J. A.
Harris, J. D.
Hassard, M.
Hayter, rt. hn. Sir W. G.
Headlam, T. E.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hudson, G.
Ingham, R.
Jackson, W.
Jervoise, Sir J. C.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Knatchbull-Hugessen, E
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lindsay, W. S.
Locke, Joseph
Locke, John
Luce, T.
Mackinnon, W. A.
Mackinnon, W. A.
Malins, R.
Marsh, M. H.
Martin, C. W.
Martin, P. W.
Martin, J.
Melgund, Viset.
Mellor, J.
Miller, T. J.
Milnes, R. M.
Morris, D.
Napier, Sir C.
Nicoll, D.
North, F.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Peel, Sir R.
Percy, hon. J. W.
Pilkington, J.
Potter, Sir J.
Powell, F. S.
Pugh, D.
Ramsden, Sir J. W.
Ricardo, J. L.
Ridley, G.
Robertson, P. F.
Roupell, W.
Russell, H.
Salisbury, E. G.
Scholefield, W.
Shafto, R. D.
Shelley, Sir J. V.
Sibthorp, Major
Smith, J. A.
Smith, J. B.
Smith, A.
Smyth, Col.
Somerset, Col.
Somerville, rt. hn. Sir W.
Spooner, R.
Stanley, hon. W. O.
Stapleton, J.
Steel, J.
Stirling, W.
Sturt, N.
Talbot, C. R. M.
Thompson, Gen.
Thornely, T.
Tollemache, J.
Trueman, C.
Turner, J. A.
Villiers, rt. hon. C. P.
Vivian, H. H.
Waddington, H. S.
Watkins, Col. L.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Whitbread, S.
White, J.
Wickham, H. W.
Williams, W.
Wood, rt. hon. Sir C.
Wood, W.
Woodd, B. T.
Wortley, Maj. S.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Young, A. W.

TELLERS.

Bury, Visct.
Schneider, H. W.

List of the NOES.

Adderley, rt. hn. C. B.
Alexander, J.
Arbuthnot, hon. Gen.
Baillie, H. J.
Baring, A. H.
Bennet, P.
Bentinck, G. W. P.
Blake, J.
Boldero, Col.
Bovill, W.
Boyd, J.
Brady, J.
Bramley-Moore, J.
Bramston, T. W.
Bruce, Major C.
Bruen, H.
Buller, Sir J. Y.
Bunbury, W. B. M'C.
Burghley, Lord
Burrell, Sir C. M.
Cairns, Sir H. M'C.
Cavendish, hon. W.
Cavendish, hon. G.
Clark, J. J.
Cole, hon. H. A.
Collins, T.
Conolly, T.
Cooper, E. J.
Cowan, C.
Cox, W.
Cross, R. A.
Cubitt, Mr. Alderman
Dalkeith, Earl of
Davie, Sir H. R. F.
Deedes, W.
De Vere, S. E.
Divett, E.
Drummond, H.
Du Cane, C.
Dunbar, Sir W.
Duncan, Visct.
Duncombe, hon. A.
Dundas, G.
Dunlop, A. M.
Dunne, M.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P. G.
Egerton, E. C.
Elcho, Lord
Estcourt, rt. hn. T. H. S.
Ewing, H. E. C.
Farnham, E. B.
Fellowes, E.
Finlay, A. S.
Forester, rt. hon. Col.
Forster, Sir G.
Gallwey, Sir W. P.
Gavin, Major
Gladstone, rt. hon. W.
Greenall, G.
Greville, Col. F.
Grogan, E.
Hamilton, G. A.
Hardy, G.
Hay, Lord J.
Hayes, Sir E.
Heathcote, Sir W.
Holford, R. S.
Hotham, Lord
Hunt, G. W.
Inglis, J.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Kendall, N.
King, J. K.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Langton, W. G.
Langton, H. G.
Lennox, Lord H. G.
Lockhart, A. E.
Lowther, hon. Col.
Lygon, hon. F.
Macarthy, A.
Macartney, G.
Macaulay, K.
Mackie, J.
Maguire, J. F.
Mainwaring, T.
March, Earl of
Matheson, Sir J.
Miller, S. B.
Mills, A.
Morgan, O.
Mowbray, rt. hon. J. R.
Naas, Lord

Newark, Viscount	Stewart, Sir M. R. S.
North, Col.	Sturt, H. G.
O'Brien, P.	Sullivan, M.
Ogilvy, Sir J.	Trefusis, hon. C. H. R.
Packe, C. W.	Trollope, rt. hon. Sir J.
Pakenham, Col.	Waldron, L.
Palmer, R.	Warren, S.
Patten, Col. W.	Welby, W. E.
Pennant, hon. Col.	Whiteside, rt. hon. J.
Pevensey, Visct.	Williams, Col.
Philipps, J. H.	Willson, A.
Portman, hon. W. H. B.	Winnington, Sir T. E.
Rushout, G.	Wyndham, Gen.
Russell, F. W.	Wyndham, H.
Scott, hon. F.	Wynne, rt. hon. J. A.
Seymer, H. K.	Yorke, hon. E. T.
Shirley, E. P.	
Smollett, A.	TELLERS.
Stanhope, J. B.	Hope, A. J. B.
Steuart, A.	Puller, C. W. G.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for Thursday 20th May.

The House adjourned at a quarter after Five o'clock.

HOUSE OF LORDS,

Thursday, May 6, 1858.

MINUTES.] *Took the Oaths.*—The Lord Hopetoun.

PUBLIC BILLS.—1ª Chief Justice of Bombay; Exchequer Bonds (£2,000,000).

2ª Customs Duties (No. 2); Excise Duties.

LORD CANNING'S PROCLAMATION.

QUESTION.

EARL GRANVILLE: I wish to ask the noble Earl the President of the India Board a question which, though somewhat irregular, I hope he will be able to answer. It has come to my knowledge that, in "another place," the right hon. Gentleman the leader of the Government in that House has stated, in reply to a question, that Lord Canning's Proclamation, which appeared in some of the journals of this morning, has been disapproved of *in toto* by Her Majesty's Government. I shall be glad to know whether this answer was given after communication with the noble Earl, and with his sanction?

THE EARL OF ELLENBOROUGH: Of what has occurred in "another place" I know nothing. No communication has taken place between me and the right hon. Gentleman, or the other Members of the Government, as to the answer which has been given on this subject, or as to the terms of the answer. The right hon. Gentleman, I conclude, gave the answer after having read the letter which was written with respect to the Proclamation alluded to by the noble Earl.

EARL GRANVILLE: Does the answer given by the right hon. Gentleman correctly describe the opinion of the Government respecting the Proclamation?

THE EARL OF ELLENBOROUGH: I shall remove all difficulty on the subject by laying the papers on the table to-morrow.

REVISION OF THE LITURGY.

ADDRESS FOR A COMMISSION.

LORD EBURY:* My Lords, I think myself fortunate in being able, through Her Majesty's gracious favour, to bring forward this Motion in your Lordships' House rather than in the House of Commons, where I first gave notice of my intention of dealing with this question; because, although doubtless it would be possible on most questions to obtain in that House a more accurate estimate of public opinion, yet I cannot but recollect that I am now addressing an Assembly composed, proportionably, of a much larger number of members of the Established Church, and that not only Lords Temporal, but Lords Spiritual, form part of this Assembly, who are so specially qualified to take part in a discussion of this nature, and whose opinions will unquestionably exercise on this matter so great an influence on your Lordships' decision. I feel that I am more *in facie ecclesiæ*. But if this is a satisfactory reflection, it is the only one of that nature in which I can at this moment indulge. Your Lordships will readily believe that I rise under feelings of deep embarrassment. So recently a Member of this Assembly, I find myself confronted with all the learning, the ability, the experience, and the oratorical talent for which your Lordships' House is so remarkable. I am about to bring forward a question, the gravity and importance of which it is impossible to exaggerate; and in addition, it is one to which Parliament is so unaccustomed that it has, with few and incidental exceptions, almost lain dormant for a century and a half. As if that were not enough, I fear (though I hope to be able effectually to dissipate it) that I labour under a prejudice on the part of some of your Lordships for venturing to bring forward this Motion, in the teeth, as it were, of an opinion supposed to have been pronounced by right rev. Prelates at a recent Session in the Upper House of Convocation. Your Lordships will easily understand that it is not the timidity of youth which oppresses me, but a keen sense

of the responsibilities of maturer years, and of the imperfections which I bring to the performance of an arduous duty. I desire to speak as little as possible of myself, but I have been so sharply rebuked for my presumption in making this Motion, that I am anxious to explain the motives which have influenced me in so doing. No one can justly impute to me that I am a lukewarm member of the Church to which I belong, and I appeal with confidence to the right rev. Bench, in whose presence I now stand, whether, in the humble efforts I have endeavoured to make to promote the great cause of our common Master, I have ever failed to seek episcopal authority, or to act otherwise than by the means and through the system of that Church of which I am a member. Those who know me best know that for many years the subject has occupied my anxious attention; but it was only when I found such very high episcopal sanction for this course of proceeding, and a preponderating concurrence of suffrage in regard to an alteration of our liturgy, provided it could be done with safety, that I thought I might, without incurring the reproach at your Lordships' hands of undue haste, rashness, or precipitancy, venture to ask for a discussion on so grave and serious a question. So great has been the length of time since this subject has been in debate before Parliament that, in order to do any justice to it, I fear I shall be compelled to trespass at greater length upon your patience than can be agreeable either to the House or to myself; but I trust that, considering the extreme importance of a right decision, and the difficulties under which I labour, your Lordships will overlook the defects of which I am painfully conscious, and extend to me that courteous indulgence for which this House is so eminently distinguished.

My Lords, I desire in the outset to declare that, in making the present Motion, I am acting entirely independently of any party in the Church. The word "party," indeed, as it is understood in a Christian community, grates sadly on my ear. I am happy in enjoying the friendship, and, I hope, the good opinion, of many of the clergy holding very opposite opinions; and I believe they give me credit — which I heartily reciprocate—of being sincere, and of having but one object in view—namely, the advancement of the work which it is equally the duty both of the clergy and laity to promote to the utmost of their power. Allow me to give your Lordships a brief outline of the position of this question. At the period of the Reformation such modifications of the Romish liturgy as were thought desirable were variously adopted in different dioceses. So the matter remained till the reign of Edward VI., when a Royal Commission was appointed, of which Cranmer was the head, to collect the most popular liturgies of the day, which were those of York, Hereford, Bangor, and Salisbury, then called "Uses." From these the First Book of Edward VI. was compiled, and, having been sanctioned by Convocation and Parliament, became the law. Two years afterwards a revision was considered necessary, and accordingly took place by the same means. Thus the Second Book of Edward VI., and the Second Act of Uniformity, were substituted for the first. All was again confusion during the reign of Queen Mary, though, singularly enough, it does not appear that the Act of Parliament was repealed. On the accession of Elizabeth another Royal Commission was issued, and the Third Act of Uniformity passed; and at a subsequent period of Elizabeth's reign another alteration of the liturgy was made by the Royal Will, upon the report of a Commission, but without the sanction of Convocation or Parliament. In the commencement of the reign of James I. took place the celebrated Hampton Court Conferences, which resulted in another alteration, carried into effect in a similar manner. Soon after the Restoration, the Savoy Conference was held, and a further alteration was made in the Prayer Book, and the Fourth Act of Uniformity was passed. That was, in fact, the last alteration made. In 1689 a Royal Commission recommended several changes in the Liturgy, but they failed to obtain the assent of Convocation, and were not carried into effect. Having given this brief sketch of the history of the Prayer Book, let me proceed to say that, in order to induce the House to assent to my Motion, I think I am bound to demonstrate three positions:— 1. That a Revision of the Liturgy is desired. 2. That it is desirable. 3. That the method by which I propose to effect it is both constitutional and expedient.

In regard to the first point, that alteration is desired, I can honestly say that, in the whole of my conversations and correspondence on this subject, extensive as they have been, although many have not approved the discussion of the question, I have not met with a single person, lay or

clerical, who has not desired some alterations of the Liturgy. I am now going to try and do that which I just now stated I hoped to be able to do, namely, dispel a prejudice which might exist against me, as being in supposed antagonism to the right rev. Prelates recently assembled in Convocation. Those of your Lordships who merely consult the ordinary sources of information, the daily papers, may reasonably have come to that conclusion; but as it was my duty to ascertain exactly what passed in that right rev. Conclave, I wrote to the editor of the *Guardian*, a paper conducted with ability and fairness, and which concerns itself in these matters, for assistance, and I received from him a report which he assured me I might with confidence rely upon; and I am happy to have it in my power to say, that I shall be able to draw from the addresses of every one of the speakers upon that occasion some of the strongest evidence in favour of the proposition I am now endeavouring to establish. The first who spoke was a right rev. Friend of mine, who presides over the diocese of Lincoln. He said that though he would make no alteration on the Sunday, he desired to "curtail the daily service by at least two-thirds." Then came another right rev. Friend of mine, the Bishop of Winchester, who said that "he should greatly rejoice if special services could be added to those we already have, composed of prayers already in our Liturgy and sanctioned by authority." Next followed the right rev. Prelate who presides over the diocese of St. David's, who said that "improvements of considerable value might be effected in our services by little changes, which would remove a number of not very important, but still well founded objections." Another right rev. Friend, the Bishop of London, desired "greater flexibility in the performance of our services," an opinion in which the Bishop of Hereford concurred. The right rev. Prelate of Llandaff declared that "he must conscientiously think that, when the Holy Communion is administered, shortening the service would be of great advantage." The most rev. the Primate, of whom I never can speak without at the same time declaring the great reverence and respect with which I regard him, whose opinions expressed on other occasions I shall have occasion to lay before your Lordships somewhat later, thought "the Lord's Prayer was too frequently repeated in the morning service." My right rev. Friend the Bishop of Oxford was so intent upon the special alteration he desired, namely, that of dispensing with the Prayer Book altogether in certain cases, and having preaching only, that he had consulted all the legal authorities he could get at upon the subject, in order to enable him to burst the fetters of the Act of Uniformity. Among others he had invited the opinion of a learned Judge of the Court of Queen's Bench, whose opinion was so characteristic that it deserves to be presented to your Lordships. It was to the effect, that "upon consideration he took a favourable view of the case presented, but that it would not be safe to hazard an opinion until he knew what effect an argument upon the opposite side might have upon his mind." I now hope that I have shown your Lordships that, although we may differ as to the best means of obtaining them, there is no difference between the right rev. Bench and myself as to a desire for some alterations. But I hope still further to strengthen my proposition, by reading to your Lordships a Report made by a Committee of its members appointed by Convocation upon this very subject. That Report is as follows:—

"1. That some modification of the Church rules is needful to enable her adequately to minister to the spiritual necessities of the people of this land.

"2. That the length of the morning service upon Sundays and holidays, especially when the Holy Communion is administered to a large body of the people, renders it desirable to allow of its being divided into different services and used at various hours.

"3. That where there are both afternoon and evening services, then, that for one of the two, either different proper lessons or an occasional service be authorized.

"4. That in the present state of our population, the Church would be better able to minister to their wants if some well considered relaxations of the absolute strictness of her services, as prescribed by the Act of Uniformity, were admitted by authority.

"5. That a shorter order for daily prayer be compiled from the Book of Common Prayer, with a prescribed lesson or lessons of Holy Scripture, which might be used instead of the present order of Daily Morning and Evening Prayer."

When I add to the foregoing, that between three and four thousand of our clergy have petitioned for a specified alteration in our Burial Service, and that there exist Associations for procuring a revision of our liturgies, composed of clergy and laity, in eleven of the great towns of this country, I think your Lordships will concur that the desire for some alteration in our Li-

turgy is almost universal. And let me ask, is it surprising that such should be the case in reference to liturgies and services compiled and arranged for a totally different state of society, since which our manners and customs, our hours, our mode of living, even the expression of our ideas, and the amount and locality and spiritual wants of our people, have entirely changed? Is it probable that just at the termination of a bloody civil war, in which religion had at least been as much in question as politics, when the old dominant party was just returned to power, a fair adjustment of differences should have been made in a manner never again to require a review? I will now, with the permission of the House, proceed to the second part of my case—namely, to endeavour to show that alteration is not only desired, but that it is also desirable. In order to do this, I must be allowed to define a little my position, and ask your Lordships to consider what a liturgy is. A liturgy is a form of prayer, and should be a form of sound words. Our Prayer Book is made up of various forms of prayer, and I am sure any one who examines it with a candid and impartial mind will say that as a whole it fulfils those conditions. It has stood the test of hostile criticism for centuries, and has extorted praises from quarters whence they could have been least expected. It is so beautiful and at the same time so copious that I believe there is not a liturgical reformer in the land who desires anything but a very few omissions, substitutions of expression, and re-arrangements. No one — no one, at least, whom I have heard of—desires to make any addition to it. We must, however, by no means omit from our consideration that a form of prayer is not devotion, it is merely a help to it; and any one compiling a liturgy ought surely to keep in view that sentence from the writings of Lactantius, a quotation on which I stumbled the other day—"Nihil est tam voluntarium quam religio, in quâ si animus sacrificantis absit, jam sublata, jam nulla est." Bearing that in mind, he would naturally frame it as simply and with as few repetitions as possible.

But how stands the case with us? By these ancient arrangements we have four or five services crammed into one; the result of which is, wearied congregations, jaded attention, compulsory absence, and, instead of proving a help to devotion, it is the means of producing a great amount of that very formality which is the danger of all forms of prayer, and against which our blessed Lord himself directed some of his sternest rebukes. Nor is this all, for this state of things may be indefinitely prolonged, according to the peculiar ideas or physical temperament of the officiating Minister. At one end of the scale we have the man who laboriously emphasizes every syllable, and seems to think the efficacy of the service dependent upon the length of time he can dwell upon it; in the middle we have the individual who has been so well described by the Right Rev. Prelate of Lincoln as the "monotonous mumbler;" and at the opposite end there is the chanting intoner, who often makes a painful exhibition, and always greatly prolongs the service. Let me here read to your Lordships a letter which I received last year from an hon. Baronet, a friend of mine, which gives a graphic account of what probably at some time or other has happened to all of us. My Friend writes—

"July 12, 1857.

"I have just returned from our church. The clergyman was for sixteen years a missionary of the Church of England in British Guiana, known and loved by many of the best of the clergy. With a broken constitution he has come to take the work of this comparatively easy district. But yesterday the services lasted from eleven to 20 minutes past 2:—1. The morning service; 2. The Litany; 3. The ante-communion service; 4. The sermon; 5. The Communion; besides giving out hymns to the congregation. This is enought to kill even a strong man. And *cui bono?* The people are wearied to death by the repetitions, and I can conceive no party whatever gaining by it except Dissenters, whose shorter services commend themselves to many persons."

I will now read to your Lordships a list of the repetitions in the morning service, from which the evening service too, combined as it so often is with baptisms and churchings (from which I hope it never will be disjoined), is by no means free. When there is a full service and sermon, with the administration of the Lord's Supper (which is the case now in several of our town churches every Lord's Day), there are—Two creeds (with almost every article of belief forming part of the Te Deum and Litany); two general exhortations; two general confessions; two absolutions; three final benedictions. The Sovereign is prayed for three times; the Clergy three times; the Civil Ministers twice; this House twice; the Magistracy twice; and, finally, we have the Lord's Prayer six times. I will make no comment upon such a state of things, except to remark that, in my belief, if we had no liturgy, and any one were to propose such a scheme,

it would be instantaneously rejected. As to the occasional services, I have already told your Lordships that in regard to the Burial-service nearly four thousand of the clergy have petitioned for alteration, and that there are changes asked for in others besides, which, though small, are of great importance, inasmuch as many of the clergy feel their consciences burdened by expressions which are used; and, though a latitude of interpretation is permitted, they are considered too dogmatic, and to some minds not susceptible of such expanded meaning. As to what are called the four Order-in-Council Services, because they were first annexed to the Prayer Book by an order in Council at the commencement of the reign of George III., I know it is the fashion to say that they are not a part of the Prayer Book, and therefore might be dispensed with, if not approved, by the same means which attached them to the Book of Common Prayer. Such, however, is by no means the case. Every one of those services is founded upon statutory enactments quite as binding as the Act of Uniformity, and can only be got rid of by the repeal of those Acts. I find in Burns' "Ecclesiastical Law," under the head of "Holy Days," that the services of the 5th of November, the 30th of January, and the 29th of May, are solemnly enjoined by Act of Parliament; and people refusing compliance with those Acts are liable to be indicted, fined, and imprisoned for contempt. The office for the 5th of November was twice revised by Convocation —in 1662 and 1688. The House of Lords altered the title by the Act of the 5th of November, 1664. The service for the accession was enforced by a canon in 1664. In 1721, before those services were attached to the Prayer Book, a Kentish clergyman named Johnson, who refused to perform one of them, was compelled to submit. Had I not already trespassed at so much length upon your Lordships, I should be tempted to offer you in some detail an account of a dilemma into which the other House of Parliament was brought by one of the services in question. As it is, I will merely give the outline. On the 29th of January, 1772, Parliament was sitting, and the House of Commons adjourned over the following day to attend divine service, and listen to the discourse of the Rev. Dr. Nowell, who was appointed to preach on the occasion. Subsequently, when the House met again, a vote of thanks was passed to the Doctor for his excellent discourse, *nemine contradicente*, with a request that it might be printed. When, however, after a while it appeared in print, it was found to contain matter so extremely offensive to the prevailing notions of civil and religious liberty, that on the 2nd of March it was moved by Mr. Boyle Walsingham, and seconded by General Irwin, that "the vote of thanks should be expunged," and it was carried without a division. Unquestionably the Reverend but somewhat indiscreet Doctor was right, and the House was wrong, because the Rubric directs the minister either to read the homily on Obedience, or to preach in conformity with the tenor of the service. It will, however, serve as an illustration of the inconvenience, not to use a stronger term, of leaving these statutes unrepealed. I will now proceed to lay before your Lordships the documentary evidence with which I hope to prove my case. It is so extremely voluminous that I can only make a small selection, and I have thought it better not to go back to former times, and cite the opinions of the great luminaries of our Church, but merely to confine myself to the speeches and writings of those now living, or who have only recently passed away from us. The first to which I desire to call your Lordships' attention is from a very able man, the late Bishop Coplestone, of Llandaff, whose testimony is the more valuable, inasmuch as he is a very cautious and somewhat unwilling witness:—

"Lapse of time has rendered some phrases obsolete, strange, or improper. Condemnation of heretical opinions may have been expressed in stronger terms than are necessary or convenient. The selection of lessons might certainly be improved, and better adapted to the customary times of attendance on public worship. Above all, it would seem to be productive of many advantages if the limits of that discretion already given to the officiating minister in certain parts of the service were extended, subject only to the interference of canonical advice and authority whenever it might be thought expedient to check too great a latitude."

The next opinion I will quote is from a charge of the Bishop of London (Bishop Blomfield), delivered in 1834. It is as follows—

"If I were asked what my opinion is as to the expediency of attempting an alteration of the Liturgy, I should be deficient in candour if I did not acknowledge that I think the Liturgy capable of improvement. It would be little short of a miracle were it not so; and I know not why I should be ashamed or reluctant to avow an opinion which was entertained by Sancroft, and Stillingfleet, and Tenison, and Wake, and Secker, and Porteous. I heartily pray that a season may come

when the question may be looked at with calmness and fairness."

My next extract will be from a speech of the Archbishop of Dublin, delivered in this House in the year 1840. His Grace said—

"He was for remedying those changes of that great innovator Time, who, as it was said by Lord Bacon, was insinuating imperceptibly many alterations, and was changing things for the worse if they were not changed for the better; and he would ask whether, in the alterations made by the first Reformers, they intended that their amendments should never be changed—whether they were like the laws of the Medes and Persians, unalterable—and whether it were their intention that the door should be locked and the key buried and lost for ever?"

My next extract is from a work of the present Bishop of St. Asaph, published in 1836. In his *History of the Church* that right rev. Prelate says—

"There were many things in 1689, there are some things which do now, offend the true friends of the Church of England, who willingly comply with the Liturgy and services because they esteem the Common Prayer Book, as a whole, a most excellent composition, but who nevertheless regard it as a human composition, requiring from time to time verbal alteration; and the quiet friend of reform cannot but feel sorry that this attempt was dropped in '89, and has never since been carried into effect. And, if there be faults but too visible in the Establishment, let us pray God that it may be reformed by the steady hand of legal authority; and that neither the dilatoriness nor half measures of its real friends may transfer the task of reformation to those who are hostile to its interests."

In 1845 the present Lord Bishop of St. David's delivered in his charge the following opinion, which in substance he repeated last year—

"We are not bound to shut our eyes to the need that exists for a revision of the Liturgy; we may well maintain that it is excellent in its parts, and good even as a whole; that it is better suited than any other we know of to the purpose of public devotion, and affords no ground or fair excuse for separation, and yet believe it capable of some important improvements, and earnestly desire that it should receive them."

Within a very recent period—namely, on the 1st of February, 1854—the present Archbishop of Canterbury spoke as follows—

"Alterations might be advisable in many things connected with the Church. There might be improvements in some parts of our excellent Liturgy, and he had lamented the existing divisions, because they tended to place improvement and the amendment of inconsistencies and imperfections at a greater distance; but the whole constitution must be changed before the Church would have of itself the power of settling and determining these things. The matter must be decided by Parliament. The Act of Uniformity could only be regulated by Parliament; and his own impression was that a smaller body than Convocation—a Commission selected by Her Majesty of ten or twenty persons, clergymen and laymen—might well consider the matters requiring attention."

I shall conclude these quotations with a passage from the charge of the Lord Bishop of Limerick, delivered in the course only of last year—

"Such, then, are my reasons for considering that the time has now arrived when increased knowledge, increased intelligence, and, in consequence, increased spirit of inquiry, have rendered such a revision necessary, seeing it may fairly be hoped that discussion may now be conducted with calmness and forbearance, which, if discontents be allowed to gather, might end in a disruption of that amity of spirit which alone can impart vitality in the connection between our Church and its Blessed Head, with Him who will in vain have broken down the wall of partition between his followers if our own discussions and divisions were to rear them up again."

When to all this I add that those who ought to set us the highest and most scrupulous example of obedience to the laws are compelled to break the Act of Uniformity—that there is not a single right rev. Prelate sitting upon the bench who has not broken that Act of Parliament hundreds of times, and will not be compelled to break it for the rest of his life, I think your Lordships cannot but be of opinion that I have established the second part of my argument—namely, that a revision is not only desired, but desirable. I now come to the third and last point—namely, that the measure which I propose is both constitutional and expedient. That it is constitutional no one will deny, for, although alterations have been made in our Prayer Book, sometimes without the intervention of Parliament, sometimes without the intervention of Convocation, they have invariably been preceded by a Royal Commission. As to its expediency there can be as little doubt either, because before submitting a measure to a deliberative assembly it is the invariable practice, recommended not only by precedent but by common sense, and as indeed I have shown you, recommended by the Primate himself, that, where a matter is new, and involves a great collection of opinions and variety of details to be arranged, it should be referred to some smaller body of persons whose previous attention has been specially directed to the subject in question, and whose character commands the repect and confidence of the public. Having now stated why I think revision desirable, and how great a weight of authority I have upon my side, I will proceed to notice some of the objections which have been raised against it. They really are, however, of so general and intangible a nature that I hardly know how to express them. It is

said by some that if once we commence alterations there is no saying where they will stop. That is an objection your Lordships will hardly require me to reply to. But do those who say so really believe that our Liturgy is made of such perilous stuff, that it is a wall daubed with such untempered mortar, that at the slightest touch it will fall to pieces so that we shall be buried beneath its ruins? I, my Lords, hold no such opinion of it; I believe that it has struck its roots deep into a heavenly soil; that it is founded upon a rock; but that, being merely a human work, it partakes of human infirmities, and from time to time requires careful revision. If your Lordships will not believe me, perhaps you will not refuse your assent to what is found in the very forefront of the Prayer Book itself, like a beacon warning us against fatal delays, where it is said, "There never was anything by the wit of man so well devised or so surely established, which in continuance of time hath not been corrupted." But I think I may fairly define the principal objections by saying that they consist in this—that the present formularies being a sort of standing ground where parties holding different opinions may meet, if we alter them, they may, by narrowing the ground, become more exclusive, and so cause a disruption of the Church; that the present moment is not propitious; and that the appointment of a commission would rekindle the flame of religious discord. It is difficult at all times to prove a negative, but is there any reason to apprehend that a commission of inquiry, composed as it is sure to be, is likely to recommend such alterations? In the second place, are we certain that by standing still we shall avoid the supposed danger? As, however, one example is better than an hundred arguments, let me call your Lordships' attention to some historical facts which bear directly upon the point at issue. We have the experience of two great branches of the Church of Christ, one of which is an established church within our own knowledge, both of which desired alteration. In the Church of Scotland great differences arose, and your Lordships will remember how the Government of Lord Melbourne was importuned over and over again to interfere and endeavour to effect a compromise between the contending parties; that Government as constantly refused; nothing was done; and yet that Church was "rent in twain from the top to the bottom. The other was a branch of our own Church—the Episcopal Church of the United States of America, receiving orders from ourselves. The Members of that Church desired a revision of the Liturgy. They made several very important alterations, most of which are, in my opinion, improvements, and not only no disruption took place, but—what is much more to the purpose—the American Church contains within her fold at the present moment men differing quite as much in opinion as any in our own communion. But when we are talking of disruption, do allow me to call your Lordships' attention to the history of another much more important Church, which we must not by any means omit from consideration. Two centuries ago it pleased the Legislature to pass an Act, called 'The Act of Uniformity,' in the preamble of which its paramount object was declared to be "to promote an *universal agreement* throughout the country in the worship of Almighty God." One hundred and eighty-eight years after it occurred to us to take a census of religious worship, and it was then discovered that, although the vast majority differed with us neither in the inspiration of the Holy Scriptures nor the Divinity of our Saviour, nor in the triune nature of Jehovah, nor in justification by faith and sanctification by the Holy Spirit, nor in the general necessity of the two sacraments to salvation — we yet found that, out of ten million worshippers, five millions no longer belonged to our communion. What claim then has the Act of Uniformity to such a title? How does it not point out the utter inefficiency of Acts of Parliament or human devices, to bind the consciences of men! Talk of disruption! why, my Lords, was ever disruption more complete? I confess that it does appear to me not a little extraordinary that those who talk with so much earnestness of the apprehension of some future remote contingent disruption, should appear so utterly to ignore the fearful separation which has already taken place, and omit altogether the expression of desire for the healing of some of those deadly breaches which I am sure we all deplore. My Lords, I am aware that the statistics of religious worship to which I have drawn your Lordships' attention have been controverted. Upon the merits of the controversy I am unable to offer an opinion; but I think the public generally consider that, upon the whole, they are sufficiently accurate. But whatever may be the case in reference to those numbers in the

religious census, the fact is unquestionable that, notwithstanding the vast State endowments and the prodigious private wealth of the members of our communion, to our shame be it spoken, the Nonconformists of England have as large sums contributed and as extensive agency employed as we have for spreading the knowledge of a Saviour in the benighted and heathen regions of the world. Have we then parted company for ever? Are Euodia and Syntyche never to be reconciled? Are no attempts ever to be made in that direction? Is a closer unity a thing not worth contending for? My Lords, I do not assert that it is certain that by alterations in our Liturgy this will be effected; but I say that many whose opinions are well worthy of attention expect it. It cannot have escaped your Lordships' observation how great an approximation has been made of late years between Churchmen and Nonconformists — that there is among the latter a growing desire for a liturgy. Your Lordships will, then, I think, agree with me that, though we might not meet with success, the object is, at least, worth the attempt. I desire, my Lords, to abstain altogether from invidious comparisons, but I must say that among our Nonconformist brethren are to be found men of as great piety, ability, learning, self-denial, high-mindedness, and loyalty as are to be found among any class in the empire: and I am quite certain that there is not one of your Lordships who does me the honour to listen to me, who would not rejoice if, by the omission or alteration of some phrases of doubtful import in our Prayer Book, we should be able to include in our communion a Livingstone and a Havelock. But it is said by some that the moment is not propitious. My Lords, if we are to wait until all our differences are stilled, we had better abandon the idea of revision as hopeless. But it is added that if this Commission were granted it would greatly inflame religious differences. If such be the effect, all I can say is, it will be contrary to all history and all experience. I have just finished thirty-six years of Parliamentary life; and though my humble abilities have not enabled me to take any prominent part in public affairs, I have not been an inattentive observer; and I can most sincerely declare that I have never known a single instance where the granting of inquiry by a fair tribunal, has done otherwise than mitigate the mutual asperity of those whose difference of opinion caused the investigation to be set on foot. But is there, in truth, any real danger? Surely there are interposed more than sufficient checks to prevent the possibility of any crude or hasty legislation upon the subject? Let us look at the ordeal through which any propositions of the Commissioners must pass. In the first place, they will be submitted to Convocation, then to the two Houses of Parliament, and then to the Sovereign for confirmation. I know that some persons have an objection to Convocation. Some think that it has too great a leaning in one direction, others look back with dissatisfaction to the history of its proceedings on former occasions of a like nature; but, my Lords, we are living in different times and differing circumstances, and I am sure your Lordships will agree with me in thinking that any attempt to force alterations upon the clergy of the Established Church which are distasteful, I will not say to the majority, but even to any considerable minority of them, would be as foolish as it would be fruitless. Rightly or wrongly, the bulk of the clergy look to Convocation as their representative and guide, and will never willingly consent to anything which has not their previous sanction. I have now, then, I trust, shown that revision is both desired and desirable, and that the method by which I propose to accomplish it is both constitutional and expedient. I have the fullest confidence that, if your Lordships shall be pleased to adopt this proposal, my expectations would not be disappointed, because I am convinced that no sooner shall this commission commence its sittings than the united prayers of the whole Church of Christ in this country will be offered up for a blessing upon its deliberations; and if that be so, it would be infidelity to doubt that a gracious answer would be vouchsafed. My Lords, at the outset of my address I said that I thought this question, to be one the gravity and importance of which could not be exaggerated. I said so because I believe that, just in proportion as the Church has the means of delivering the Gospel message with fidelity, will be the safety of the institutions under which we live, and the welfare and happiness of every individual among us.

I conclude by moving—

"That an humble Address be presented to Her Majesty for a Commission to consider whether the Liturgy of the Church of England be not capable of such Alterations as may render it more profitable than it now is for the Religious Instruction and Edification of the People."

THE ARCHBISHOP OF CANTERBURY: My Lords, it is with great reluctance that I rise in opposition to the Motion which the noble Lord has submitted to your consideration. That reluctance, however, does not arise from any doubt of the duty which I owe to the Church on this occasion. It solely arises from the conviction which I feel that my noble Friend is acting in the full belief that he is consulting the interests of religion, and promoting the efficiency of that Church of which he is a conscientious member. Holding, my Lords, a very different opinion, in concurrence, I believe, with my right rev. Brethren, I shall briefly state the grounds of my opposition, and in so doing shall endeavour to imitate that spirit of candour and moderation of which the noble Mover has set so eminent an example in the speech which he has made. My Lords, my noble Friend has entered upon a very wide field, proving the interest which he feels upon the subject and the pains which he has employed to make himself acquainted with its various bearings. Into that field it is not my intention to follow him, or to discuss particularly the several alterations, some of a verbal and others of a doctrinal nature, which he desires to see made in our Book of Common Prayer. I shall not enter upon these details, because my opposition is directed against the object itself which the Motion has in view. My objection is to the introduction of a measure which would agitate the minds of Churchmen from one end of the kingdom to the other. The noble Lord proposes that Her Majesty shall be requested to issue a Royal Commission to consider what alteration shall be made in our Liturgy. I will not stop to inquire whether a Royal Commission is the most proper method of instituting such an inquiry or no; but is the noble Lord aware that this would be the first apple of discord which his Motion would cast into the Church? I will not inquire whether a Royal Commission is the proper body from which alterations in the Liturgy should emanate, if alterations were to be made; it appears that I have already expressed an opinion to that effect. But I am aware at the same time that in the opinion of a large section of the Church it is not the proper body, and that any recommendations which they might agree to make would derive no advantage from the quarter in which they originated. But, to leave this question, the noble Lord passed very lightly over the fact that the most trifling alterations in our established formularies can only be authorized by an Act of the Legislature, and, from whatever quarter they come, must be submitted to Parliament for its sanction. My Lords, the objections to subjecting our devotional formularies to Parliamentary discussion are so obvious that it would be superfluous to specify them. The noble Lord has treated the various subjects which he has brought forward with the prudence and moderation which were to be expected from his character. But can he guarantee the same discretion, the same forbearance, on the part of the members of a popular assembly? The doctrines involved in our formularies are doctrines on which there is a great difference of opinion; on which men think strongly and speak warmly; and the introduction of such topics into a Parliamentary debate would be likely to lead to a theological controversy of which it would be more easy to foresee the beginning than the end, but of which we might certainly foresee that it would be most unsuited to the place and the occasion. The necessity ought to be great indeed before we venture to encounter so obvious a danger. At the same time, my Lords, while I deprecate the proposed revision of the Liturgy, I do not take upon myself to say that if we were in the circumstances in which the compilers of our Liturgy were placed three centuries ago—if, unhappily (for I think it would be a serious misfortune), we were forced to frame a Liturgy *de novo*—I do not affirm that it would be, word for word, and sentence for sentence, the same as our ancestors have bequeathed to us. But, my Lords, we are not so placed; we possess a form of prayer sanctioned by the usage of 300 years and venerated by our people, who would be slow to understand the reasons of a change and apprehensive of what further changes might succeed. The necessity should be far greater than it is before we depart from this vantage-ground or surrender the position which we now occupy. Two conditions at least, my Lords, should be established before the attempt were made. The advantage to be gained should be so clear and manifest as to overbalance the danger and the risk; and there should be a general agreement upon the subject among the Members of the Church. My Lords, I contend that neither of these conditions is fulfilled at present. My noble Friend insists that certain alterations and omissions in our present Liturgy, are both desired and desirable. But he has abstain-

ed from saying what alterations are generally and expressly desired, and would find, if brought to the experiment, that there would be as many objectors as advocates with regard to every amendment he might propose. The noble Lord has laid great stress upon the advantages which he expects from shortening the Morning Service. But without altering the whole framework of the service the amount of gain would not exceed five or at most ten minutes. In the course of my ministerial experience, I have heard many excuses from time to time for non-attendance at public worship, but I confess that I never remember that the length of the service has been alleged amongst them. Something, however, has been already done in that direction. The use of the litany alone, on special occasions, has been already approved by the Bishops, and has proved a valuable suggestion. The noble Lord, perhaps, is scarcely aware how many of the alterations and omissions which appear to himself evidently desirable would be vehemently opposed by others. Many things which he treats as blemishes others consider beauties, and even the repetitions which he objects to as imperfections, others defend as constituting the perfection of the whole; so that, instead of that general agreement which alone would justify the risk of change, the proposal of the noble Lord would be the signal of controversy throughout the land. My Lords, we have a bond of union now which it would be more easy to forfeit than to regain. All who officiate in our churches have declared their assent and consent to our Liturgy as it stands. I might defy the noble Lord to obtain the same assent and consent to any alterations which he would propose; and therefore I prefer retaining the good we have to risking evils which we know not of, and earnestly hope that your Lordships will see fit to negative the Motion of the noble Lord.

The Bishop of ST. DAVID'S said, that as no other Prelate had risen, their Lordships would perhaps allow him to express the sentiments which he felt with respect to the Motion of the noble Lord. He must confess that he had come down to the House with considerable curiosity to learn the grounds on which the noble Lord would rest his Motion. He knew, from various sources, the grounds on which many persons in the country approved it; but he had no idea of those which the noble Lord had to urge in support of it. He also came down without the slightest feeling of prejudice on the subject, and, in fact, with a prepossession rather favourable to its general object. The noble Lord had done him the honour of referring to an opinion which he (the Bishop of St. David's) had expressed on a former occasion, to the effect that the Liturgy as a whole was not an absolutely perfect work, and that it was susceptible of improvement. He did not deny having so expressed himself—it was not an inspired work, and therefore might well be capable of amendment: but when he was asked to agree to a Motion for a Royal Commission, it did not appear to him to be sufficient to consider simply whether the subject was one in which some improvement might be effected through the medium of such an agency, but whether there was any probability, or possibility even, of such an improvement resulting as would warrant so important a measure as the issuing of a Royal Commission. In his opinion, the noble Lord had not done justice to one part of his subject, while he had greatly exaggerated the force of another part. The noble Lord proposed to prove that some alteration in the Liturgy was desirable, and in support of that view he referred to a large mass of correspondence from various persons who expressed themselves strongly in favour of some alteration. It appeared to him that the noble Lord might very much have strengthened that part of his case; because there could be no doubt that there were large classes of men to whom the noble Lord had not in the slightest degree adverted, who must be strongly in favour of an alteration. In the first place, of course, there was that numerous body of persons who conscientiously dissented from the doctrine and discipline of the Church, and whom it would be impossible to reconcile to the Church without very material changes in the Liturgy. There was another very large class, consisting of those who, though not dissenting from the Church in matters of doctrine or even discipline, had an aversion to any form of prayer and to any Liturgy whatever; it being more conformable to their feelings and habits to enjoy that kind of intellectual excitement which proceeded from a perpetual novelty in the prayers offered up in places of public worship. That was a class also whom it would unfortunately be hopeless to attempt to conciliate by any such change as the noble Lord could possibly have in view. Then, again, there

framed in such terms as to request Her Majesty to devise means by which a Convocation which would really represent the United Church of England and Ireland might be assembled, and such a body might properly be intrusted with the task of sanctioning the improvements considered desirable. It must be remembered, however, that all changes were not improvements; and, if Convocation were empowered to consider what alterations were necessary, some members of that body might desire to render the services of the Church more conformable to those of the Roman Catholic Church, while others might think that the services of the Churches of England and Ireland in their present form approached too nearly the ritual of the Roman Catholic Church. An eloquent historian of the present day (Lord Macaulay) referred in these terms to the changes which were proposed in 1698:—

"The English Liturgy, indeed, gains by being compared even with those fine ancient Liturgies from which it is, to a great extent, taken. The essential qualities of devotional eloquence, conciseness, majestic sympathy, pathetic earnestness, of supplication, sobered by a profound reverence, are common between the translations and the originals; but in the subordinate graces of diction the originals must be allowed to be far inferior to the translations. And the reason is obvious. The technical phraseology of Christianity did not become a part of the Latin language till that language had passed the age of maturity and was sinking into barbarism. But the technical phraseology of Christianity was found in the Anglo Saxon and the Norman French, long before the union of those two dialects had produced a third dialect superior to either. The Latin of the Roman Catholic services, therefore, is Latin in the last stage of decay. The English of our services is English in all the vigour and suppleness of early youth. To the great Latin writers, to Terence and Lucretius, to Cicero and Cæsar, to Tacitus and Quintilian, the noblest compositions of Ambrose and Gregory would have seemed to be not merely bad writing, but senseless gibberish. The diction of our Book of Common Prayer, on the other hand, has directly or indirectly contributed to form the diction of almost every great English writer, and has extorted the admiration of the most accomplished Infidels and of the most accomplished Nonconformists—such men as David Hume and Robert Hall. The style of the Liturgy, however, did not satisfy the Doctors of the Jerusalem Chamber. They voted the Collects too short and too dry; and Patrick was intrusted with the duty of expanding and ornamenting them. In one respect, at least, the choice seems to have been unexceptionable; for, if we judge by the way in which Patrick paraphrased the most sublime Hebrew poetry, we shall probably be of opinion that, whether he was or was not qualified to make the Collects better, no man that ever lived was more competent to make them longer."

As he had before said, all changes were not improvements, and he might mention that the Presbyterians and other Dissenting bodies found it a matter of difficulty to correct the evils which some of them believed to exist in the forms of their respective services. There was no such thing to be found as anything that pleased everybody. In reference to the Liturgy of the Church of England he would read a quotation from an article in the *British and Foreign Evangelical Review*:—

"The Prayer Book of the Church of England is nothing else than the old service of the Church reformed. The Church of England did not need a Liturgy, nor was the man living that could have composed a Liturgy that would have been received. Her Liturgy had been the growth of centuries; it was rooted in the affections of her people, its words were as music in their ears, its varied festivals and fasts had hallowed the whole Christian year. With the reformation of religion there was, of course, a revision of the Church's Liturgy, but that revision was conducted on the principle of retaining all, in substance and in form, that could be retained. This, which was the great offence in the eyes of the Puritans, was the special excellence and glory of the English Reformation. The *Mercersburg Reviewer* is astonished at the immeasurable superiority of the Prayer Book to the Liturgies of Calvin, Knox, and Baxter; and the *Edinburgh Review* is forced to say that 'the Liturgy of the Church of England, notwithstanding some faults, is, perhaps, the most perfect of existing Liturgies.'"

"This Prayer Book of the Church of England, after all the changes that it underwent through a long period of revision, gave still to her sons and daughters the old creeds, the old psalms and hymns and spiritual songs that their souls loved; they still heard the voice to which they had been accustomed to yield glad submission, and hence while the Liturgies of the Reformation, as the *Edinburgh Review* declares, are probably less known to the Christians of England and America than the Liturgies of Antioch and Cæsarea, and many persons know not that such Liturgies were ever used, the Prayer Book of the Church of England has lost nothing of its hold on the affectionate reverence of the millions who now find its ancient and time-hallowed forms a fit expression of their most profound religious feelings."

He said he would not detain their Lordships any longer by citing other very striking testimonies from Presbyterians and others, who, seeking reform and improvement in their own services, admitted that there was no Liturgy like the Liturgy of the Church of England. It was not asserted that no reform, no improvement was required; but the desideratum was, that any necessary alteration should be effected by a body that was legally and properly qualified to do it, such as a Convocation of the Church of England and Ireland. They did not object to any improvement; they did not want length in lieu of brevity;

semi-Popery instead of pure episcopality and unadulterated Protestantism; they did not want the Socinian to give them less of Christ, or the worldling to give them less of spirituality of feeling; but what they wanted was, the retention of all the excellencies, and, above all, the evangelical truths of our beautiful Liturgy, removing its blemishes and retaining its sublimities and truths.

The Earl of DERBY: Your Lordships, who know as well as I do the character and ability of the noble Lord who has brought this Motion before you, who are acquainted with the sincerity of his religious belief and his anxiety for the welfare of the Established Church, will not for a single moment doubt the good motives and objects he has in view, in bringing this matter before your Lordships' consideration. My Lords, I feel that I could not be altogether silent on this subject, and undoubtedly from the position which I have the honour to occupy, I consider that it is almost my duty to take up a few moments of your time. At the same time, my Lords, I feel that all I can say on the subject has been already so fully stated before by the noble Lord and the most rev. and right rev. Prelates who have addressed you, and whose observations I think, appear to have received the general sanction and approval of your Lordships' House. At the same time, my Lords, while I confess on the one hand—what it is impossible to deny—that in the beautiful Liturgy of our Church,—and a more perfect Liturgy I believe never was devised—that in our beautiful Liturgy there are undoubtedly here and there imperfections and blemishes; that there are casual and not perhaps carefully considered expressions, which are not exactly suited to the greater refinement of modern times; that there are ideas expressed here and there with a carelessness and coarseness repugnant in some degree to our more modern feelings of refinement; that occasionally there are superfluous and therefore injurious repetitions; that some of the lessons for the day, or of the week-day service, are not, perhaps, precisely so orthodox in expression as they might be, and different from that which the present times require:—yet, the question which we have to consider is, not whether in a work like our great liturgical work of the Church of England—a work of the utmost possible importance, and of the greatest beauty and perfection—there are some slight defects and some slight blemishes which we would fain see altered or removed; but the question, my Lords, is whether, for the purpose of removing these blemishes and defects, it is desirable to take a step so authoritative and extensive, and in my mind so hazardous, as that which is proposed by the noble Lord in proposing that a Royal Commission be appointed to ascertain what alterations should be made in the Liturgy. My Lords, in the first place, I beg to say that a Commission of this kind would, in my opinion, greatly prejudice the confidence of the public mind as to the opinion which the Legislation and the country entertain of the general merits of the Liturgy; and I think, moreover, that the public mind would be slow to discriminate between the objects which my noble Friend has, I know, so sincerely in view—namely, the removal or erasure here and there of casual and insignificant blemishes—and the far wider construction that would be put upon your Lordships' vote—namely, that you were issuing a Commission for the purpose of inquiring generally into the merits of demerits of the Liturgy. My Lords, if such a misapprehension should arise in the public mind it would, in my judgment, be a most serious injury, and have the worst possible effect. But, my Lords, my noble Friend founded a portion of his argument in favour of this Commission on the fact that a very considerable portion of the population of this country at present absent themselves from the services of the Church on account of their dissent from some of the formulæ of the Liturgy. Now, I ask my noble Friend whether he really thinks that any such alterations as he may devise—that any such alterations as he may recommend—although they might possibly satisfy the desire and wishes of some of the anxious friends of the Church—I would ask him whether he really contemplates that the Commission he recommends should enter on such a course of amendment and revision as would satisfy the conscientious scruples of those Dissenters and Nonconformists who differ from the doctrines of the Church. If the proposition of the noble Lord has reference only to the removal of slighter blemishes and defects, then I think the work would be a hazardous one. I believe it is not the intention of the noble Lord to advocate a wholesale or concentrated revision of our Liturgy; but the noble Lord would find that if this Commission were appointed it would not

confine itself to the consideration of mere casual or inconsistent expressions and repetitions, or to a mere chance superfluous expression here and there, and matters *de minimis*, but that in all probability it would be the doctrines and principles of the Liturgy that would be made a subject of discussion by the Commission; and if the noble Lord seeks to bring back to our flock those who dissent from the Church of England, he would have to go to a length that he does not intend in proposing to employ the Commission to inquire only into casual expressions, or into the greater or lesser length of the services. Nor indeed might the consideration of the Commission on the question be confined to the combination of the different services into one, but they might also examine whether in the Liturgy there were expressions used which confirmed and strengthened certain doctrinal opinions, and which would constitute points for consideration, and be anxiously contended for by one party, and as anxiously repudiated and opposed by the other. And the result of this would be to embarrass the proceedings of the Commission itself. In the present state of the Church, I do not see how it would be possible, in view of the different religious denominations that exist, that differences of opinion should not arise, not only amongst them, but amongst the members of the Commission itself; but I am sure that the result of it would be, that every person, nominally in the Church or not, who sought to dissent from the doctrines of the Church, would come forward with propositions for changing some particular prayer or some specific expression in some particular sentence in the Liturgy, which in their opinion it was very inconvenient to retain and inconsistent with the doctrines and unorthodox with respect to the views which they were desirous to have expressed. Therefore, my Lords, if in the appointment of this Commission you mean to deal with the suggestions and ideas of those who differ and dissent from some of the forms and doctrines of the Church, and if you wish to satisfy their scruples, depend upon it their scruples will not be satisfied by the mere changing of terms and technicalities of expression, but that they will stipulate for a change in doctrinal truths and matters, some of which would be found to be among the most fundamental doctrines of the Church of England. My Lords, I think the professed object to be attained by my noble Friend in proposing this Commission is not adequate to the risk, inconvenience, and embarrassment it would occasion; because, instead of having a tendency to remove differences of opinion on doctrinal truths, it would only have a tendency materially to increase them, as well as to embitter denominational differences among those who might possibly be of opinion that it did not tend to a revision of doctrine. The Commission would lead to no useful results and subserve no useful purpose; and if, on the other hand, it did tend to a revision of doctrine, it would be found perhaps to shake the confidence of the people in the Liturgy as a whole. It is, my Lords, because I entertain these opinions that I earnestly hope my noble Friend—now that he has had an opportunity of bringing forward and giving publicity to the proposition that he has made, and which he has submitted with great moderation, temper, and clearness, for the consideration of your Lordships' House—will not press his Motion to a division on a question which is opposed to the opinion not only of the whole of the episcopal Bench—a not unimportant consideration on a question of this nature—but to the feeling of a great majority of your Lordships, and I believe, if the whole question were put before them, of all sincere and reflecting friends of the Church.

EARL GRANVILLE said, he must be permitted to join in complimenting the noble Lord who had moved the Address on the admirable manner and sincere tone in which he had brought forward his proposition. It appeared to him that a large part of the noble Lord's arguments had not been answered. The noble Lord had shown conclusively that there was nothing in the Liturgy in itself that showed it should not be altered. He had shown that it had undergone various alterations, and that some of the most eminent men and divines had concurred in making them, and that since the last alterations many eminent divines had expressed their desire to make further changes. However much we might admire our liturgical service, it was impossible not to see the defects pointed out by the noble Lord. The real difficulty in the matter was, that neither the noble Lord nor the right rev. Prelates had been enabled to lay before the House any plan or proposition as to the mode in which these alterations should be made, or as to the nature of those alterations. He (Earl Granville) had no doubt that the dis-

cussion that had taken place would produce a beneficial effect on the public mind; but the subject was one that ought to be carefully considered before any positive step was taken. After the declaration of the noble Earl at the head of the Government, he thought the noble Lord would not persist in or have a chance of carrying his Motion, and that it had better be withdrawn, leaving the discussion to have its due weight on the minds of the public at large.

LORD ABINGER thought that identified as the personal habits of the people and the constitution of this country were with the Liturgy, it was a difficult and delicate subject to deal with; but in his communications with some of the clergy, he found that they were in favour of a change. They did not advocate any change in the doctrines of the Liturgy, but what they did desire was a shortening of the services; and he had heard that in consequence of the long readings, hoarseness and sore throat were not uncommon among the clergy.

LORD EBURY said, that after the opinions expressed by the two noble Earls who led the two different parties in the House, and the opposition of the spiritual Peers, he should not persevere with his Motion. He would adopt the suggestion of the noble Earl, and not put their Lordships to the trouble of dividing.

Motion (by Leave of the House) *withdrawn.*

LORD CANNING'S PROCLAMATION.

EARL GRANVILLE hoped that the despatch sent out by the noble Earl the President of the Board of Control with reference to the Proclamation of Lord Canning would be laid at once on the table of the House. He was not aware that he should take any course on the question, but very possibly he might call the attention of the House to the subject.

House adjourned at a quarter before Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, May 6, 1858.

MINUTES.] PUBLIC BILLS.—2° Durham County Palatine Jurisdiction; Property Qualification.

AUDITING OF THE ARMY ACCOUNTS.

QUESTION.

MR. MACARTNEY said, he would beg to ask the Secretary to the Treasury whether, in compliance with the provisions of the Act 9 & 10 *Vict.* c. 92, the accounts and vouchers of the Expenditure for the several Branches of the Service in the War Department for the year ending the 31st day of March, 1857, had been sent complete for examination and audit to the Office of the Commissioners for Auditing the Public Accounts; and, if not, what is the cause of the delay, and in what section of the department the accounts have not been so completed; also, whether the outstanding accounts for the Service of the Army in the Crimea during the years 1854, 1855, and 1856, have been examined, arranged, and reported upon to the Audit Office or Treasury, for which service a first class Commissary General has been retained upon full pay since the close of the War in the East?

MR. G. A. HAMILTON said that, in answer to the first part of his hon. Friend's question, he had to state that the accounts and vouchers for the several branches of the Service under the management of the War Department, for the year ending 31st of March last, had been sent in on the 30th of last month for examination and audit to the Office of the Commissioners for auditing the Public Accounts. In reply to the next part of the question, he had to inform his hon. Friend and the House that the result of the examination of the Commissariat accounts, forwarded by the Audit Commissioners for the years 1854 and 1855, had been duly reported upon to the Audit Office. With respect to the accounts of 1856 and 1857, he had to state that steps had been taken for their final adjustment, but they had not yet been completed, thirteen months being allowed by the Act of Parliament for that operation. The store accounts of the Commissariat attached to the Army of the Crimea had been examined and arranged, and would be reported upon on the receipt of a letter from the Audit Office relative to the accounts of the year 1855. The whole of the records of the service, both for cash and stores, could not be put away until the final decision of the Audit Commissioners upon certain provisional disallowances was received. With regard to the last part of the question, he had to state

that Commissary General Adams had been retained, with one book-keeper, to afford such explanations as might be called for in reference to the transactions of sub-accountants, who were dispersed all over the world.

COMMERCIAL RELATIONS WITH THE PORTE—QUESTION.

MR. HADFIELD said, he would beg to ask the Chancellor of the Exchequer whether (under 14th protocol, page 59, of Conferences of the Plenipotentiaries at Paris, 1856, relative to the Treaty of Peace) there has been a revision of the stipulations which regulate the commercial relations of the Porte with other Powers, or in the position of foreigners resident in Turkey, and whether (agreeably to the recorded wish of the Plenipotentiaries) a deliberation had been opened at Constantinople since the conclusion of peace between the Porte and other Powers, with the view of attaining the twofold object in such a manner as to afford satisfaction to all legitimate interests; and, if there have been no such revision and deliberation, whether this country, in its commercial relations with the Porte, ranks among the most favoured nations as to fiscal and other duties in all commercial transactions, and the residence of British subjects in Turkey, and whether any beneficial change had taken place since the war; and are negotiations in progress to facilitate the commerce of this country with Turkey.

THE CHANCELLOR OF THE EXCHEQUER: Sir, in answer to the first question which the hon. Gentleman has put to me, I have to state that there has been no revision of the stipulations which regulate the commercial relations of the Porte with other Powers. Deliberation on the subject, however, will probably be soon commenced. The hon. Gentleman also asks what the position of the inhabitants of this country is in regard to the Porte as contrasted with that which is occupied by other nations, and I may inform him that I believe we stand at present in the same line with respect to commerce and civil privileges as the most favoured nations. As to the stipulations which regulate our commerce with the Porte, the hon. Gentleman will permit me to say that he is, perhaps, unaware that by the Treaty of 1834 Commissioners were appointed who were invested with the functions of periodically revising the Turkish tariff. The power of doing that still exists, has been acted upon, and will be acted upon again. The Russian war, of course, precluded the regular and accustomed exercise of the right. I may add, in answer to the question whether any beneficial change in our commercial relations with the Porte has taken place since the war, that there has been no revision of the stipulations of the Treaty of 1834 since that period.

CONFISCATION OF LAND IN OUDE.

QUESTION.

MR. BRIGHT: I wish, Sir, to ask the Secretary to the Board of Control a question with respect to a Proclamation which has been issued by the Governor General of India—a copy of which document, or what purports to be a copy, appeared in some of the newspapers of this morning. It seems that this Proclamation contains a provision by which the Governor General reserves the lands of certain Rajahs and Zemindars to them in consideration of their general fidelity to English rule; but that he at the same time proposes to confiscate the soil of the kingdom of Oude generally, leaving it to be disposed of hereafter as the Governor General may deem fit. Now, what I am anxious to know is whether the particular provision to which I have referred has been inserted in the Proclamation in accordance with instructions sent out by the Government in England; if not, whether the Government have since issued any directions in reference to it, and what steps generally they propose to take in its regard. I hope the hon. Gentleman will give a full and distinct answer to the questions which I have put to him upon this important subject.

MR. BAILLIE: Sir, Her Majesty's Government received about three weeks ago a despatch from Lord Canning containing the Proclamation which he stated it was his intention to issue as soon as Her Majesty's troops should have obtained possession of Lucknow. That I believe is the Proclamation to which the hon. Gentleman refers, and I have, I may add, seen in *The Times* a copy of the Proclamation which corresponds with that received by Her Majesty's Government in all respects, with the exception of a single paragraph, which I believe was subsequently added. The Proclamation was, of course, taken into consideration by Her Majesty's Government as soon as it was received, and a Despatch was written, expressing the views

and opinions with respect to it which the Government entertained. That Despatch as well as the Proclamation itself there can be no objection to lay upon the table of the House, and I may add that the Proclamation was not made in consequence of any instructions which were sent out to the Governor General from this country.

MR. BRIGHT: I hope, Sir, the Government will be good enough to inform the House what the general tenour is of the Despatch which the hon. Gentleman has mentioned, in order that the decision of Her Majesty's Ministers upon this subject may as soon as possible go forth to the country.

THE CHANCELLOR OF THE EXCHEQUER; Sir, a copy of the Despatch will, of course, as my hon. Friend the Secretary to the Board of Control, has stated, be laid upon the Table of the House. I think it, however, right to take this opportunity of stating that when we received notice of this intended Proclamation we took the subject at once into our consideration, and the result was that we sent out a Despatch to the Governor General of India, disapproving the policy which he indicated in every sense.

TENANT RIGHT (IRELAND).

MR. GREER, in rising to move for a Select Committee to inquire into the subject of tenant right in Ireland, said he felt very deeply the overwhelming responsibility of the question which he had undertaken to submit to the House, knowing the immense amount of property belonging to his own constituents, and those of the adjoining counties, which depended on the decision of that question, and knowing, also, the great talent and ability with which the subject, in a somewhat different shape, had, on previous occasions, been brought before the House and the country. The particular proposition which he meant to submit to its consideration differed very much from that which was embodied in the Bill which had lately been introduced by the hon. Member for Dungarvan (Mr. Maguire). That measure dealt with the future improvements which a tenant might make upon his land, and recognised as the property of the tenant any existing improvements which he might have effected by means of his labour and capital, whereas the question to which he, if successful in his Motion, should invite the favourable attention of the Committee to be appointed, related simply to improvements which had already been carried into effect, with the sanction of the landlord, and which were recognised by him, in accordance with the custom of tenant right in the north of Ireland, as the property of the tenant. It might please the House to legislate solely for the future, or solely for the past; or they might protect by law both the past and future interests of the tenant, as he hoped they would. As to the form of his notice, it had contained, in the first instance, no reference to Donegal. He had, however, been induced to make special mention of Donegal in his Motion, in consequence of the violations of the custom to which he alluded, which, it was alleged, had recently taken place in that county, and in accordance with the prayer of a petition which he had presented from that county, signed by 3,400 of its inhabitants. His reference to that county, however, was more as an illustration of the nature of the grievances of which he had to complain than anything else. The House, however, had recently had under its consideration the occurrences in Donegal of which complaint had been made, and had referred the subject of some of these complaints to a Select Committee. For this reason, and because he had been told that so pointed a reference to Donegal seemed to imply the imputation of greater culpability to the landlords of that county than to those of the adjoining counties, which he was not aware that they, as a body, deserved, he now proposed to alter the terms of his Motion, by leaving out Donegal and confining the inquiries of the Committee which he asked for, to "the alleged recent violations of tenant right in certain northern counties of Ireland." The custom of tenant right prevailed as far back as the Plantation of Ulster by James I., although some authorities even traced it back to the old Brehon laws. In the first documents relating to the Plantation of Ulster, it was clearly proved that the advantage of the commonwealth was as much an object as the benefit of those upon whom lands had been conferred. The "*Concise View of the Proceedings of the Irish Society*" contained certain articles of the original Plantation, as published by James I., which clearly indicated that it was the design of the founders of the colony that the settlers who should be taken over should themseves be prepared to build their houses, and undertake all needful improvements, such as in this country, at least, the landlords usually provide.

The celebrated *Pynnar's Survey* which was published in 1619, gave a detailed and interesting account of the same settlement. On account of their short-comings, the Irish Society's original charter, of 1613, was forfeited in the court of the Star Chamber some twenty years after. However, it was again renewed in the reign of Charles II., in terms of the original grant, so that the entire plantation was still under the original conditions. During all that time as the House would observe, the occupiers had a continuing interest in their own improvements. That was what mainly characterized the custom. The tenants had expended their capital in building houses and reclaiming the waste uncultivated lands, and they were permitted to enjoy these houses and lands the fruit of their own industry at easy rents which left them a fair margin of profit. What was true of the Irish Society's plantation in Londonderry was equally true of the other northern districts then planted; and hence the origin of the custom. The Report of the Devon Commission contained a curious document, brought before them by Mr. Beresford, agent to the Irish Society, showing that, in 1766, nearly one hundred years ago, the tenant right custom was well known and understood. In stating the terms on which, alone, the Irish Society would renew the leases of their tenants, they laid down certain conditions, of which the following was first :—

"That the present leases be surrendered upon or before Michaelmas, 1767; in default thereof, no regard shall be had for the future to what is called tenants' right, or shall any such leases be thereafter renewed on any terms whatsoever."

Arthur Young, in his *Travels*, showed the agricultural condition of the north, as well as other parts of Ireland, the scale of rents and prices which then prevailed. From his testimony, and other records of the last century, it is manifest that tenant right had existed in Ulster ever since the settlement of the country, and the peculiar custom of allowing tenants a continuing interest in their holdings had been acknowledged by landlords, and acted upon ever since that time. To show the vast improvements which had been made, he might state that it appeared from a presentment of the grand jurors of Londonderry, dated in 1697, that the total annual value of the property in that county amounted to £11,800. At the present time, according to Mr. Griffith's survey, the value was over £220,000. He took it that that vast difference was the result of the capital and industry of the tenants; but he did not intend to argue therefrom that the rentals should be calculated upon the original basis of value. In the discussion upon the Tenants' Compensation Bill, it had been argued by the hon. Baronet, the Member for Radnorshire (Sir J. Walsh), and by the noble Lords the Members for Tiverton and Cockermouth (Lords Palmerston and Naas), that because that Bill laid down the broad principle that the tenants' improvements should be held to be the tenants' property, it therefore followed that the tenants desire to reclaim for themselves the value of all their improvements, and to reduce their rents to what the land would be worth in a state of nature. This, he contended, proceeded upon a false construction of that Bill, for it recognized the existing rents, as the measure of the landlord's present rights. And, in the same way, he admitted the gradually increasing rents which had grown up under the custom to be fairly due by the tenant, while they left a reasonable margin, short of a rack rent. In this view there was no desire to reduce the rents which were now paid when these had grown up gradually in conformity with the custom. But the object of the Bill was to prevent any future increase of rent without leaving a sufficient margin to cover the tenants' own improvements. It might not be known to the greater part of the Members of that House that, in the parts of Ireland where the tenant right custom prevailed, there was a well recognized interest at present existing in the tenants. The tenants were permitted to sell their interest when convenient or necessary, but subject, in some instances, to the consent of the landlords; and the custom had been recognized by Courts of law. The tenants' interest in his farm was as marketable a commodity as any part of the produce of the farm, and was admitted by common consent to be as much his property. But that species of property had this inherent infirmity, that it was not recognized by the Courts of law as against the landlords — and the result was that, substantially, nearly the whole of that large property, valued at £10,000,000 or £15,000,000 sterling, was administered, not by the ordinary Courts of law, or by the County Courts in Ireland, but by the landlords, through their agents in the landlords' office—in fact, there was a separate

administration of property in the landlords' office, according to the whim or caprice of the landlords or agents, and not according to the rules of law. It depended wholly on the will of the landlord, and not on the rules of law or the decision of competent Judges, whether, for instance, the creditors of a deceased tenant should be paid their just debts in the ordinary way, or whether the farm, constituting, perhaps, his whole property, should be handed over to his family. In this way he had known many instances of what might be called gross injustice committed through the machinery of an agent's office. He apprehended that the House of Commons, which was so jealous of the administration of the law and of the rights of property, would be slow to recognize such a right as virtually set at nought the laws of the land. The copyhold tenure in England was somewhat analagous to the tenant-right custom in Ireland. In the old feudal times, when the occupiers of the soil were mere serfs or *villeins*, the slaves of their lords, instead of receiving wages for cultivating demesne lands, these serfs or labourers had portions of land assigned to them, out of the produce of which they were to support themselves and their families. These lands they occupied at will. But, in course of time, when they had occupied and improved the same lands for generation after generation, it was held by the courts of law that they could not be removed out of their lands by their lords, as long as they fulfilled the conditions of their tenancy, because, though they held at the will of the lord, it was still according to the custom of the manor: so that here a custom, which the landlord might have altered or violated with impunity at any time before it was held to be binding on himself, was found to prove effectual for the protection of the property which the poor bondsman had created by his own extra labour and industry. From feudal times the tenants of copyhold estates in England held them at the will of the lord of the manor, and according to the custom of the manor. The copyhold system conferred rights by mere custom on men who were not at first even free men, simply because they had cultivated the land for themselves and improved it for themselves. That description of property had been dealt with from time to time by Parliament, and had been recently assimilated to the rest of the tenures of this country. How, then, could it be argued that injustice would be done to the landlords by dealing out to those whose forefathers had been persuaded to settle in a new colony and expend their capital in reclaiming uncultivated lands, the same measure of justice which had been previously secured by mere bondsmen, who had no independent rights when they began to make improvements? He appealed to them earnestly to deal as liberally by the tenant-farmers of Ireland as they had dealt with the *villeins* and copyholders of the feudal system. Again, in almost all continental countries, the occupier of the soil was to a certain extent, the owner of it, and had all the motives for improving the property which sprang from a direct participation in such improvement. And that was the principle, sought to be introduced into some of the Bills relating to tenant-right in Ireland several years ago. Even in some parts of India, and especially in the Presidency of Madras, the same principle had been recognised by the East India Company in their dealings with the ryots, and he trusted that the House would not be less favourable to the rights of the Irish tenants than the East India Directors had been to those of the ryots in India. The science of agriculture had of late greatly increased; but unless power was given to tenants to apply that science to the increased production of the soil for their own benefit, they would be found lagging behind, and the improvements of agriculture in Ireland would be impeded. It was impossible for the landlord, or any one not in actual occupation, to keep lands up to the highest degree of fertility. That could only be done by the actual occupier; and it would be done only when he had a right to the full benefit of the required improvements which would give him the necessary motive to expend his labour and capital. But he regarded this not merely as a question between landlord and tenant, but as a constitutional question—as one involving the regular development of the resources of the country and the rights of labour—as one intimately connected with the market for labour in Ireland; so that the population, instead of seeking employment abroad, might be able to find it at home, and be at all times available when required for the service of the State. Instead of that, we had them now seeking employment in the colonies of America and Australia, in numbers varying from 100,000 to 300,000 annually, and leaving their native land destitute of both la-

bourers and recruits. The chief objection taken to the claim he now advocated was, that it interfered with the rights of property; but what right of property had the landlord in the possibility of the land being so improved as to yield a greater return; if he so chose, he could borrow capital from the public exchequer and make the improvements himself; and even that was an exceptional privilege given to him, contrary to the ordinary principles by which the supply of capital is regulated. But when he failed to do so, he submitted that to allow him to claim the benefit of all improvements that were made by the tenant, except under the stipulations of a lease, was rather an interference with the property of the tenant than with that of the landlord. He had no feeling of hostility to the landlords of Ireland, although advocating so strenuously the rights of the tenant. On the contrary, he freely admitted that in the tenant-right districts, speaking generally, their moderation and liberality to their tenants were praiseworthy. As a rule, they recognized the right which he now contended for. They had sanctioned it from the first, without any constraint of law, but from a sense of justice. They profess, one and all, to have no desire to encroach upon the tenant's interest, or deal with him harshly; and surely it could be no injury to them to render legal that which they were already accustomed to grant. When he compared the conduct of Irish landlords, permitting a large amount of valuable property to accumulate for generation after generation in the hands of their tenants, outside the pale of law, and wholly unprotected against their claims, and compared it with the conduct of other classes — of merchants and traders, for instance — speculating with other people's money, and ruining their creditors, or even of tenants, as sometimes happened, decamping from their holdings and leaving their rents unpaid, he regarded the tenant-right landlords of Ireland as deserving of their admiration. But though this property in improvements had been recognized by the landlords as one belonging to the tenants, it had from time to time been subjected to encroachments, and evictions had taken place in nearly all the counties of Ulster. He had a long list of evictions and other encroachments with which he would not trouble the House. He would only mention two or three cases of recent occurrence, which had been publicly proclaimed through the newspapers, and had caused much feeling and excitement in various parts of the country. For the evil of these tyrannical proceedings is not to be measured by the loss inflicted upon the immediate sufferers. A painful feeling of insecurity and apprehension is spread far and wide, which it is impossible to calculate, which destroys the peace and comfort of families, and prepares them for leaving their native land. The most inexcusable evictions, however, had taken place in the county of Donegal. Within the last two years there had been evictions on the property of a noble Lord (Earl of Leitrim) of tenants from houses which had cost the occupiers from £2,000 to £3,000. It might be said these persons were to blame for building houses without the guarantee of a lease; but it was well known that in that part of Ulster the landlords, if tenants for life, were not empowered to grant building leases till within the last two years, and also that the tenants had been accustomed to lay out money on buildings with almost the same security as if they had a lease. A passage from the will of the late Lord Leitrim, as published in the *Northern Whig*, laid down in a very forcible way the kind of intercourse that existed between landlords and tenants in that part of Ireland. It set forth that—

"Inasmuch as his son had all his property in Ireland, and had been born there, he wished him to consider himself as an Irishman, and not to look down on his countrymen; that he should have an affection both for England and Ireland, seeing the interests of the two countries were so closely connected; but he was to remember that he could never be of consequence or be respected in England unless he was respected in Ireland, and that, therefore, he ought to visit his estates as often as he could, and cultivate, to the utmost of his power, the attachment of his tenantry."

These sentiments were, he thought, deserving of the approval of the House. The tenantry believed they had a security equal to leases under the author of this will, and by virtue of their tenant-right claims. He (Mr. Greer) contended that it was the duty of the House to inquire how far it was in the power of the Legislature, consistently with the rights of the landlords, to deal with this grievance of the tenants of Ireland; and he proposed to give the Committee the power to consider the whole question, and to recommend such a measure as would settle it satisfactorily, consistently with the rights of all parties. It would be their duty to examine over what area the tenant-right custom prevailed, and what may be its

average value, and what have been its social and economic effects and influences. It was said that the result of appointing a Committee would be to perpetuate the existence of small farms in Ireland. But the landlords were quite as much responsible for the smallness of farms as the tenants, and the landlords had no right to object to that which they had the means of preventing. The law invested the landlord with the right to covenant against subletting, and to enforce that covenant. If he neglected to do so, or if he cut up his estate into small farms to create 40*s.* freeholds, the tenants were not to be held responsible for the subdivision of the land, though he did not admit this to be such an evil as was alleged. But even then, the landlord would have full power to consolidate small farms and evict his tenants; but he should do so after giving a fair compensation to the tenants for their existing improvements. The Committee would have many subjects of inquiry referred to them, which had never yet been fully and fairly examined. The Devon Commission in their Report dealt with this subject at considerable length. The question of tenant-right was not specifically referred to them, but the relation between landlord and tenant was, and a portion of their Report referred to the evidence given as to the custom of tenant-right prevailing in some of the northern counties. The Devon Commissioners Report (page 14) was to this effect:—

"In the account given by witnesses throughout Ireland of the mode in which occupiers hold their land the most striking peculiarity is the custom prevalent in the northern counties, called tenant-right."

"The origin of this custom has been the subject of much speculation, but is now rather a matter of curiosity than of present interest. It dates from a very early period, having probably sprung up, as we have already noticed, as a natural consequence, from the manner in which property was generally granted and dealt with in that part of the country. Large tracts having become the property of public bodies, or of individuals resident at a distance, the landlords were well contented to let their farms to those who would undertake the cultivation and entire management, reserving to themselves a rent, but making no expenditure, and exercising little interference with the land.

"Under such circumstances it seems neither extraordinary nor unreasonable that a tenant, quitting a farm, either at his own desire, or from any difference with his landlord, should obtain from his successor a sum of money, partly in remuneration of his expenditure, and partly as a price paid for the possession of land which the new tenant would have no other means of acquiring. From this state of things a feeling of proprietorship appears to have grown up in the tenant, which continues in a great degree to the present day; and the extent to which it prevails may be seen by reference to various parts of the evidence taken in the province of Ulster. Under the influence of this custom the tenant claims, and generally exercises a right to dispose of his holding for a valuable consideration, although he may himself be tenant at will, and although he may have expended nothing in permanent improvements."

In that passage the Report seemed to imply that when a tenant obtains by purchase or inheritance a highly improved farm, his right to sell it again should hardly be conceded, unless he have raised it to a still higher pitch of improvement. Now, such a doctrine seemed to be very unreasonable, because the essence of the custom was the reclamation of the ground and the improvements originally made thereon; and if the tenant had not himself performed those works, it came to the same thing, if the improved value be actually there, having descended from his father or been purchased from a stranger. The Report went on—

"We found that in various parts of that province, sums equal to ten, twelve, or fifteen years' purchase upon the rent are commonly given for the tenant right; and this not only where the rent is considered low, but where it is fully equal to the value."

It is somewhat difficult to receive this statement in its full literal meaning. The farms so purchased must certainly have been considered of some value by the purchasers, who may fairly claim to have some voice in the decision of that point. In another part of this paragraph the Report conveys, I conceive, a very inaccurate impression. It suggests ten, twelve or fifteen years' purchase as the ordinary scale of prices; whereas the evidence they have published shows that the great bulk of tenant right property was estimated much lower—from two or three years' purchase up to six or seven—so that probably the average value would not be found to exceed seven or eight years' purchase of the rent, though in some instances it was up to twenty years' purchase, and even higher. The Report went on:—

"Proprietors generally have been enabled to place a restriction on this tenant right, so far at least as to secure a power of selection with respect to the tenant, and to place some limit upon the amount to be paid; wisely judging that a tenant who pays a large sum of money—part of which he probably borrows—in entering upon a farm, will be crippled in his means for the proper management of it."

This paragraph seems to indicate on the part of the Commissioners a desire to limit, if not ultimately to extinguish this

custom. They speak of placing restrictions upon it with manifest approval; and they suggest the idea, without directly asserting, that these purchasers of tenant right, at what they obviously deem insane prices, have usually to borrow money to enable them to pay the purchase-money, and that they are pretty sure ultimately to ruin not only themselves, but those who are foolish enough to lend them money. Now, his (Mr. Greer's) experience led to the very opposite conclusion. He had observed that the purchasers of additional farms were usually those who had already made some profits by their farming, and who sought to employ their industry and capital on a wider field—that they were often the most successful farmers in the district, and if obliged sometimes to borrow money, were soon able to pay it off again. The Report proceeded :—

"Anomalous as this custom is, if considered with reference to all ordinary notions of property, it must be admitted that the district in which it prevails has thriven and improved, in comparison with other parts of the country; and although we can foresee some danger to the just rights of property from the unlimited allowance of this 'tenant right,' yet we are sure that evils more immediate and of a still greater magnitude would result from any hasty or general disallowance of it, and still less can we recommend any interference with it by law."

This is the last paragraph of the Report relating specially to tenant right, and though it bears a strong though reluctant testimony to the good effects which have resulted from this ancient custom, it not only abstains from suggesting any means for strengthening or perpetuating the custom, but darkly hints, without sorrow or alarm, at its ultimate but gradual extinction. A "hasty or general disallowance" might, no doubt, be dangerous, but a gradual and judicious denial of it would, as they were left to infer, be sound policy, and would soon extinguish this troublesome anomaly. This was a doctrine calculated to excite the utmost alarm wherever the custom prevailed. It held out no hope of the sanction of law to protect the tenants' customary interest. It rather deprecated the arm of the law to be employed as an agent in putting an end to the custom, but gave it over to the landlords to be restricted and limited, and at length gradually, but surely, extinguished altogether. Now, the Devon Commissioners had so many subjects to report upon, that this matter of tenant right does not fill the twentieth part of their Report. They took a great deal of evidence on the subject which would be available and exceedingly useful to the proposed Committee. But after dealing with it on the slip-shod and unsatisfactory manner to which he had adverted, he thought their own Report demonstrated that the subject required more thought and investigation than they had deemed it worth while to bestow. The Committee, if granted, might direct their attention to the extent of the area in which the custom prevailed, the average value of the interest which the tenants held under the custom, and the land subject to it, to the desirability of recognising the rights of the tenants, and to the manner in which those rights could be secured. He appealed to the justice of that House on behalf of a suffering and unprotected class, to secure them the fruits of their own industry; on behalf of the country at large, to permit the full development of its industrial resources and its material wealth; on behalf of the working classes to provide an abundant and profitable home market for their labour. That House was then showing a praiseworthy anxiety to better the condition and protect the interests of the Hindoo Ryot in its eastern empire; it had proved its care for the safety and protection of the Chinese Cooly when carried off from his native home. Above all, it had followed, with compassionate regard, the unfortunate negro doomed to a life of slavery, and had sacrificed the enormous sum of £20,000,000 sterling to emancipate the slaves in our own West Indian Colonies. He contended that those who were robbed of the fair and natural fruit of their labours were, to that extent, as truly slaves as the West Indian negroes. It was only a question of degree. He appealed to the well-known generosity of that House to consider the grievances of his fellow-countrymen, and redress their wrongs. He only sought for a Committee to inquire, consider, and report. The House would not be pledged to his views, nor even to those of the proposed Committee by adopting his Motion. The tenant farmers were naturally anxious about their position. He had presented many petitions on the subject. It was gradually becoming better understood in this country, and must soon be dealt with as justice required. The hon. Gentleman concluded by moving—

"That a Select Committee be appointed to inquire into the nature, origin, and extent of the Tenant Right Custom in Ireland, the alleged recent violations of it in various northern counties, and to consider and report how far it may be practicable to protect, for the benefit of the occupying tenants, the property which has been created under that Custom."

LORD NAAS said, he should not follow the hon. Gentleman over the wide field which he had travelled with reference to the tenure of land in Ireland. The hon. Gentleman asked for a Committee to inquire into the system of tenant right as it existed in the north of Ireland. No doubt that was a question of importance; but there existed in the library of the House ample information on the subject. In the library there were four ponderous volumes the result of the labours of the Devon Commission. That Commission, formed of able and experienced men, had examined landlords, tenants, labourers, and individuals of every class, and had obtained the fullest information from that evidence. The hon. Gentleman, or any other Member who wished for information on this subject, would find every particular stated at full length in those volumes. The tenant right of the north of Ireland differed in this essential particular from any tenant right in England—namely, that it was not limited to claims for unexhausted improvements made at the expense of the tenant, but included payments by the incoming to the outgoing tenant for the goodwill or occupancy of the farm. Much might be said both for and against the custom. It often secured the landlord against arrears of rent, and it also secured the tenant compensation for improvements; but it also often acted prejudicially, for tenants often expended all their capital in buying up the tenant right before they entered on the occupancy, and then they were crippled in their future operations. At the same time it was a right which was so vaguely defined, and a matter so purely of personal arrangement, between the landlord and the outgoing and the incoming tenants, that it would be impracticable to deal with it by legislation. In the Province of Ulster the custom had grown up naturally and was likely to remain in its present form, for he had heard of no attempts on the part of the landlords and tenants in the north of Ireland to shake the custom. The hon. Gentleman had mentioned one or two instances, but he admitted that there was no general inclination to depart from it. What he (Lord Nass) wished to show, however, was, that as the custom existed, it was beyond the power of Parliament to deal with it in any respect. Tenant right varied in different localities. It varied in value from £5 to £20 an acre. Different sums were given for almost the same thing. The value differed whether a lease was given or not, and according to the character of the landlord. It varied with the price of agricultural produce, with the demand for land, with the amount of population, with the locality, and with the state of the farm when the change occurred. It was impossible for the ingenuity of man to draw up an Act of Parliament to regulate a custom of so variable and changeable a character. Much valuable information could be obtained from the result of the labours of the Committee of inquiry into English tenant right which was presided over by Mr. Pusey. The opinion to which that Committee came was, that it was not possible to legislate satisfactorily for tenant right in England, and how much more difficult would it be to legislate for tenant right in Ireland, which comprised many more considerations in the calculation of its value than it did in England. He did not think that any practical end would be gained by granting a Committee. The information before the House was full and ample; legislation was not only impracticable, but might be most mischievous; for any attempt to legislate would tend to lower the value of tenant right as it existed in Ireland. He should therefore oppose the Motion.

MR. MACARTNEY said, the hon. Member for Londonderry (Mr. Greer) having referred by name to two landlords in that county who were friends of his, he wished to say a few words. He objected strongly to the practice of introducing the names of persons in that House who were not present to answer for themselves. In no county was tenant right more established than in the county of Derry, and yet there were some landlords who had no tenant right on their estates. Unsuccessful attempts had been made by Governments of different politics, to legislate on the question, and the opinion of most men who had studied it was, that in attempting to deal with tenant right, they would damage the interests of tenants. For while the landlords were now content to let things remain as they were, if they came to legislate, the landlords, especially in an English House of Commons, would recover many rights which they did not now possess. It was not worth while to discuss this subject then, when there was an adjourned debate on the question now before the House; and he thought it would be better to proceed at once to a division, and negative the Motion.

MR. CHICHESTER FORTESCUE said, he would appeal to his hon. Friend whether it was worth while to press his Motion. He (Mr. Fortescue) had a strong feeling in favour of the tenant right of Ulster. There might be objections to it, but he believed it to have been one main cause of the great prosperity of the north of Ireland. It had been a check on the evil of extravagant competition for land in Ireland. But in the interests of Ulster itself, he objected to the inquiry sought. Tenant right was so various, it was almost impossible to embody it in any scheme of legislation. The probable result of the Committee of Inquiry, if it was obtained, would be that it would come to the same conclusion as that which inquired into tenant right in England—namely, that legislation was impossible.

MR. P. O'BRIEN said, he also would advise his hon. Friend to withdraw his Motion, because at present tenant right, as it existed in the north of Ireland, was accepted, and it was not desirable to weaken the efforts of the advocates for a general tenant right by bringing forward isolated cases like the one then before the House.

MR. GREER said, although the feeling of the House appeared to be against him, he should not withdraw his Motion. There was a strong desire in Ireland for an inquiry, and he had presented petitions in favour of it. The Devon Commission did not touch on many of the points on which inquiry was wished, and further investigation was necessary to enable the House to legislate on the subject.

Question put.

The House *divided*:—Ayes 43; Noes 232: Majority 189.

COUNTY FRANCHISE (SCOTLAND).

MR. CAIRD rose to move for leave to bring in a Bill to assimilate the county franchise of Scotland with that of England. In seeking to carry that object into effect, he did not wish to create a new franchise, but simply to extend to the former country those electoral rights and privileges which had been enjoyed by the latter ever since the passing of the Reform Bill. A brief statement would serve to show the difference between the two countries in respect of the franchise. He found by certain returns which had been recently laid upon the Table of the House that while in Scotland not more than every thirty-four, in England every twenty persons were in some degree politically represented; and that while in the case of the county electors of England four-fifths were freeholders and only one-fifth occupying tenants, in the counties in Scotland two-fifths were owners and three-fifths occupying tenants. The result of this was, that a majority of the electors in Scotland being the occupiers of other men's property, were a much less independent class than in England. The difference in the classification of electors in the two countries was due to the fact that while in England every proprietor of 40*s.* of free income in land enjoyed the franchise — a privilege which might be purchased by an outlay of £40 or £50, in Scotland an expenditure of five times that amount would be required in order to secure a similar privilege. Again, another source of difference between the two countries arose from the fact, that in England a freehold in a borough which did not give a vote for the borough gave one for the county; but in Scotland the soil of the borough was excluded from the county. The result of this was that the great commercial cities in Scotland possessed no influence in the county elections, and as there were thirty county as opposed to twenty-three borough Members, the Government of Scotland was practically in the hands of the aristocracy, while the whole artisan and peasant population of Scotland were disfranchised. At the passing of the Reform Bill, in 1831, a distinction was made in the two countries in this respect; the 40*s.* freeholders were continued in England, as were the old freehold superiorities which had existed in Scotland from the time of Charles the II.; but the practical distinction between the two classes was, that England enjoyed the advantage of a 40*s.* franchise at the present value of money, whereas in Scotland a 40*s.* freehold was the representative of the value of 400 years ago. From this it resulted that the constituencies in Scotch counties were narrowed to the landlords and their farm tenants. The question was seldom put to the different constituencies as to what candidate they would support; but a few landlords selected the candidate, and it was felt and known as a matter of fact, or rule, that the occupying tenants were never referred to for their opinion. He did not complain of hon. Gentlemen on one side of the House more than on the other, for it was notorious that this was the regular rule followed by both parties—Liberals as

well as Conservatives. The occupying tenants were expected by all to follow the wishes of their landlords. The truth was the county franchise in Scotland had not really been changed by the Reform Bill, and the system was practically still to allow ten or twenty landlords to return the county Member. That this was so, was proved by the fact that although out of the 50,000 county electors in Scotland 30,000 were tenant farmers, and although that class were remarkable for their intelligence, and had engaged a capital of no less than 50 millions on the agriculture of the country, they had never shown their independence by sending to this House a single Member of their own class. Now, he was ready to admit that the present county representatives of Scotland were most respectable men, so are the Lords Lieutenant chosen by the Crown, but that, he contended, was no good reason why the body of the people should not have a voice in choosing their representatives. The Bill which he proposed to introduce, with the view of conferring upon them that privilege, involved no novel principle; and he might add that he had in favour of that principle the authority of the noble Lord the Member for the City of London, who in the discussion upon the introduction of the Reform Bill of 1832, had expressed it to be his opinion that no alteration should be made in respect of the 40*s.* freeholders in counties, who constituted a class well calculated to exercise with advantage the electoral franchise, and took care to protect that franchise in the English Bill—it was only because the Scotch Reform Bill was unfortunately less under the attention of that noble Lord that the same principle was not then carried out for Scotland. It might be said that a reduced qualification would lead to a manufacture of fictitious votes; but the answer to that was, that it was as easy to fabricate fictitious £10 votes as 40*s.* votes. The class of persons who under a 40*s.* franchise would be entitled to vote for the election of county Members in Scotland would well bear a comparison with the same class in England. Owing to the absence of small dwellings he found it stated in an agricultural work that the populations of each of 479 of the 981 Scotch rural parishes had diminished within the present century. The evils which had arisen from the disinclination of landlords to encourage a cottage population upon their estates were so great as to amount to a positive blot upon the agricultural system of Scotland. There was an almost universal preference given to unmarried men as agricultural labourers, owing to the comparative cheapness with which lodgings could be provided for them. This had led to the erection of "bothies" as they were termed, and the working of that system had been shown in cases which had recently come before the Scotch law courts, which exhibited a state of things much to be deplored by every Scotchman. In 1857, in Forfarshire, a farm servant was prosecuted for deserting his service, and the defence he set up was that the "bothie," which was allotted for his dwelling was in such a state as to render it impossible for him to remain. The magistrate deputed two medical men to visit the "bothie," and they described it as a circular house apart from the other farm buildings, with a puddle of stagnant water in front of the entrance. The diameter was 13 feet, and the unplastered walls were six feet in height. The floor was mud continually damp. The sleeping apartment for the men was above the stables, and was only 5 feet 9 inches in height. The room was 16 feet in length and 6 feet 9 inches in breadth, exclusive of the space occupied by the bedsteads, which were five in number, although only three were in use, being the sleeping accommodation for six men. The medical men added that the whole arrangements were such as must tend to injure the health of the men. Instances such as these exhibited a deplorable state of things, which the assimilation of the Scottish county franchise to that of England would be useful to correct, as it would encourage the labouring population to erect dwellings for themselves—the next great distinction between the Scottish and English systems was that in England property situated in boroughs is capable of conferring a right to vote for the county. There was no such right in Scotland, and when he mentioned that one-fifth of the whole county constituencies of England voted in respect of property situated in boroughs, it would be seen how the absence of that right must limit the franchise in Scotland. Upon taking two Scotch counties and comparing them with one English county of nearly similar extent, and possessing nearly similar resources, the inequality was apparent. In Ayreshire and Lanarkshire the population was 310,000, and the number of electors 7,100. In North and South Staffordshire there was a

population of 345,000, and the number of electors 20,738. In the English county there were 13,000 more electors than in the two Scotch counties, the population and annual value of the property being nearly the same in each—.At the passing of the Reform Bill grave apprehensions were entertained with regard to the right to be given to boroughs to vote in adjoining counties, and one influential Member (Sir Edward Sugden) said, that the effect of giving freeholders and copyholders in towns the right of voting for counties would be that such towns as Birmingham would invariably carry the county election, and that the county Members would be the representatives of the political unions of Birmingham. Now, after twenty-five years experience, who were the Members for North Warwickshire?—Two hon. Gentlemen who were not at all likely to endeavour to subvert the constitution of the country, or to injure its Protestant establishments—there was another point of some importance, not only with regard to the extension of this principle to Scotland, but also with regard to the arguments of the Chancellor of the Exchequer respecting the larger number of county voters as compared with the number of borough voters. According to the census it appeared that a gradual change was taking place in the occupation of the people of this country. Every census since that of 1811 had shown a gradual decrease of the agricultural population as compared with other classes of the population. In 1811 the agricultural population was 35 per cent; in 1821 it was 33 per cent; in 1831 it was 28 per cent; in 1841, 22 per cent.; and in 1851 only 16 per cent. of the adult population. A fact of great gravity and well deserving the attention of Statesmen both in its causes and its consequences. The Census Commissioners said the union between town and country had become more intimate by trading and other associations than at any previous time. That seemed to him a strong ground for continuing the system which prevailed in England of drawing no marked distinction between the dwellers in the towns and the dwellers in the country. The town and country populations in Scotland were in exactly the same proportion as in England, and if that was a good reason why a mixed franchise should continue in England it was also a good reason why it should be promoted and extended in Scotland. He did not disguise from himself the great addition which the extension of the principle that now prevailed in England would give to the county constituencies of Scotland. It might perhaps double the constituencies in the neighbourhoods of the large towns in Scotland—that was his great argument in its favour. He thought it would be a great advantage that so large a mass of respect, able and intelligent people should no longer be deprived of privileges which were enjoyed on this side of the Tweed. In a moral point of view also, the advantage of giving to the Scotch people an interest in the acquirement of small landed properties was very great. That system in England had been found to conduce to prudence, sobriety, and economy, and he was informed that investments in property of this kind took place in Birmingham alone to the extent of £100,000 annually. He expected that technical objections might be raised to the proposition he was then submitting to the House. It would be said, probably, that they had no similar tenure in Scotland to an English 40*s.* freehold. But there could be no doubt that they had the fact of property in Scotland as well as in England, though the tenure might be known under another name. The Scotch feu in its character of perpetuity was equal to the English freehold, and he did not ask the right for leaseholders any more than it was asked for them in England. He asked only for substantially a similar right to that which England already possessed; and if the want of similarity of tenure were a good reason for withholding the franchise, the same principle would disfranchise the whole property of Scotland. Having sketched the objects of his Bill, he might now refer to an event in very recent times, to show the want of sympathy between the people of Scotland and the county Members. He alluded to the disruption in the Church of Scotland in 1843, when one morning 450 ministers of that Church left their manses and glebes, and relinquished stipends amounting in the aggregate to £110,000 a year, inflicting a blow on the Establishment of that country from which it could never recover. Such a circumstance could never have happened if the House of Commons had been kept in intimate knowledge and relationship with the people of Scotland through its county representatives. He appealed to the English Members to support the Motion he was about to propose. He was asking this

concession for men who paid the same taxes as the people of England, and who were ready on all occasions to put their shoulders to the wheel in any exigency of their common country. The right hon. Gentleman the Member for the University of Oxford made an eloquent appeal to the House the other night on behalf of the Dacian peasants on the banks of the Danube. He (Mr. Caird) asked for a recognition of the rights of 2,000,000 of his countrymen north of the Tweed. Addressing himself to Scotch Members, he would ask — could they refuse to recognize in their own countrymen those qualities of prudence and that degree of education which certainly they would never say were inferior to those possessed by the same classes who enjoyed the franchise in England? He would ask them to consider how many of the country population were at this moment unenfranchised; how many men of worth in that class from which James Watt and Burns, the poet, sprang? The hon. Member concluded by moving for leave to bring in a Bill to assimilate the county franchise of Scotland with that of England.

Mr. COWAN said that, although he had not had the honour to present any petition in favour of this Bill, and had had no communication with his constituents upon it, he had no hesitation in seconding the Motion of his hon. Friend; and he hoped he might appeal with success to English Members to extend to their Scotch brethren the same franchise which they enjoyed themselves. He did not approve of all that had been said by those who advocated this measure, for he was ready to admit that some of the friends of the movement had acted not very judiciously. In saying this he did not allude to Dr. Begg, the originator of the movement, who, although some of his language could not be justified, had by his acts shown an earnest desire and perseverance in improving the condition of the labouring classes. But he referred to a certain number of individuals in the city which he had the honour to represent, who had been aiding in carrying on the agitation for the movement which had resulted in this Bill. Those persons who were seeking to make political capital out of the question, were in the habit of making attacks on the Scotch Members, and had accused him and some of his friends of being tied neck-and-heel to the late Lord Advocate. They had represented them as being unfriendly to this movement; and they had made statements which were utterly false; but he would treat them with that contempt which they deserved. There were only two objections urged to this Bill. One was, that the effect of it would be to swamp the counties. He had no wish to swamp the counties, and certainly the 40*s.* franchise had not had that effect in England. Another objection was, that it was likely to lead to the manufacture of fictitious votes. That was a matter which would require the consideration of the House. At the time of the anti-corn law agitation, he purchased a 40*s.* freehold in Carlisle, in order to give him a vote for East Cumberland. It was not a very profitable investment. Some time afterwards he saw his name amongst others as that of a fagot voter, and he felt somewhat ashamed of it. He did not think that the obtaining a vote under those circumstances was justifiable, for he had no connection with the county of Cumberland. He regarded with lively satisfaction the great improvement which had taken place in the condition and conduct of the lower classes. He remembered when the Luddites were banded together to destroy machinery. There was no such feeling now, and he thought the loyalty and good conduct of the people showed that they were well deserving of the franchise. It was his opinion, however, that this extension of the county franchise should be accompanied with measures for simplifying and cheapening the transfer of land, and relaxing still more the system of entail in Scotland. He trusted the Bill of his hon. Friend would receive the support of the accommodating Government that now occupied the Treasury bench.

Mr. MONCREIFF said, he was anxious to state the grounds why he thought that the proposition of his hon. Friend the Member for Dartmouth, as far as he could comprehend it, ought not to be adopted by the House. If the Resolution originally placed on the paper had remained there, he should have had no difficulty in giving it a decided negative; but his hon. Friend had, at the last hour, altered his plan, and his Motion now took the ambiguous shape of a proposal to assimilate the county franchise of Scotland with that of England. But even after listening to the speech of his hon. Friend, he still felt some curiosity to know in what way this assimilation was to be accomplished by the Bill of his hon. Friend, whose speech savoured more of agricultural statistics than of electoral law or

questions relating to the franchise. As far as he could understand it, his object appeared to be to introduce into Scotland the 40*s.* freehold franchise with all its incidents, characteristics, and defects. Now, in the first place, that was impossible, and any equivalent for that franchise would not deserve the name of a reform. Let him explain the difference between the tenure of land in the two countries. The freehold tenure in both countries was originally the same. The freeholder was a vassal of the Crown, bound to give attendance on his Lord, and bound, therefore, to give his attendance in Parliament. Before the reign of Edward I. the superior vassal was entitled to give all his property to sub-holders, and that was the law in Scotland to this day; but these sub-vassals never were freeholders. In Edward I.'s reign a statute was passed, which enabled the superior vassals in England to alienate the fee, and in that way the small freeholders became a large body. The franchise, however, by a statute of Henry VII. was limited to freeholders, whose holding was of the annual value of 40*s.* The great mass of property in Scotland was held by the sub-feuars, and the consequence was, that it was impossible to introduce the 40*s.* franchise in Scotland. It was a great mistake to suppose that the Reform Bill created the 40*s.* franchise in England. The Reform Bill found this franchise in existence, and left it as it found it. The Reform Bill created a £10 copyhold and a leasehold franchise for England and for Scotland, and it was a mistake to suppose that the two countries were dealt with differently in that respect. In the days of rotten boroughs, the spark of liberty in England was formerly kept alive by the 40*s.* franchise, and as it was a relic of ancient times and had done good service in its day, Parliament preserved it intact. Scotland, moreover, did not possess the freehold tenure which would give this franchise. To whom, then, did his hon. Friend propose to give it? From the proposed Bill, it was impossible to say who were to be enfranchised. Did the hon. Gentleman mean to enfranchise leaseholders or life-renters, or those who held burgage in the boroughs? The House had not been told; but, if they were not to be enfranchised, he should like to have the hon. Member's reason why any species of property was to be excepted. He had some curiosity to discover who the people were who would be benefited by this measure. It had been said that the whole artisans of Scotland were unrepresented, but one little fact which his hon. Friend had not mentioned was, that the majority of the county Members of England sat upon the Ministerial side of the House, and the majority of the Scotch county Members upon the Opposition benches. Having heard that the rights of Scotland were trampled under foot in that House, he tried to discover who those were who were so injured and oppressed. The result of his inquiries convinced him that there was no great class of the community who would be reached by this franchise, and that the enfranchisement of the 40*s.* proprietors in Scotch counties would give a body who were not greatly to be wished for on one hand or trembled at on the other. He had made an analysis of the county of Edinburgh, and he found that there were 4,520 tenements of between £2 and £10 value. It would be, however, a great mistake to suppose that these tenements represented the same number of possible constituents. After deducting the number of those persons who were on, or entitled to be on, the electoral roll, there remained only 290 tenements which were capable of giving the franchise, and from this number must be again deducted the tenements of those who were in their minority or absent from the country. So that in the large metropolitan county of Edinburgh the 40*s.* franchise would carry with it comparatively no extension of the suffrage at all. But his hon. Friend said he was going to introduce a borough vote. Now, four or five of the smaller boroughs of Scotland were grouped to elect Members, which was not the case in England. But the material distinction was that, while in England the owner of property must reside within a borough to have a vote, in Scotland he had a vote if he resided within seven miles. The result was, that in Scotland there was a large ownership franchise enjoyed by those who did not reside within the boroughs. In the boroughs of Scotland there were no small tenements, or, at all events, a very inconsiderable number capable of giving this franchise. In the city of Edinburgh there were £1,500 tenements valued at £2 and less, and they belonged to twenty-nine individuals. In Leith there were 355, and the number of fortunate proprietors was two. Between £2 and £12 in value the number of tenements in the city of Edinburgh was 22,000, and the number of proprietors 1,000, the

great mass being the property of persons already possessing the franchise. The owners of tenements above £12 in value would really be the persons who would be enfranchised. The number of such tenements in Edinburgh was 13,000, belonging to 7,000 persons; and if the law of England were introduced, the result would be to import from the town constituency into the county constituency of Edinburgh 4,000 voters, or four times as many as the existing county constituency. [Hear, hear!] Hon. Gentlemen cheered that statement, but he did not think that such a result would be advantageous. The interest connected with the counties was different from that of the towns, and he thought the measure would be undesirable even if it merely rested upon the fact that such an extension of the franchise would upset the electoral balance, and make it a mere money question, in which the largest purse would insure the creation of the greatest number of votes. A contest would immediately spring up between county and borough. The agricultural interest would not submit quietly to be overridden by votes imported in that way from the towns. As had always been the case, they would eventually succeed in the struggle; the purity of the franchise would not only be endangered but destroyed, and, instead of liberal opinions being promoted, a feeling opposed to them would probably be engendered. The £10 franchise in Scotland had been the cause of fictitious votes to an extent which would now sound incredible; but those votes were now dying out, principally because £10 was rather a high figure. He could scarcely conceive the possibility of such a crude, ill-digested measure passing; but if it were to become law, the system of creating votes—he would not call them fictitious votes—would instantly commence, and he believed no greater calamity could fall upon the system of representation in Scotland. His hon. Friend seemed to think that this franchise would encourage the working classes to invest in £2 purchases, but it was impossible to suppose that the artisans alone would purchase houses of £2 value, and he did not hesitate to say that acquiring votes in that way, whether by societies or individuals, was not in the true spirit of representative government. The franchise was given to persons because they had an interest in the locality in which they voted, and people who lived in London or elsewhere had no right to go to Edinburgh, and, simply because they had £40 or £50, seek to stifle the independent voices of those who had a real interest in the locality. If the hon. Gentleman really wanted to increase the popular element in the constituencies, he recommended him to turn from a property franchise to an occupation franchise, whereby he would be sure that the right man obtained the privilege. Although he should like to see this Bill, if a division took place he must vote against leave being given for its introduction.

MR. BAXTER said, he thought that the number of public meetings which had been held of late in various parts of Scotland, and the number of petitions which had been sent to that House on the subject, indicated an amount of dissatisfaction with the county franchise on the part of the people of Scotland, which did call upon the House to take the matter into their serious consideration. At the same time he was not sure that the hon. Member (Mr. Caird) had hit the real grievance. It struck him (Mr. Baxter) that the real grievance of the people of Scotland was, that the Members for boroughs were not so numerous as in either England or Ireland. The English borough Members represented an average population of 29,000 persons, but those of Scotland represented 44,000. Again, to bring up the proportion of county voters, to those of England, Scotland ought to have 83,000 county electors instead of 49,000, and he believed that the people of Scotland attributed this fact to the absence of the 40*s.* franchise. The complaints heard from all parts of Scotland were worthy the attention of the House; but though the representation for Scotch counties did require alteration they could not shut their eyes to the fact that the question had not yet been sufficiently matured. In the present state of feeling in that country, the hon. Member for Dartmouth could not expect to pass his Bill through the House, and he would suggest to him the propriety of withdrawing the Bill and moving the appointment of a Select Committee to inquire into the whole subject.

MR. CUMMING BRUCE said, that he was not unwilling to see an extension of the county franchise in Scotland, for he considered that such a measure might be carried into effect with safety to the Conservative interests in those counties. He could not support this measure, however, because he thought it would have a direct tendency to encourage the creation of fic-

titious votes. During the debate upon the disfranchisement of the Irish 40*s.* freeholders, a friend of his, Mr. Brownlow, stated that an Irish gentleman, who, like all Irish gentlemen, possessed every virtue except that of residing in his own country, was required by the Government to discharge the duty of high sheriff of the county in which his property was situated. He endeavoured to evade the appointment, but without success; whereupon he exclaimed, "By heavens, if I am obliged by the Government to go to Ireland, I'll become a Member of Parliament to vex them, and I'll make them regret it to the last day of their lives!" He divided his estate into 2,600 divisions, upon each of which a man could only live in a state of beggary, and came to Parliament without asking a vote from a single independent elector in the county. During the same debate the late Lord Dunfermline, who was universally respected as a lawyer of sound constitutional views, and a most liberal man, and whom every hon. Member of that House must regret, said that the 40*s.* franchise was a system which must ruin the independence of general elections, and would ultimately exclude persons of the middle classes from all real share in them. He believed that a similar result would follow the introduction of that system into Scotland. The hon. Member for Dartmouth (Mr. Caird) had pointed to the fact that such men as the poets Hogg and Burns did not enjoy the franchise; but he would remind him that that privilege had been possessed by another poet, who wrote a song about a certain celebrated freebooter, recommending the good man to "Steek the awm'ry and lock the kist," because "Donald Caird's oot agen." He did not know whether Sir Walter Scott had the hon. Gentleman in his mind when he wrote that song; but he thought that he must have had some vision of his endeavouring first to force the Scotch system of agricultural statistics down the throats of the English, and then to extend the English franchise to Scotland.

Mr. BOWYER said, he wished to clear away a little of the legal mystification which the right hon. and learned Member for Leith (Mr. Moncreiff) had thrown over the question. The learned Gentleman had talked about the Statute of *Quia emptores;* but he might just as well have talked about the Statute of Limitations, or the Statute of Frauds; for it had really nothing whatever to do with the question. The right hon. and learned Gentleman said there were no freeholds in Scotland; and in a technical sense that might be true. The old Scotch franchise depended upon tenure. Those who held *in capite* of the Crown, the greater and the lesser barons, sat together in one chamber; and there could be no doubt that the process of subinfeudation had had a tendency to diminish that franchise. Practically speaking, however, the freehold franchise in Scotland was a question not of interest but of tenure, and there could be nothing unreasonable in recognizing that distinction in their legislation. The hon. Gentleman who had brought forward the Bill would give the franchise in Scotland to persons who had the same real interest in the land which was possessed by voters in this country, and it appeared to him (Mr. Bowyer) that that was a perfectly fair proposal.

Mr. E. ELLICE (St. Andrews) observed that there was something ambiguous in the expression of a 40*s.* freehold in Scotland; and it would be more honest to describe the Bill as an attempt to reduce the existing £10 franchise to one of £2. Looking at the practical difficulty of carrying out any reform now-a-days, when that House, apathetic as it was, was nevertheless in advance of the country on this subject, he thought it would be deceiving the people to say that there was the slightest chance of passing a Bill like the present. While opposed to reducing the franchise in Scotland all at once from £10 to £2, he yet believed that the possession of a moderate amount of property would insure a very good county constituency in the country. He was not afraid of the danger of the manufacture of fictitious votes, thinking, if that House were in earnest, and insisted on the conditions of occupancy and residence, that that evil would be prevented. Arguing this question as a borough representative, he asked, was the borough franchise in Scotland to be made the same as in England, for the principle of assimilation went that length? Though as strongly opposed as any one to a £2 franchise, yet as there was a very respectable body in Scotland set in motion by a rev. gentleman who had been alluded to, who were in favour of what was ambiguously called the 40*s.* franchise, he regretted that the right hon. and learned Member for Leith (Mr. Moncreiff) had thought it necessary to oppose the introduction of this measure. It would be only courteous to its advocates to allow

them to "table" their proposition. He was prepared to support an extension of the county franchise, and if the Bill were brought in it would be perfectly open to him or any other hon. Member to fix that franchise at any other limit than the one now proposed.

THE LORD ADVOCATE said, he would hardly have deemed it necessary to trouble the House at that stage of the debate with any observations, had it not been for what had fallen from the hon. Member who spoke last, and also from the hon. Member for Montrose (Mr. Baxter). Both of those hon. Gentlemen were opposed to the principle of the Bill as it had been explained by its author, and yet they desired that leave should be given to introduce the measure. It was not easy to understand the reason for that apparently inconsistent conduct, and some very excellent reasons might be assigned why the House should not adopt the course recommended by those hon. Gentlemen. This Bill was the result of an entire misconception existing in the minds of certain persons in Scotland; and while the present discussion might be instrumental in removing that misconception, on the other hand the consent of the House to the introduction of the measure would have the effect of increasing and perpetuating it. The delusion under which the persons who had promoted this movement seemed to labour was, in supposing that it was possible to accomplish what might properly be called an assimilation between the franchise of England and of Scotland. The right hon. and learned Member for Leith (Mr. Moncreiff) had demonstrated that this was an impossibility, and his argument was not founded on technicalities, but on substance. He (the Lord Advocate) agreed with the hon. and learned Member, for two very plain reasons. The hon. and learned Member for Dundalk (Mr. Bowyer) had said the difference of the freehold franchise in the two countries was this — that in Scotland it depended on tenure, but in England on interest in the land. The hon. Gentleman would have been much nearer the truth if he had reversed that proposition, because the freehold franchise in Scotland depended almost entirely on interest, and not upon the mere technical character of the right; whereas in England the freehold franchise depended so entirely on tenure that, without it, it could not exist. He thought the Reform Act did fair justice to Scotland at the time in the matter of the franchise, and assimilated Scotland to England in that matter, so far as it was possible. That Act introduced the £10 franchise into England, giving votes to all proprietors of land to that amount, including freeholders, leaseholders, and copyholders. The same franchise was given to Scotland, and included freeholders, feuars, and long leaseholders to that amount. So far there was a similarity. But in England there was a franchise which the Act did not create, a franchise unknown to Scotland—namely, a freehold tenure to the extent of a forty shilling income. No such franchise existed in Scotland, and the Act could not have created such a franchise there, for the attempt would have resulted in something very different in character and interest; and he was quite certain that, if no such franchise had existed in England, that Act would never have created it. It was entirely unknown in Scotland, and to attempt now to extend this old franchise over a new field of representation was certainly a strange application of the principle of equality. But the difficulty did not end there. The hon. Member for Dartmouth (Mr. Caird) said that four-fifths of the voters in the English counties were freeholders, and one-fifth occupying tenants. By freeholders the hon. Gentleman must have meant freeholders, copyholders, and leaseholders; and consequently that his proposal, so far as it was applicable to Scotland, must include freeholders, feuars, and long leaseholders, and that these should be entitled to the franchise, if their holdings were of the yearly value of 40*s*. Was that a similarity? Was it not a great dissimilarity? Was it not introducing into Scotland, for the first time, a franchise which was not to be found either in England or Ireland? Yet the Bill was entitled "A Bill to assimilate the County Franchise of Scotland to that of England," so that in terms the Bill was a contradiction to its title. The hon. Member for St. Andrews (Mr. Ellis) described it truly as a modification of the franchise from £10 to £2, and like that hon. Member he (the Lord Advocate) was opposed to such a proposition. The Bill would lead to the creation of votes, he did not say fictitious votes, but of real votes. The voter under this Bill would undoubtedly be the real proprietor. It would lead to the creation of estates in order to give votes, and the effect of that would be, as had been described by the hon. and learned Member for Leith, that the person with the longest purse would be at the top of the poll. He need not point out the power

which would be vested in a few individuals to create the franchise for the boroughs; for, by spending a small sum of money in conveyancing, a man would be able to overpower the legitimate voters.

SIR EDWARD COLEBROOKE said, he was in a great measure indebted to the people of Glasgow for the honour of a seat in that House as the representative of Lanarkshire, and he could not, therefore, be suspected of entertaining against them any unfair bias. But he did not wish to see the franchise in the Scotch counties so altered that the inhabitants of the great towns would completely swamp the agricultural constituencies. That, however, would, in his opinion, be the result of the Bill, and thus the present distribution of power, between the two great interests of the country, which operated, as he believed, for their mutual benefit, would be overturned. Besides, he did not think there was, after all, much practical difference between the elective privileges of Englishmen and Scotchmen. A person who had a small property might make a very good voter; but if he had to borrow money to acquire the right he was more dependent than one without property at all. On the other hand, he did not think that the introduction of the Bill could be opposed by those hon. Gentlemen who were desirous of seeing the franchise reduced below the existing limits, and he should therefore support the Motion, reserving to himself the right of proposing any alteration which he might think desirable as to the limit to which the franchise should be restricted.

COLONEL SYKES said, he should vote in favour of the Bill in the event of a division, as he thought an opportunity should be given for discussing the principle of the Bill. This was a step towards a reform of the electoral franchise. The people of Scotland felt it a grievance that they had not the same electoral rights as the people of England. It was said there was no freeholders in Scotland—they were all feuars. But every one knew that in England wealthy men on both sides of politics were purchasing estates, and partitioning them out to create votes; and why should not they do the same in Scotland?

MR. PEASE said, that he was obliged to defer to the opinion which had been expressed by the two learned Lords who had addressed the House as to the details of the proposed Bill, but at the same time it was clear that the great majority of the Scotch Members were of opinion that some change should be made in the existing system, and therefore he felt bound to support the hon. Member without saying whether the present time was the best for the purpose, or whether the Bill was the most fitting mode of carrying out the proposed object. In his view it was a proposal to extend the franchise, and that was a step in the right direction, and he did not see why 40*s.* freeholders in Scotland should not be placed upon the same footing as regarded the franchise as those in England. The people of Scotland were as good and loyal subjects as those of any other part of the empire; and if the Scotch Members were of opinion that an extension of the franchise was required, he thought it was the duty of the English Members to support the Bill.

MR. WHITESIDE said, that the hon. Member opposite appeared to think that because the 40*s.* freehold existed in England the people of Scotland ought to possess the same. If that principle were to be admitted they should go further, and extend it to Ireland [Hear, hear!] That observation seemed to meet with a response from some hon. Members. Now he did not know whether those hon. Gentlemen recollected the history of the 40*s.* franchise in Ireland. It by no means followed that because a certain system answered in England it would answer equally well in Scotland and Ireland. There was a fallacy in such an argument. When the question of Catholic Emancipation was being carried great discussions arose in that House as to the 40*s.* franchise then existing in Ireland. What was the effect of such a franchise? He (the Attorney General) had seen an election in the sister country carried by the 40*s.* freeholders, who were a shoeless, shirtless, unfortunate class of men, who were first made use of by their landlords for their own individual purposes, and next by the priests of the country. Those 40*s.* freeholders represented neither the intelligence, the industry, nor the independence of the country. After they had been used for the worst political purposes, what happened? Why, Parliament destroyed them at once in their thousands; and in the Emancipation Bill it was provided that that franchise should be abolished, in order to create a counterpoise to the political influence that was then granted. And now hon. Members opposite set themselves up as the advocates of a 40*s.* franchise in Scotland; and as champions of equal rights, they would of course have the principle extended to Ireland. But

the hon. Members for Ireland had asked for no such thing. Now, of all the blunders ever committed by a legislative assembly, the vote of the Irish Parliament creating the 40*s.* franchise was one of the greatest. Why, it covered the country with paupers, and created numberless small farmers, which it was the general policy of late years to annihilate. He humbly submitted that the proposition to create a 40*s.* franchise in Scotland was impolitic, unwise, and injudicious. Did those hon. Gentlemen opposite imagine that a class of 40*s.* freeholders in Scotland or Ireland could form an independent body of men, qualified to return representatives to Parliament? Then if they said so they ought to go a little further, and establish at once the principle of universal suffrage. Their experience of the results of universal suffrage in neighbouring countries ought to be sufficient to warn them from advocating the adoption of any such system in this kingdom. He, therefore, thought that the attempt to re-open the question now was a movement in the wrong direction, and he would consequently vote with his right hon. Friend the Member for Leith (Mr. Moncrieff.)

MR. CALCUTT remarked that he did not believe that Scotch proprietors would, if this Bill were passed, subdivide their estates in the manner apprehended by the Attorney General for Ireland, to create fictitious votes.

MR. CRAUFURD said, that the fact of this measure being proposed by a Member for an English borough was *primâ facie* evidence that there was no great demand for the change in Scotland. This was confirmed by the observations which had fallen from the Scotch Members which, in his opinion, showed that the feeling in Scotland was rather adverse than in favour of the Bill. A party had, however, taken up the question, and tried to urge it at the last election. He was asked at the hustings whether he would support the 40*s.* freehold franchise. He answered in the negative, and in justification told his hearers what took place in England with a 40*s.* franchise. But, before creating a freehold franchise, they must first get their freeholders; for there was no such class at present. Still, he would not resist the introduction of the Bill, but would allow the question to be fully discussed, prepared to abandon any erroneous opinion he might have formed. The real way to assimilate the franchise of England and Scotland was to extend the franchise of occupancy; and he should move an Amendment in the Bill to that effect.

MR. STEUART said, as the Scotch Members generally spoke against the principle of the Bill he thought it would be absurd to allow the introduction of the measure.

LORD ELCHO submitted that, inasmuch as every Scotch Member who had taken part in this discussion had argued against the Bill, the House ought not to grant leave for its introduction. The present and the late Lord Advocate had clearly shown that the Bill would prove a delusion and that it could not effect what it professed—namely, assimilate the law of Scotland to that of England on this subject. Why, then, should the House, for mere courtesy's sake, waste its time and the money of the public about it? [Oh!"] The cost of printing merely this Bill might not be very much, but the House should remember what a multitude of Bills were introduced and printed in the course of a Session, of the passing of which there was no probability. As the representative of a county constituency he protested against the Bill, because it would swamp the county constituencies.

MR. BLACK said, that although he did not approve the Bill, he hoped the House would permit its introduction. Its author said that it would assimilate the franchise of Scotland to that of England, but that would not be a boon, but in some respects a great calamity to Scotland. Still it was desirable that the amount of qualification should be lowered in the Scotch counties; for there was no more desirable franchise than that which rested upon property. If the Bill were allowed to go into Committee some useful Amendments might be introduced; at all events the discussion would be of advantage.

MR. BLACKBURN said that, notwithstanding the efforts in Scotland to obtain the assent of the population to the principle of the Bill, only sixteen petitions, with 2,920 signatures, had been presented in its favour up to the 28th ult. The House would stultify itself by admitting a Bill against which almost every Scotch Member had protested. If the feelings of the people of Scotland were to be gathered from their representatives and from the petitions which they had forwarded to Parliament, it was evident that they cared nothing about this Bill, and his own opinion was that, instead of extending the 40*s.* franchise to Scotland, it would be necessary before long to alter it in England if

the practice of parcelling out land for the express purpose of conferring votes continued to be carried out to the extent that had recently prevailed. He regarded this as an attempt to get in the thin end of the wedge, with a view to the adoption of universal suffrage.

MR. CAIRD, in reply, said that hon. Members representing the counties of Scotland had spoken against this measure, which was, in fact, an appeal from those who were unenfranchised. Last year he presented a petition from Edinburgh, which was signed by 10,000 persons, and between 13,000 and 14,000 other persons had sent petitions in favour of the Bill. The practical question they had to consider was this, that while in England a 40*s.* freehold gave a man the franchise, in Scotland a freehold must be of the value of £10 per annum, or five times the English amount to give the same right. Now, if the arguments of the hon. Members who opposed the Bill were good for anything, they went this length — that the House ought to pass a measure to disfranchise the 40*s.* freeholders of England. With respect to the objection that had been taken to the word "assimilate" in his Motion he stated that the definition of that word, according to Johnson, was "to bring to a likeness or resemblance." It clearly expressed, therefore, his object, which was to bring the Scotch county franchise to a resemblance with that of England, his desire being to increase the basis of representation in the county constituencies of Scotland.

Motion made and Question put,—

"That leave be given to bring in a Bill to assimilate the County Franchise of Scotland with that of England."

The House *divided:* Ayes 84; Noes 103: Majority 19.

FISHERIES.—PAPER MOVED FOR.

SIR GEORGE PECHELL said, he rose to move an Address for Copy of the Order in Council of the 6th day of April, 1858, approving certain rules made by the Lords' Committee of Privy Council for the more effectual observance of the convention between Her Majesty and the King of the French concerning the fisheries in the seas between the British islands and France. The object of his Motion was to induce the Government to use its influence with the Government of France to obtain the permission of the latter for English fishermen to dredge in mid channel for oysters in the months of May and June. It was a vulgar error, he said, to suppose that oysters lost their flavour in those months, especially those which were dredged for in deep water.

MR. HENLEY said, he would consent to the Motion. The draft Order in Council had been prepared in consequence of an attempt on the part of the crews of the fishing boats to conceal their numbers. He could not hold out any hope to the hon. and gallant Gentleman that the law would be relaxed so long as the treaty with France was in existence.

MR. REBOW said, that as a Member for the town most interested in oysters (Colchester), all the fishermen asked was, that a fish which was very nourishing might be allowed to be caught at the season when it was at the highest possible perfection. He could vouch for the flavour of the deep sea oysters at Midsummer. They spawned two months later than those bred in shallow waters.

Motion *agreed to.*

Address for,—

"Copy of the Order in Council of the 6th day of April, 1858, approving certain Rules made by the Lords' Committee of Privy Council for the more effectual observance of the Convention between Her Majesty and the King of the French, concerning the Fisheries in the Seas between the British Islands and France."

VOTERS' TRAVELLING EXPENSES.

PAPERS MOVED FOR.

MR. PEASE said, he wished to move for a Message to the Lords for a copy of the opinions of the Judges on the 15th day of February last, in the case "Cooper *v.* Slade." He had no doubt that every hon. Member was aware of the decision in the case of "Cooper *v.* Slade," on the subject of payment of the expenses of a voter in going to the poll to vote. Great injustice was done to thousands of electors by delaying the promised Reform Bill, and by not making some provision with regard to the expenses which voters were put to in travelling to the poll to record their votes.

MR. SERJEANT DEASY said, he could not admit that the law, as laid down by the learned Lords, was in accordance with the opinions of that House or of the public at large. By the decision of the House of Lords an interpretation had been given to the Corrupt Practices Act which was entirely different from that intended by its framers. Before the Act was passed there was very little doubt, if any, as to the legality of payments of travelling expenses

of voters. The point had been decided by that House in the Southampton case, by Lord Lyndhurst, when Chief Baron, and by the late Lord Chief Justice Tindal; but, in order to remove all doubt, when the Corrupt Practices Act was under consideration, the noble Lord the Member for London (Lord John Russell) proposed in Committee to introduce a clause declaring that such payments were lawful. It was objected that the clause might encourage exorbitant demands on the part of voters, but the then Secretary of State for the Home Department said the clause was in strict agreement with Lord Lyndhurst's definition of the law. The late Attorney General was also of opinion that candidates might lawfully pay the travelling expenses of voters. The clause was introduced, but was struck out in "another place," for some reason which he did never understand, and the noble Lord the Member for London, in recommending the House to agree to the omission of the clause, said it would only leave the law as it then stood. How had that expectation been justified? In the very same Session a new writ was moved for Cambridge, then under a cloud, as Galway was at the present moment. A distinguished Member of the English bar, Mr. Slade, became a candidate, and, believing on the opinion of those high authorities that he was justified in paying the travelling expenses of voters, issued circulars bearing the significant postscript, "your railway expenses will be paid." Some person then chose to bring an action against Mr. Slade to recover £100 penalty, under a section of the Corrupt Practices Act. The action was tried before Mr. Baron Parke (now Lord Wensleydale), and he directed a verdict for the plaintiff. Exceptions were taken to the charge of that learned Judge, and the question came before the Exchequer Chamber; when all the Judges present, with the exception of Mr. Justice Williams, decided that the direction of Mr. Baron Parke was incorrect in point of law, and that the verdict ought to have been for the defendant. In the meantime the question had been raised on several occasions before Committees of that House, and the universal and unanimous decision of those Committees was that payments for travelling expenses made *bonâ fide* were lawful. An appeal from the decision of the Exchequer Chamber was lodged, and came on for hearing in the House of Lords, and there that decision was reversed by Lord Cranworth and Lord Wensleydale, the latter being the Judge whose ruling had been appealed from in the first instance. Whether or not that was a proof of the satisfactory constitution of the court of ultimate jurisdiction he would not then take upon himself to say. He wished, however, to call attention to the effect of that decision, both as to the past and the future. With respect to the past, it was clear that every candidate who had paid travelling expenses of voters, or who had provided carriages or been in any way a party to the conveyance of voters, had been guilty of bribery within the meaning of the Corrupt Practices Act, and was liable to fine or imprisonment. Such would be the case with many Members of that House, were it not that, fortunately for them, twelve months had elapsed since their elections. It was necessary that some measure should be adopted which would relieve many hon. Members from the predicament in which they were at present placed. Perhaps the recollection of their own position would induce hon. Members to deal leniently with the Galway freemen. With respect to the future, it was, he conceived, absolutely necessary to pass some legislative enactment to relieve Members, candidates, and constituents, from the present difficulty. The practical result of upholding the recent decision would be to place the elections, in counties especially, in the hands of the voters residing upon the spot, and virtually to disfranchise the poorer voters residing at a distance. There were but two remedies—either to arrange the polling places so as to enable the humblest voter to have the power of recording his vote, or by legislative enactment to reverse the decision of the House of Lords. He would not say which course should be adopted, but the matter was one of such pressing urgency that he hoped the Home Secretary would take the subject into his earliest consideration, and introduce in the present Session some measure to prevent the serious inconveniences which he had pointed out.

Mr. WALPOLE said, he thought it desirable that the opinions of the Judges on the case in question should be in the hands of hon. Members, in order that the House might know the reasons on which the decision proceeded. He would not have troubled the House with any further remark on this subject, except for the observations which had fallen from the hon. and learned Serjeant, so pertinent to the matter in hand, and for which the House ought to feel indebted to him. The hon. and learned Serjeant had treated the

question in two points of view, with reference to the past and to the future. As he understood the hon. and learned Gentleman, a year having elapsed since the last general election, there was now no fear of any hon. Member being prosecuted for a misdemeanour in respect of any infraction of the existing law at that election. Hon. Members might, therefore, feel pretty comfortable on that score. With regard to the future he (Mr. Walpole), might state that the question of the Corrupt Practices Act was now under the consideration of the Cabinet. One of two courses was open to the House. That Act would have either to be simply renewed this year, or it might be brought in with such amendments as the experience of last year in election Committees might enable the Government and the House to make. Now, simply to propose its renewal in its present shape, with so many palpable defects upon the face of it, would be a piece of clumsy legislation. He was now engaged in collecting information as to the decisions under that Act, and as to any defects that might have been pointed out in it; and he thought it best, after receiving that information, to move for leave to bring in a Bill embodying such Amendments as experience in the working of the Act might have suggested. He need scarcely tell the learned Serjeant and the House that the decided opinion he (Mr. Walpole) had formed on the question under consideration was that travelling expenses at elections, unless paid with the view of corrupting the voter, were as legal as any other payment. He thought, at all events, the time had arrived when the question must be settled one way or the other, and he hoped the House would think the course he had suggested was the best way of dealing with it.

Mr. J. D. FITZGERALD said, he wished to express his satisfaction that this question was to be finally settled. He recollected when the noble Lord the Member for London brought in the clause in question, and he had stated his objection to it as being merely declaratory of the state of the law. In legislating in 1854, the House proceeded on the assumption that they were not interfering with the then existing law. The case of "Cooper *v.* Slade," however, was one that arose out of the Corrupt Practices Act entirely, and therefore he confessed that he felt gratified that the Act was to be amended. It was certainly his opinion that when travelling expenses were *bona fide* it was legal on the part of the candidate to pay them, and if it was desirable in England to allow a candidate to pay the *bona fide* travelling expenses of electors, much more so was it in Ireland where the polling places were at a greater distance, and the electors not so rich as in England.

Mr. VERNON SMITH said, he wished to point out that if the law was to be altered, it would be expedient to bring in the Bill to which the right hon. Gentleman had alluded as early as possible, because election Committees might sit in the interval, in which the decision of "Cooper *versus* Slade" would naturally have great weight. As the question had been opened, he would ask whether the right hon. Gentlemen would not introduce a clause extending that Act to municipal elections, the present Act respecting which was so loosely worded that it was impossible, in the event of their being made a medium of bribery for Parliamentary elections, to convict the persons engaged in that bribery.

Motion *agreed to.*

Message to the Lords for a Copy of the Opinions of the Judges on the 15th day of February last, in the case Cooper *v.* Slade.

CASE OF THE *CAGLIARI.*

POSTPONEMENT OF MOTION.

Mr. KINGLAKE, who had given notice of his intention to move "That this House trusts that in the demands made by Her Majesty the Queen and by the King of Sardinia, in relation to the capture of the *Cagliari* and her crew, Her Majesty will be advised to act in cordial concert with the Sardinian Government," was understood to say, that until he was made acquainted with the very important papers which he understood had been recently received at the Foreign Office, in reference to the steamer *Cagliari*, it would not be desirable that he should proceed with his Motion, and he should therefore postpone it until a future day.

Mr. HUTT said, he wished to ask whether it was the intention of the Government to lay on the table of the House the papers relating to the *Cagliari*, to which the Under Secretary for Foreign Affairs referred on Tuesday night.

The CHANCELLOR OF THE EXCHEQUER: At the present moment, when negotiations are being carried on, nothing could be more inconvenient than to lay the papers on the table. When, on Tuesday night, my hon. Friend the Under Secretary referred to the receipt of a

despatch, he gave the general result as a matter which might be interesting to the House. But that is quite a different thing to laying it upon the table. Of course, when the proper time arrives, which I hope will not be long, it will be the duty of Her Majesty's Government to lay all the papers upon the table in relation to this subject; but at present nothing could be more injurious to the public service than to do so.

CHURCH RATES.—MOTION WITHDRAWN.

Mr. LYGON said, that inasmuch as the Bill on this subject, introduced by the hon. Member for Tavistock (Sir J. Trelawny), would come on for discussion next week, it would be impossible, even if leave were given to introduce his (Mr. Lygon's) measure, that it could be printed and circulated in time to progress with the other, and he therefore begged leave to withdraw the notice he had given; at the same time, he would express a hope that some amicable settlement of the question would be come to in the present Session.

Notice of Motion *withdrawn*.

DURHAM COUNTY PALATINE JURISDICTION BILL.—SECOND READING.

Order for Second Reading read.

Mr. A. SMITH complained that by the use of the term "freehold" in the Bill, it would appear that the foreshore to which the measure referred was the freehold of the Crown. If such a principle were sanctioned by Parliament, the whole shore of the kingdom might become vested in the Crown, by which it would be held not as the guardian of public rights, but as private property, to the great detriment of private interests and of the rights of usance possessed by the public. He suggested that these *jura regalia* ought to be vested in the Crown merely as the guardian of the public rights, and that they should be transferred, not to the Commissioners of Land Revenue, as was proposed, but to the Commissioners of the Admiralty. The Bill also provided that two-thirds of the produce of the sale of any rights of the Crown were to go to the Treasury, and the remaining third to the Ecclesiastical Commissioners. He considered that this was reserving too great a benefit to the Crown.

Mr. G. A. HAMILTON said, that the observations which the hon. Gentleman made referred to alterations that could only be introduced in Committee, and not on the second reading of the Bill. He would not, therefore, undertake the discussion at present; he would only say that the object of this Bill was merely to remove some doubts which had arisen in consequence of the wording of an Act formerly passed, which was intended to transfer to the Crown the palatine jurisdiction of the Bishop of Durham. A question had since arisen whether or not the foreshore had also been transferred. A good deal of discussion took place, and it was ultimately decided by agreement that the right should be transferred to the Crown. The object of the Bill was to carry out this agreement; and when it was in Committee he should be ready to answer the observations of the hon. Gentleman.

Mr. ATHERTON said, whatever rights were possessed by the public, they were not interfered with by this Bill. The doubt resting on the statute of William IV. was very inconvenient in many ways, and it was therefore desirable that the Bill should be passed.

Bill read 2°, and *committed* for *Friday*, 14th May.

PROPERTY QUALIFICATION BILL.

SECOND READING.

Order for Second Reading read.

Mr. LOCKE KING observed, that a statute requiring a property qualification for Members of Parliament was first passed in the reign of Queen Anne with the avowed object of excluding the trading classes from Parliament and admitting only persons connected with the landed interest. Fictitious qualifications became so common that in the reign of George II. this statute was followed by another which made it necessary for Members to make an oath that they possessed the required qualification. The qualification was fixed at £600 a year for counties and £300 a year for boroughs, and in both cases it was confined to real property. It became matter of notoriety that persons in taking the oath made false representations, stating that they had incomes from and interest in real property which they did not really possess. Since her present Majesty ascended the Throne the oath was repealed, and a declaration substituted, allowing personal property to be used as a qualification where real property did not exist. The practice of making false representations was, however, very common, and he was told that after every general election there were usually from fifty to

sixty cases in which persons declared themselves qualified who were not so. The anomalies of the system were very great. The Scotch Members, who certainly were not the least respectable Members of that House, required no qualification. The Members for the Universities required no qualification; the eldest sons of peers and of persons qualified to sit as Knights of the Shire, that is to say, of persons who had £600 per annum in real or in personal estate were also privileged to sit without a qualification. It was a remarkable fact that, since personal property had been substituted for real, the eldest son of a person who had £20,000 in the funds was entitled to sit without producing a qualification. There were other anomalies. The Members for Liverpool, for example, were qualified if they had £300 a year, while the Members for the smallest county in England—say the county of Rutland—must have £600 a year. There were some Gentlemen who thought it necessary to retain the property qualification, with all its anomalies and absurdities, because it excluded Chartists and other persons holding extreme political opinions. He would not enter into the question of Chartism, but he might observe that it was the opinion of many that it would be better as a safety valve to give Chartists the opportunity of expressing their opinions in that House than compel them to do so out of doors. While they excluded Chartists they compelled the younger sons of peers and landowners to come to their table and declare they had a qualification of which it was notorious they were not the *bonâ fide* possessors. In most instances these younger sons had from their parents an allowance of so many hundreds a year, but in law that was no qualification for a seat in that House. It was high time to do away with this kind of legislation, which encouraged Members to make false declarations at their table, and to recur to the old practice of giving to the electors the freest choice of their representatives. He hoped the Government would not offer any opposition to this Bill, but that they would show, by giving it their support, that they were really in earnest in their desire to give useful reforms to the people. The hon. Member then moved the second reading of the Bill.

MR. BENTINCK said, that he did not intend to oppose the second reading of the Bill in the then condition of the House, and at that late hour of the evening (eleven o'clock) but he could not allow some of the remarks of the hon. Member to pass unnoticed. The hon. Member had misrepresented the object of the existing enactment when he stated that that object was to exclude from the House all but landed proprietors. There was a broad distinction drawn between landed representatives and borough representatives, inasmuch as in the case of the former the qualification required was double that of the borough Members. [Several hon. MEMBERS: "The qualification for all was a landed one originally."] The original object of the law was sound and rational. It was to prevent persons being Members of that House whose financial position was not such that they could devote their time exclusively to the business of the House, without prejudice to their personal affairs, or could be free from the dictation to which it was said, however unfairly, that Members were sometimes subject. Nor did he think it would be without prejudice to the public interests, or to the character of the House, if the alteration of the law should have the effect of introducing such persons. The exceptions to which the hon. Member referred only proved that the original object of the law was what he had stated. He would not go into the question whether or not it was desirable to introduce into that House persons of extreme opinions, but he was inclined to agree with the hon. Member on that point. He thought that in respect to such persons that House would act as a safety-valve, for it was found that persons who had distinguished themselves out of doors by extreme opinions were apt to modify them in that House. If, however, this Bill was passed, he must say that, taking human nature as it was, and admitting, as they must admit, that men under certain circumstances were open to certain temptations, they ought to insure the purity and patriotism which it was evidently the object of that House to attain, by doing away with all salaries to public officers, so that no hon. Member, whose position was not such as to place him above the suspicion of temptation, might be exposed to imputation by his acceptance of office. He feared that that proposition would not be acceptable to hon. Gentlemen on either side of the House; but if they did not adopt it, they would place Members in a position in which they should not be placed.

MR. MILES said, that at present either landed or funded property to the amount of £300 enabled a man to stand for a borough. Did any one suppose that because

a man had £300 a year, he was placed beyond the reach of temptation? Had not the House been long acting on a falsehood, for had every Member really the necessary qualification? He believed not. If so, let them not mix this subject up with the Reform question, which was only an internal reform of their own House. If the £10 householders found amongst themselves a person of ability who had not £300 a year, and chose him as their representative, they ought to have the power of sending him to that House. He looked to Scotland. Hon. Members for that country had no qualification, and he was sure the House had no reason to be ashamed of those hon. Members who represented Scottish constituencies. Last year he (Mr. Miles) had supported a Government which had promised a Reform Bill, and he voted against the proposition of the hon. Member for Surrey; but now he was at-liberty to express his opinion. This was not a question to be introduced into a Reform Bill, but it was a question whether a gentleman who had not £300 a year should or should not represent a constituency. He had not the slightest difficulty in assenting to the Motion, and he hoped and trusted that among the millionaires whom the hon. Member for Norfolk wished to introduce into Parliament, they should have men of humble means, but great ability, returned by such constituencies as selected them.

MR. GRIFFITH said, he had no objection to the Bill, but if it passed, he thought they ought to recommend to the mercy of the Crown the unfortunate gentleman who was now suffering under a condemnation for having sat in that House without a qualification. He apprehended that his legal delinquency was not greater than that of others who had walked up to that table, and he might mention as one instance, since it was a matter of public notoriety, that one of the hon. Members for Greenwich could scarcely have been qualified when he took his seat.

MAJOR EDWARDS said, he must express his concurrence in the suggestion of the hon. Member with reference to the gentleman who was now undergoing punishment for having sat in that House without a qualification. He was placed in a peculiar position, politically speaking, with regard to Mr. Glover; but as the present representative of that constituency which returned him to Parliament, he could without hesitation affirm that no act on the part of the Government would be so acceptable to his supporters as their now discharging him from his sentence. The punishment inflicted upon him was a very severe retribution for what might have been an error in judgment only; and the House must recollect that the jury strongly recommended Mr. Glover to mercy. Should the Bill become the law of the land, acting in concert with the hon. Gentleman who had just sat down, he would spare no effort to induce the Home Secretary to remit the sentence the ends of justice have already been fully satisfied.

MR. WALPOLE said, that this question had often been before the House, but he was not aware that its merits had of late years been much discussed. Last year it was brought before the House, and its postponement was urged on the ground that it ought to form part of a larger measure of Reform, and that all questions of Reform should be put off till the following Session. The House had now to consider whether it was advisable to continue the property qualification, as originally introduced in the reign of Queen Anne, and as subsequently modified in the reign of the present Queen. There were two reasons which had always been forcibly urged in favour of the maintenance of the existing law. In the first place it was supposed that by requiring Members to possess a certain income as a test of their eligibility, an amount of independence on their part might be secured. The second reason urged in favour of the law was that it would prevent speculative candidates coming forward, and putting their opponents to unnecessary expense. With regard to the independence of the Member that was to be secured, he very much doubted whether the law in question secured that at all. The mere circumstance that a man had a qualification of £300 a year for a borough Member, and £600 a year for a county Member, would not necessarily make him so independent as to place him above any inducement that might shake his independence. But, apart from that question, there were two great reasons against the first argument which had been urged in favour of the existing law. The first related to the inconsistency of requiring the Members from one part of the country to have a property qualification, and those from another to have none. It was utterly indefensible to maintain the law in that state; and if we were to have a property qualification at all it ought in justice to be extended to the Scotch Mem-

bers. The second reason which had always weighed on his mind was that, whatever might be said to the contrary, everybody knew the law was evaded. Qualifications were given to Members in order to enable them to sit in the House of Commons, and it ill became Parliament to maintain what in those cases might be called a great sham. Those two reasons convinced him that the existing law did not answer its purpose and ought not to be continued. The second argument urged in favour of the law was that it prevented speculative candidates from putting *bona fide* candidates to unnecessary expense at elections. There might be something in that argument, but we might set against it the necessary expenses which candidates must incur, not merely the fees paid to the election auditor under a recent Act, but the cost of the hustings, to which every candidate must contribute. Even if that reason did not prevail we should bear in mind that by the operation of the present law we prevented able men with large professional incomes from taking their seats in the House of Commons, merely because they did not possess realized fortunes of £300 a year, and thus deprived Parliament and the country of the services of such men. For these reasons it seemed to him that the law could not be maintained in its existing state, and thinking that upon the whole much good would be gained by leaving elections perfectly free to those who might be willing to offer their services, and by allowing the constituencies to choose such candidates as they might think best able to represent them in Parliament, he had arrived at the conclusion that the Bill of the hon. Member for East Surrey had much more to recommend it than any of the arguments used against it could outweigh, and therefore, that it ought to be read a second time.

Bill read 2° and *Committed* for *Tuesday* next.

House adjourned at half after Eleven o'clock.

HOUSE OF LORDS,

Friday, May 7, 1858.

MINUTES.] PUBLIC BILLS.—1ª Probates and Letters of Administration Act Amendment; Divorce and Matrimonial Causes.

2ª Protection of Female Children; Exchequer Bonds (£2,000,000).

Mr. Walpole

OUDE.—PROCLAMATION OF THE GOVERNOR GENERAL.

THE EARL OF ELLENBOROUGH said, he had last night promised the noble Earl opposite (Earl Granville) to lay upon the table certain papers connected with recent proceedings in Oude, and he proposed to place before their Lordships the Proclamation itself as transmitted to this country, and also a Letter from the Secretary to the Government of India to the Chief Commissioner of Oude, by which that Proclamation was accompanied, and the Despatch relating to the Proclamation. On looking over the latter, however, very carefully, he found there were some paragraphs containing reasoning upon the subject, the publication of which might not be expedient. The publication of these paragraphs would, he believed, be attended with inconvenience to the public service; but, with that exception, the document would be laid before their Lordships *in extenso*. The noble Earl concluded by moving,

"That there be laid before this House,

"Copy of a Letter from the Secretary to the Government of India, with the Governor General, to the Secretary to the Chief Commissioner of Oude, dated 3rd March, 1858: Also,

"Copy of the Proclamation enclosed therein, and ordered to be published in Oude: And also,

"Extracts of a Letter from the Secret Committee of the Court of Directors of the East India Company to the Governor General of India in Council, dated 19th April, 1858, relating to that Proclamation."

EARL GRANVILLE had pressed the introduction yesterday of these papers, because the present was the last Parliamentary night before the departure of the Indian mail. He approved of the exclusion of parts of the despatch, as since he had an opportunity of reading it, he could hardly conceive how any one could have thought of publishing the whole of that secret despatch. He was, however, afraid that this Resolution was adopted too late, for that despatch had been in the hands of Members of the other House of Parliament, and even Members of the Reform Club for some time. With regard to the Proclamation itself, he, in common with their Lordships, had no knowledge of it beyond what he derived from *The Times'* correspondence yesterday. Looking at that Proclamation, he certainly thought it was a measure of security; it appeared to him consonant with those principles which Lord Canning was bound to respect, because they had been approved by the Court of Directors and the Home

Government; it seemed to him to be a strong weapon placed in the hands of negotiators at a most critical moment in order that it might be used for the purpose of treating with those powerful landholders who, the Directors held, had no legal right to their estates, and who had always been the oppressors of the people. He wished, however, to avoid committing himself in the slightest degree, either to the approval or disapproval of a Proclamation issued under such circumstances, as he was totally unacquainted with all the circumstances of the case. He saw from *The Times*' correspondence that the interpretation of the Proclamation was to be left to Sir James Outram, and that the writer knew that Sir James Outram was inclined to mercy; and he added that it was perfectly well understood by the landowners of Oude what the intention of this Proclamation was, and how it was to be acted upon. He might, perhaps, be blamed by the noble Lords opposite for dealing with newspaper documents in speaking upon a grave subject like this; but when the Government were not able to lay on the table of the House the Proclamation, with that most important alteration, showing more clearly, as he understood it, the opening offered to the landowners, which appeared in *The Times*

——[The Earl of Ellenborough made an observation.] He did not wish to misrepresent the noble Earl; but he understood that the answer given in the House of Commons by the Secretary of the Board of Control to a question asked on the subject was, that the Government had received a Proclamation which Lord Canning intended should be published when Lucknow was taken, and that he (the Secretary to the Board of Control) believed it to be identical with the copy in *The Times*, with some alteration. If he were mistaken, he would withdraw his observations on this point.

The Earl of ELLENBOROUGH said, that the papers he had just moved for would show the Proclamation which the Governor General directed should be published; but though the Government knew that it had been published, they had no official information of the actual publication. In the Proclamation as given in the public prints there was inserted a paragraph to which he did not attach all the importance which the noble Earl seemed to attribute to it, but which was not in the Proclamation as transmitted to the Government.

Earl GRANVILLE said, then they were agreed. The Proclamation censured in the secret despatch, and laid before the House, was not identical with that which, from unofficial sources, it was believed had been issued; he understood that it was emphatically declared by the leader of the Government in another place that the secret despatch conveyed to the Governor General the Government's disapproval of his Proclamation "in every sense," and he did think that such a declaration was, under the circumstances, an unheard-of event. Was the noble Earl aware of any precedent of a secret despatch sent out from this country having ever been published? The other day he ventured to ask whether the noble Earl was within the bounds of legality when he issued a despatch on a somewhat similar subject through the Secret Committee; and the noble Earl replied that the course was perfectly legal, and he founded his justification on the secrecy of the despatch.

The Earl of ELLENBOROUGH: I said it referred to an event which had not happened, and possibly might not happen.

Earl GRANVILLE said, that according to his recollection the reason assigned was that it was a case of urgent secrecy. However, if the present despatch was secret, and sent through the Secret Committee (and he understood that copies had been withheld from the Court of Directors until that morning), what had occurred to change the necessity for that secrecy? He very much feared the effect that the despatch would have on the Governor General and the people of India. He believed that it would be admitted by all persons, notwithstanding the previous attacks which had been made on Lord Canning, that the present Governor General of India had established among the Natives of that country a character for firmness and judgment; and he believed that the possession of these qualities was important for all rulers, but especially for the rulers of Oriental nations. He was not now going to paint Lord Canning's character; but he would refer to two instances in which his firmness was remarkably exhibited. There was another proclamation, nicknamed the Clemency Proclamation. Those who knew the feelings of human nature would admit that that Proclamation very naturally excited the resentment of the Europeans in India; and that feeling was taken up in this part of the world; but neither the clamour raised here nor in India induced

Lord Canning to swerve to the right or to the left, but he maintained the even tenour of his way, tempering justice with mercy. He did not believe that any man entitled to be heard with respect would now rise and disapprove the principles embodied in that Proclamation. Another instance of the firmness of his character was exhibited while the siege of Delhi was being prosecuted with great difficulty. [The Earl of ELLENBOROUGH : This is an eulogy.] Well, he thought he had a right to say something in Lord Canning's behalf, when that noble Lord, though not attacked, was placed in an indirect way, either intentionally or unintentionally, in a position which made it difficult for him to act whether according as the public advantage or his feelings of private honour might require. He thought that under these circumstances he had a right not to make an eulogy, but some observations on matters of fact, and he should not be deterred from doing so by the remark which had just been made. He was referring, when interrupted, to the siege of Delhi, and observing that that siege was prosecuted with some difficulty. Propositions to negotiate with the insurgents were made, and Sir John Lawrence, one of the most experienced and foremost of public men in India, and the heroic General who conducted the siege to a successful issue, were favourably inclined to these propositions. It was, then, an act of great moral courage for a civilian like Lord Canning, who had not long arrived in the country, to take on himself the great responsibility of absolutely refusing to entertain those propositions and of insisting that the siege should be proceeded with. When a change took place in the Government, it was certainly competent for the noble Earl opposite to communicate with Lord Canning, and inform him that the Government did not think him the best person for the post he occupied in India, and that they deemed it their public duty to require him to retire. That course it was open for the Government to take; but a course which was not open for them to pursue was to continue Lord Canning in his post, and then to give publicity to that complete censure which they had passed on him. He begged not to be misunderstood, and for the sake of argument he would assume that the Proclamation in question was entirely wrong; but while the Government maintained Lord Canning in the post of Governor General it was not for them to publish an attack on him, and to communicate through Parliament to the people of India that they had absolutely no confidence in the man who in this great emergency had to deal with the people of India. That was placing Lord Canning in the difficult position of having to decide whether, notwithstanding this public affront, he would act according to his private feelings of honour, or as he might think essential for the public good. When the noble Earl the President of the Board of Control sent out the despatch which had been described in the other House—and the accuracy of that description had not yet been questioned by the noble Earl—he could not have reflected upon the effect which it would produce in India. Conceive what would be the thoughts of the people of India when they were told that the Government in Calcutta was not to be supported by the Government at home in measures of vigour. He hoped the noble Earl at the head of the Government would explain to the House his views upon this great question. Was it his intention that Lord Canning should come home at once? Had he made any provision for replacing him? When the Chancellor of the Exchequer so wantonly disclosed the substance of a secret despatch, had he considered the probable effects both on the Governor General and on the interests of our Indian empire? There was another question which ought to be answered—namely, whether there was in existence any public correspondence connected with the same subject, and, if so, whether the Government would have any objection to produce it? As the Government had not hesitated to publish a secret despatch, they could have no scruple in producing a public correspondence.

THE EARL OF DERBY : My Lords, I certainly have no wish to complain that the noble Earl should have availed himself of the present opportunity to pass an eulogium, in some respects well deserved, on Lord Canning for his conduct in India ; but I must say he has done injustice to those who sit on this side of the House in stating that when they occupied the benches opposite, Lord Canning was subjected to any attacks from them. On the contrary, although from information we possessed we thought there were great reasons to doubt the propriety of some parts of the conduct of Lord Canning, the language we uniformly held while sitting on the other side was that every allowance ought to be made for the unexampled difficulties in which

Lord Canning was placed ; and we studiously and carefully forebore to prejudge or condemn any portion of his policy. I must say, my Lords, that the complaint of the publication of these papers comes with bad grace from the noble Earl opposite ; because it was he himself who, with an intensity of interest which your Lordships must have remarked, last night urged upon the Government the instantaneous production of these documents, and it was in order to satisfy his natural anxiety to have an opportunity of calling attention to the subject before the mail left London on Monday next that my noble Friend the President of the Board of Control consented to lay the papers on the Table in the course of to-day. The noble Earl, however, was not satisfied with that promise, but he earnestly pressed upon my noble Friend and myself the necessity of producing the documents then and there.

Earl GRANVILLE : The noble Earl was not in his place yesterday when I addressed my first question to the President of the Board of Control, and he seems to have forgotten that before I opened my mouth on the subject a member of the Government in the other House had promised to produce the papers to-day. The President of the Board of Control agreed to lay the documents on the Table of this House ; but that was after a similar promise had been given in the House of Commons, and it was at a subsequent part of our sitting that, the departure of the mail being fixed for Monday next, I urged the necessity of producing the papers yesterday instead of to-day. I did not even know with certainty what the papers were until I heard the reply of the noble Earl (the Earl of Ellenborough) to my previous question.

The Earl of DERBY : The noble Earl has given us a rather long explanation, but it has not altered, it appears to me, the state of the case. I only say, he is not the person, having urged so strongly the immediate publication of the papers, to find fault with us for laying them on the Table. I admit that the premature and partial discussion of so grave a question at the present moment may be productive of inconvenience, and that inconvenience has been in a great measure caused by the practice, exceedingly prejudicial to the public service, of putting questions, as well in this as the other House, without sufficient notice to Members of the Government upon difficult and important subjects. At the same time, recollect what the circumstances in the present instance were. A proclamation appears in the public press ; it is read and commented upon out of doors, and a Member comes down to the other House, and asks a Member of the Government whether he has received the Proclamation in question, and, if so, whether it meets with the concurrence of the Government. What was the particular form of expression used by the Chancellor of the Exchequer with repect to this Proclamation, I do not think your Lordships need inquire—the noble Earl thinks differently ; but it would have been impossible for the Government, that question being put to them, to abstain from expressing their opinion relative to the character and nature of the Proclamation. Observe what the Proclamation was. It was a Proclamation issued at the conclusion of successful operations against the capital of Oude, declaring that from that time, with a few and partial exceptions, the whole of the landed property in Oude—not public property — but the private property of every individual landholder within the kingdom of Oude, was confiscated to the service of the Crown. We were asked whether we approved that Proclamation. Our answer was that we had received a copy of that Proclamation as it was about to be issued three weeks ago, and that we had thought it our imperative duty forthwith to express our opinion that, taking the Proclamation as it would be seen and read by the inhabitants of Oude, apart from any instructions which the Governor General might give to his agents for the purpose of mitigating its apparent severity, it would prove most impolitic and most injurious to the public interests. We felt it to be our duty, on receiving the Proclamation three weeks ago, to send out to the Governor General that expression of our opinion ; but when the noble Earl opposite comes to read the despatch to which he has referred he will see that we have made allowance for the position in which the Governor General was placed, and that, although we have expressed our opinion as to the impolicy of the Proclamation, we have not taken upon ourselves the responsibility of ordering him to withdraw or rescind it, but have simply expressed our anxious hope that in practice, and in accordance with what no doubt was his own intention, the apparent severity of the Proclamation might be materially mitigated. Less than that it would have been impossible for us to do. God forbid that I should seek to vindicate what has been

done by the people of Oude; but your Lordships must see that there is a broad and manifest distinction to be drawn between the mutiny of our army and the revolt of the people of Oude. The mutiny of the army ought to be, and must be, followed by wholesome severity and punishment. The revolt of the people of Oude has enlisted in its favour a large amount of sympathy, and—there is no question about it—it arose out of acts of doubtful policy upon our part. It was not a revolt of those who had eaten our salt and sworn allegiance to us, but the revolt of a people who thought—I am not saying whether rightly or wrongly—that their native Sovereign had been unjustly dethroned, and who rose as an armed nation against those whom they conceived to be usurpers and oppressors. It is absolutely necessary, upon all grounds of policy and justice, not to speak of humanity, that in the treatment of the vanquished there should be a broad and palpable distinction drawn between the mutinous Sepoys and the revolted but loyal people of Oude—loyal I mean to their own native King. The punishment to be inflicted upon our rebellious soldiers is the punishment due to treason; but the people of Oude ought to be dealt with like people who have been conquered in legitimate warfare, and I know of no instance in which a people having been so conquered were subjected to the sweeping declaration that, with few and partial exceptions, all their private property should be confiscated to the use of the victors. Do I say that it might not be necessary to issue a Proclamation to the people of Oude, and even to threaten with confiscation those who continued to stand in arms against us? By no means; but for putting an end to future strife, and inducing the great landowners—who, recollect, like the feudal proprietors of former times, are chiefs with armed retainers, men of immense wealth and influence—to come in and subject themselves to our authority, the course was not to drive them to desperation—it was to hold out a hand to those who might be willing to acknowledge our rule; and I could not have complained of this Proclamation in substance provided it had been reversed—if that which appears as the qualification had been made the main article, and that which is now the main article had been made the qualification. My Lords, if, instead of proclaiming the confiscation of all estates, with the exception of those persons who might come in and receive the indulgent consideration of the Government, proclamation had in the first instance been made, that the Government were ready to receive with every degree of indulgence those who had been seduced into revolt, and to restore the lands, properties, and possessions of those who might have been temporarily in arms against them, provided they at once submitted to the clemency of the Government and promised allegiance to the Sovereign; but that, on the other hand, those who continued in revolt must expect no mercy and no forbearance, but that they would be subjected to the just confiscation of their property for continuing to carry on a hopeless struggle,—I think that in that case the Governor General would have held out to these great chieftains of Oude an inducement to come to his terms and to submit to his authority, which would have materially shortened the struggle in that country. By taking the other course, by driving these men to desperation, he was likely to protract the struggle, because men who had nothing but their arms to trust to for the maintenance of their property are hardly likely to give in to a proclamation. Therefore I think Her Majesty's Government would have failed in their duty if, when that Proclamation reached them, they had not intimated to the Governor General their opinion of its policy, and had not expressed their hope—and they have done nothing more—that in practice he would see reason to mitigate, to a great extent, the threat of wholesale confiscation which the proclamation itself was likely to convey to the minds of the people of Oude. That is the course which Her Majesty's Government have pursued. It may have been—I think it was—unfortunate that a question should suddenly have been asked, the consequence of which has been the production of this despatch; but it would have been impossible to satisfy the public mind that the Government of this country had not neglected its duty—had not neglected the interests of humanity—if they had allowed it to be supposed that they sanctioned and had consented to the issuing of a Proclamation apparently confiscating the property of those whose crime was, not that they had mutinied, but that they had been in arms against our authority. The noble Earl opposite has said that at an early period Lord Canning was blamed for too much clemency, and that he is now apparently blamed for too great severity. My Lords, whatever

may have been said of the too great clemency which Lord Canning was supposed to have exhibited towards the Sepoys, I think the noble Earl will do me the justice to recollect that when on that side of the House I candidly and plainly stated that I thought Lord Canning's explanation had satisfactorily vindicated his conduct, and had removed every imputation which had been cast upon him. What I complain of in this case is that Lord Canning has not drawn the distinction which it is most important should be drawn between the mutinous Sepoys and the rebellious people of Oude; and that he is treating with great severity, or apparently intending to treat with great severity, men who have been guilty of a comparatively lower offence in the same manner that he deals with men convicted of the highest crimes known to the law. The noble Earl asks whether we have recalled, or intend to recall, Lord Canning from the Government of India. My Lords, we have no such intention; and the communication which was sent to the Governor General with respect to his Proclamation was studiously so worded that Lord Canning should not consider it as imposing upon him the necessity, in accordance with his own honour, of resigning the office which he now holds. We did not even go so far as to desire him to recall the Proclamation; we only expressed a hope that he would act upon it in a merciful spirit. The same view appears to have occurred to Lord Canning himself, for the last paragraph but one of the amended Proclamation which appears in the public papers seems to indicate the existence in the mind of the Governor General of an intention to do to a certain extent that which we urged upon him the necessity and propriety of doing. But that mitigation did not appear in the original Proclamation, and it was to the original and not to the amended Proclamation that the despatch which has been sent to India had reference. I am glad to take this opportunity of saying that, although I do not think it goes far enough, yet, undoubtedly, that paragraph is a considerable mitigation of the Proclamation in its original form. I do not wish to cast the slightest blame upon Lord Canning, but I cannot say that I approve the course which he has pursued. I do not doubt that Lord Canning pursued it with the best intentions. I do not doubt that, in his own mind, he wished to reserve to himself and to the Government the power of materially mitigating the severity of that Proclamation; but your Lordships will observe that, unfortunately—I mean unfortunately with regard to the effect upon the people of Oude—the mitigating spirit was not made known to them while the Proclamation of wholesale confiscation was—a circumstance which was calculated to drive the people to desperation, and therefore indefinitely to protract and not to shorten the struggle in that country. My Lords, I earnestly hope that Lord Canning may have acted in a spirit of generous appreciation of the many mitigating circumstances in favour of the people of Oude; that he may in practice have relaxed—have greatly relaxed—the severity of the original decree; and that this practical proof of his intention to diminish its severity may avert those injurious consequences with regard to the continuance of war and the continuance of bad feeling which I cannot but anticipate are likely to flow from the Proclamation in its original form. I do regret that at the present moment this letter should have been brought so prominently into notice—that its production should have been, perhaps somewhat hastily, promised; and I am sure that after what has passed your Lordships will see the propriety of the course which my noble Friend has recommended to-night—that of laying on your Lordships' table only such portions as may be published without causing serious inconvenience to the public service, and omitting some passages which, if published in India, might, in the opinion of Her Majesty's Government, produce a most prejudicial effect. The noble Earl (Earl Granville) himself, as a friend of Lord Canning, has had an opportunity of seeing the whole despatch. We thought it right, after his intimation that he intended to make some observations upon this subject, that he should see the whole despatch and should be made acquainted with all that had taken place; and I think that, however much he may regret that any portion of the despatch should have been made public, he will concur with me that we have exercised a sound discretion in laying upon the table only extracts, omitting certain paragraphs which I pointed out to the noble Earl.

THE DUKE OF ARGYLL: My Lords, I shall not be tempted by the speech of the noble Earl to say one word on the merits of Lord Canning's Proclamation, upon the policy of which he has taken

this opportunity of expressing a decided opinion; I beg the House to recollect that my noble Friend (Earl Granville) has most carefully abstained from expressing any opinion upon it. For my own part, although there are many observations in the speech of the noble Earl (the Earl of Derby) which will require to be answered when this matter is debated, as I suppose it will be in a few days, when it will be easily shown that the noble Earl labours under mistaken impressions, yet those matters are not now before the House, and I will therefore not discuss them. What we ought to keep our attention fixed upon is the course of conduct which the Government have pursued towards Lord Canning with respect to this Proclamation. If one sentiment has been oftener repeated than another by noble Lords on both sides of this House, and by hon. Gentlemen on both sides of "another place," it has been, that the government of India must mainly be carried on in that country; that is to say, that the government of India and the welfare of the Indian people must mainly depend upon the wisdom and upon the strength of the Government there. What a comment is it upon this doctrine, which has received the assent of Her Majesty's present Ministers, that on the very first occasion on which the Governor General issues a proclamation of which the home Government does not entirely approve they take the opportunity of throwing him over —not merely of expressing disapproval of his conduct, but of throwing him over in the most offensive manner! How can you carry on the government of India if your relations with the Governor General are to be conducted in such a manner as this? I observe that neither of the noble Earls opposite who have addressed the House have taken the slightest notice of the report which was referred to by my noble Friend,—that although this famous despatch of the noble Earl (the Earl of Ellenborough) has gone through the Secret Committee, and has been kept absolutely from the knowledge of the Court of Directors—that council with which he is bound to consult upon great questions of Indian policy—until to-day, yet it has been in the hands of private Members of Parliament for several days. [The Earl of DERBY interposed an observation.] I refer to the report mentioned by my noble Friend. I have not heard it, but he has, and I think it important in connection with the course taken by the Government. What was the course taken in this matter? An hon. Member gets up in another place, which must be nameless, and asks whether the Proclamation of the Governor General has been issued under instructions from the Government at home? The Minister of the Crown who represents the noble Earl (the President of the Board of Control) in that place is represented to have given a very moderate answer—no doubt somewhat imprudently promising the production of the despatch, but using very moderate terms. In reply to another question, however, a still higher official of the Government gets up and announces to the British Parliament that the policy of the Governor General has been condemned in every sense. The noble Earl, having concealed this despatch from the Court of Directors,—and I do not see that there was any necessity for adopting such a course, because the most important matters connected with the annexation of Oude were not transacted through the Secret Committee—confined himself, as the report goes, to communicating it to independent Members of Parliament; and what occurred in the other House of Parliament has all the appearance of having resulted from an arrangement between these independent Members and the Government, by which the condemnation of the conduct of Lord Canning should be announced to the House of Commons in the most offensive terms. I ask if any course has ever been taken by any Government more likely to bring into contempt the authority of the Governor of India? If you lay down the principle that, however your home Government may be constituted, it is to the authorities in India that you must mainly trust for the maintenance and preservation of your empire, could you have taken a course more likely to throw contempt upon those authorities and to involve the difficult and complicated question of the government of Oude in hopeless confusion than that which you have in this instance pursued?

THE EARL OF ELLENBOROUGH: My Lords, the noble Duke has objected that this despatch ought to have been made known to the Court of Directors only. My Lords, it never would have been made known to the Court of Directors if the Proclamation had not been made public. The despatch refers only to this Proclamation, and only to a particular paragraph in it. I was in hopes, up to the last moment, that, yielding to the representations which

I believe were made to him against issuing that Proclamation, Lord Canning never would have issued it in the form in which it was sent home. If he had yielded to such representations, the Proclamation never having been issued, this letter would never have been known. It would have remained perfectly secret, and years and years hence only might it have been discovered that such a document had been sent. It is next objected that some private individuals were in possession of this despatch *in extenso*. My Lords, the noble Earl himself is in possession of it. He requested to have it communicated to him, and he now complains that that which was shown as an act of courtesy towards himself should be shown to others equally interested with himself in the welfare of India, though not interested perhaps as much as himself in Lord Canning. My Lords, it is assumed that Her Majesty's Government have not acted in a generous spirit towards Lord Canning, and have not given him their full support. My Lords, I think it is not three weeks, unless I am greatly mistaken, since the noble Earl expressed his approbation of a secret despatch which I had sent to Lord Canning, and was pleased also to observe, in expressing that approbation, that that letter would afford material support to the Governor General. My Lords, what were the terms and object of that letter? It declared the hope of Her Majesty's Government that our recent successes would enable the Governor General to act in a spirit of clemency as well as of justice towards those who had been engaged in hostilities against us. Here is the paragraph :—

"To us it appears that whenever open resistance shall have ceased it would be prudent, in awarding punishment, rather to follow the practice which prevails after the conquest of a country which has defended itself to the last by desperate war than that which may perhaps be lawfully adopted after the suppression of mutiny and rebellion, such acts being excepted from forgiveness or mitigation of punishment as have exceeded the license of legitimate hostilities."

That was the principle which we laid down. We thought it especially applicable to the position of Oude and to the people of that country. What do we say in conclusion :—"Acting in this spirit, you may rely upon our unqualified support." And, my Lords, we did not only send that despatch to India, and keep it in the secret department as a thing to be known to Lord Canning alone,—by which by the way, he would have received but little support from it ;—we made it public here as soon as we were enabled to do so, and thus conveyed to all India the knowledge of the fact that Her Majesty's Government were determined to give him their unqualified support—their support, be it observed, in the prosecution of a system of clemency as well as justice. And what do we receive a few days afterwards? This Proclamation! My Lords, no Government would have deserved to survive twenty-four hours which did not at once mark with its reprobation the confiscation under such circumstances of the proprietary rights of the entire people of Oude. I cannot believe, whatever may be the sentiments of the noble Earl and his friends towards Lord Canning that there can exist in this country a feeling which will not induce all classes to support those who have reprobated such a declaration from the Government of India. I hold that the hostilities which exist in Oude bear more the character of war than of rebellion. And yet, notwithstanding that fact, the penalty inflicted is one which is hardly to be paralleled in the records of history. The noble Earl asks what I desire to do with respect to the Governor General. As I understand him, he wishes to know whether I desire that Lord Canning should return to this country. My Lords, if I had desired to force the return of Lord Canning, I should have made the conclusion of that despatch more in keeping with the observations which it was necessary to make in the body of the document. I avoided the expression of that opinion. I knew also that there might exist circumstances when that despatch arrived in India which might make it as impolitic suddenly to recall the Proclamation as it was impolitic ever to issue it ; and I did not desire to force Lord Canning to the adoption of that course. But, my Lords, I am asked what I desire. I do not desire the return of Lord Canning, but I do not fear it. Provision has been made, as the noble Earl perfectly well knows, and the very best provision—it was suggested by myself a few days after the change of Ministry ; and I found it had been already adopted by the late Cabinet—the best provision, I repeat, has been made to meet the difficulties which might arise in the event of any accidental, unforeseen, or unfortunate vacancy occurring in the office of Governor General. I do wish Lord Canning's return. I do not fear it. We have done our duty—we could

not do otherwise that we have done. It was impossible for any Government desirous of seeing the administration of India conducted in a spirit of clemency as well as of justice desirous of conciliating as well as of subduing a people, not to express its opinion in proper terms with respect to an act confiscating the whole proprietary rights of the whole people of Oude.

EARL GREY: My Lords, I must point out to your Lordships that both the speech of the noble Earl who has just sat down and that of the noble Earl at the head of the Government have been addressed, not to the question raised by my noble Friend (Earl Granville) as to whether it was proper at this time publicly to declare the severe censure pronounced by Her Majesty's Ministers upon the whole policy of Lord Canning in respect to Oude, but, on the contrary, to the totally different question whether that policy in itself was right or wrong—whether the Proclamation which has been published was a proper Proclamation, and whether the Government have done their duty in expressing their disapproval of it. On the last question, my Lords, I am not able to give any opinion whatever. We have not before us the information necessary to enable us to decide whether Lord Canning has done right, or whether he deserves to be censured. I can quite understand, however, that Her Majesty's Government, being in possession of far more information than we now have, may possibly have thought fit to disapprove the Proclamation issued by the Governor General, and even to write a very severe despatch in condemnation of what has been done. But, then, is it right that that censure should be publicly proclaimed? My Lords, I cannot forget that Lord Canning during the time he has held the government of India has shown great moral courage and firmness in maintaining the principles of justice and the policy of clemency at a period when the public mind was highly excited and not disposed to give the consideration which was due to calmer counsels. I cannot forget that Lord Canning braved the virulent calumny to which he was exposed by adhering to his duty in this respect amid every discouragement. Therefore, I say, in the first place, you ought not to believe that Lord Canning has now departed from the principles on which he has hitherto acted until this shall be proved by conclusive evidence—nor until you have had an opportunity of weighing his explanations of the grounds on which he has proceeded, and of making up your minds that he has been in error. But at the same time I say that even if you are convinced that he has done wrong, you are bound to believe that it is an error of judgment only that he has committed. No man can doubt that it is Lord Canning's desire to act in a spirit of justice and humanity; and if he has done wrong it is his judgment, not his moral sense, that has been at fault. That being so, what, I ask, was the duty of Her Majesty's Government? No doubt, if they thought him in error, fully to explain to him the grounds of that opinion, and to direct him to modify, if requisite, the course he was about to adopt. I have not a word to say against the strongest instructions which they might have felt it right to issue on the subject. But then when that despatch had only just gone out, was it necessary to publish to the whole world that this was the view taken of his conduct by the Government? The noble Earl opposite says, "What were we to do? It was very indiscreet to come and ask the Government a question on the subject; but when the question had been put to them they could not help answering it." My Lords, that is quite a new light in which to place the duties of a Minister. I can only say, that when I had the honour of sitting on that bench as a Secretary of State, I made it a rule invariably to refuse to answer the simplest question, even though I knew perfectly well how to answer it, if it were put to me without notice. I said, "No, I never will answer you without notice. Your question may be very simple; but if you are once allowed to establish the practice of coming down here and asking me without notice any question you think fit, then the very fact of my declining to answer one when I have answered another, will show that the question is embarrassing." But, my Lords, I go further. Even supposing that Her Majesty's Government have had the fullest notice beforehand, is it to be said that they are under a positive obligation to answer a question of this kind, though to do so is injurious to the public service? I have always understood that a very different course has been pursued. It more than once fell to my lot, when holding the seals of the Colonial Office, to have questions put to me as to my intentions respecting matters upon which I was in correspondence with the Governors of particular colonies, and on which I had

reason to doubt whether they had acted right. But I never then thought of replying, while such a correspondence was still in progress, that I disapproved in every sense of what had been done. I was accustomed to say the subject is a difficult one, and communications are still going on with regard to it; we have not yet been able to form a decision, and it would not be expedient for the public service to say more at present; the business is not yet settled, and the House will be informed of the result in due time. Now, am I to be told, my Lords, that because an indiscreet question is asked in the House of Commons that is an excuse for a Minister to give an indiscreet answer? I can recognize no such excuse; for the more indiscreet the question, the more distinctly is it the duty of a Minister to refuse to answer it. From my experience of both Houses of Parliament I am persuaded that if, in answer to such a question in either House of Parliament, Her Majesty's Government had said, Lord Canning has hitherto deserved our full confidence, and we see no reason for withdrawing that confidence; the Proclamation which has been adverted to is at present the subject of correspondence between us and Lord Canning, and we shall take care most attentively to consider the whole of the circumstances of the case, and see that justice be done, and the House shall in due time be informed as to what has been done—I am persuaded, I say, that if the Government had adopted that course, there would have been no disposition upon the part of either House of Parliament to press the question upon them. I have never in the whole course of my experience, seen that course adopted by a Government without being at once admitted by Parliament. Why, that very course had been adopted by the present Government in reference to the *Cagliari*. The Government produced a great portion of the papers connected with that affair—more, perhaps, than it was quite discreet to produce—but when they were asked for still more they said, We are still in communication with the Governments of Naples and Sardinia, and it would not be convenient for the public service at present to produce more papers. That answer was readily acquiesced in by the House, and I am informed by my noble Friend behind me (Lord Stanley of Alderley), that it was made on the very same night that the indiscreet answer of which I complain was given to the question relating to this Proclamation. I conceive that the Government committed a grave fault in expressing the opinion that they disapproved in every sense of the policy of Lord Canning. The noble Earl opposite has retorted upon my noble Friend near me, and says, "You complain of the despatch being in the hands of persons not Members of the Government:—why, you yourself asked to see it;" but the noble Earl forgets that it was not until it had been made known that Lord Canning had been censured by Her Majesty's Government, that my noble Friend asked to see which contained that censure; and I believe that had there been no expression of an opinion hostile to Lord Canning, he would never have asked for that despatch at all. After an unqualified censure upon the policy of Lord Canning had been pointedly announced by the Government, all the friends of Lord Canning were very naturally and very properly desirous of seeing the terms in which that censure was couched, and what were the grounds upon which it was founded; and they hoped from an examination of the despatch, to discover that there was not sufficient ground for any censure at all. I much regret what has occurred — not on account of Lord Canning, although I cannot but think that the manner in which Lord Canning filled his high office in a time of extreme difficulty and under circumstances of a most deeply distressing character, the manner in which he performed duties suddenly and unexpectedly cast upon him, has entitled him to greater consideration than has been shown him. It is not, however, on account of Lord Canning that I so much regret what has occurred; but it is for the sake of India and of this empire. I am convinced that it is not for the interest of India, nor of England either, that the government of India should at this moment be placed in fresh hands, or that Lord Canning, holding that high office, should have his authority weakened and impaired by a public expression on the part of Her Majesty's Government of censure of his policy. I confess, my Lords, that in all my experience the course which has been adopted by the Government appears to me to be without a precedent, and it is one of which I cannot help expressing extreme disapproval. I am utterly at a loss to conceive what grounds can have induced the Government to take such a course. What object could be gained by it? I am sure that the noble Earl who is responsible for the govern-

ment of India, possesses too firm a mind to shrink from a temporary obloquy for refusing to give up Lord Canning, supposing a run had been made against him. I am sure, also, that he is not actuated by another motive which might almost seem to have prompted such a course; were it not that the high character of the noble Earl forbids such a supposition, the circumstances which have attended the publication of this despatch would lead one to believe that Her Majesty's Ministers, seeing symptoms of a reaction in public opinion, which, some time back, ran strongly in favour of unsparing and indiscriminate severity, but had now turned against a policy of extreme severity, had thought that a little temporary popularity might be acquired for a weak Administration by the production of a despatch containing some high-sounding words and phrases with regard to principles of justice and humanity. If I were in the habit of putting an unfavourable construction on the motives of public men, I might have believed such a motive had led to the publication of this despatch: but, my Lords, I reject such a supposition, and can only account for it on the ground that it must have resulted from extraordinary and blameable inadvertence.

Motion *agreed to;* and the Papers were afterwards laid on the table.

ENGLISH CHURCH IN PARIS.

QUESTION.

VISCOUNT DUNGANNON rose to call attention to the present Condition of the English Church in Paris; and to ask Her Majesty's Secretary of State for Foreign Affairs whether any Communications have recently been made to him on the subject, and if Her Majesty's Government contemplate adopting any course with respect to the same? The noble Lord said that the state of the English Church at Paris was such, that any one who had the interests of the Church at heart could not but feel deeply concerned about it. The English chapel in the Rue d'Aguesseau had been erected under the auspices of Bishop Luscombe, but he died before his intentions could be fully carried out. There were not less than 8,000 English residents in Paris, and during the summer months of the year this number was greatly increased; and it was most desirable that church accommodation should be provided for this large number of persons. The chapel in the Rue d'Aguesseau had been bought by the Government upon the recommendation of the British Ambassador, with the sanction of the then Secretary for Foreign Affairs; but, in consequence of the other House of Parliament having refused to sanction it, it had been put up for sale again, and he understood that some parties were in treaty for it at the present time for the purpose of converting it into a bazaar. He thought it was due to the honour of England and the cause of her religion that this should be prevented. He wished to know whether the present Government would be disposed to lend any aid towards the purchase? He understood that the suggestion was, that the chapel should be purchased, and that the appointment of the minister should be placed in the hands of the Bishop of London, as the head of the metropolitan diocese, and the Bishops of Ely and Oxford, as being the Bishops of the dioceses in which the Universities are situated. He trusted that he should receive a satisfactory statement from the noble Earl (the Earl of Malmesbury) as to the intentions of the Government upon the subject.

THE EARL OF MALMESBURY: My Lords, I need not say that this subject has occupied the Foreign Office now for some years; and, I am sorry to add, that at this moment, although I have had some hope of bringing this matter to a successful issue, I should be entirely deceiving this House and my countrymen residing in Paris if I were to induce them to think that the House of Commons is likely to change its mind respecting the grant of money that is required for the purchase of this chapel. My Lords, I believe that the only course left to us is that which we have now taken; and, I have the honour and pleasure to add, that with the concurrence of the right rev. Prelate behind me (the Bishop of London), and we hope that with the efforts of Lord Cowley and the English residents at Paris, aided by those of the right rev. Prelate and others in this country, we shall be able to procure as large a sum of money as will enable me to place this chapel under the provisions of the Consular Act. It must be recollected that the debt on the chapel amounts to £5,000, and the mortgagee, I am sorry to say, threatens to foreclose, and to foreclose in a very few days; and all that Her Majesty's Government can do is to say that they will endeavour to prevent the immediate foreclosure, and to induce the mortgagee to

postpone the time until the effect of Lord Cowley's efforts in Paris, and those made in this country, assisted as they will be by the services of the right rev. Prelate, is ascertained.

The Bishop of LONDON thought it would be a very great misfortune if this place of worship, which has been so long connected with the Church of England, should cease to be a Church of England place of worship. Their Lordships were probably aware that there was a large population of English at Paris—as many as 2,000—and it was certainly of great importance that by some means a place of worship should be provided for them. Hitherto there had been no opportunity for these 2,000 persons to worship God according to the Church of their fathers. They were unfortunately living in a foreign country, exposed to foreign influences, and liable to many difficulties and temptations. If the plan to which he understood Her Majesty's Ambassador at Paris was favourable could be carried into effect, it was proposed that the whole of the church, with the exception of a very few seats, should be free to poor English. Their Lordships were aware that a great number of English visited the Continent in summer, and that the English population in Paris was thereby very much increased during that part of the year. It was not, he thought, too much to say that the efforts of Lord Cowley in Paris would be seconded by those Englishmen who spent a portion of their years abroad, and increased the English population in Paris to at least 10,000 in the summer months. He believed there was every prospect of raising speedily about £2,000 in Paris itself. There would remain to be raised £3,000, which we might hope would be raised by voluntary subscriptions in this country; and then the church would be opened under the Consular Act, free to the poor English residing in Paris. He was most glad to find that, through the diligence of the noble Earl, the danger of having the mortgage foreclosed was likely to be prevented.

PROTECTION OF FEMALE CHILDREN BILL.

On Motion that this Bill be now read a Second Time,

The Bishop of OXFORD said, he would ask their Lordships to give their sanction to the second reading of this Bill, the object of which he would explain in a few words. By the existing law the Legislature extended its protection to young girls between the ages of ten and twelve. He asked that that protection might be extended one year further to girls between the ages of ten and thirteen. He asked this because he had had brought before him a series of cases which he had himself examined, and which proved the need of this protecting legislation. This was exactly the age at which young girls came from workhouses and entered into service, when they were often exposed to very peculiar temptations. He could enter into details which would pain their Lordships, and which would abundantly establish the necessity for the Bill; but as he believed that the measure would at once recommend itself to their favour, and as any such detail, if necessary, would be most undesirable, he did not propose to enter into it. He had taken the advice of those who were best qualified to give an opinion on the question, persons who might be called the moral police of this metropolis. He would ask their Lordships to read the Bill a second time.

Bill read 2ª, and *committed* to a Committee of the whole House on *Monday*, the 17th *instant*.

House adjourned at a quarter to Seven o'clock, to Monday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, May 7, 1858.

Minutes.] Public Bills.—3° Chelsea Hospital (Purchase of Lands); Franchise Prisons.

METROPOLITAN CEMETERIES.

QUESTION.

Mr. H. BERKELEY said, he wished to ask the Under Secretary of State for the Home Department what regulations or instructions as to Cemeteries or Burial Grounds in the Metropolis have been, or are to be, issued under the powers of the Burial Act passed last Session.

Mr. HARDY said, that no regulations of any description had as yet been issued upon the subject, nor had any been prepared. The matter, however, was under the consideration of the Inspectors of Burial Grounds, and any regulations which they might frame with respect to it would be weighed, before they were issued, with due deliberation by his right hon. Friend at the head of the Home Department.

ADMISSION TO THE WOOLWICH ACADEMY.—QUESTION.

Mr. P. O'BRIEN said, he would beg to ask the Secretary for War whether any gentlemen have been admitted to the Royal Academy of Woolwich since the 1st of January last, who have not undergone the competitive examination rendered necessary by the Warrant promulgated by the late Secretary for War.

General PEEL: In answer, Sir, to the question of the hon. Member, I beg leave to state that no gentlemen have been admitted to the establishment at Woolwich except strictly in conformity with the principle laid down on the introduction of the system of competitive examination in the year 1855. When that principle was adopted all further admissions into the preparatory school at Carshalton was put a stop to; Lord Panmure, however, thought it absolutely necessary to keep faith with the cadets who were then in that establishment, and it was decided by him that on their attaining the age of fifteen they should be subjected to a modified examination equal in severity to that which they had previously to undergo for admission to Woolwich. On passing that examination, they were allowed to remain another year at Carshalton; and, at the expiration of that period, they were to be subjected to a second modified examination, increasing in severity in proportion to their advance in age. When they had passed that second examination, they were to be admitted to the academy at Woolwich. In this manner the cadets at Carshalton were being gradually absorbed into the academy at Woolwich; and in January last seven of them, having passed the second examination to which he had referred, had been admitted to that establishment. It was intended, by the plan which was adopted by the late Government when they were in office, but which has been repudiated by them since they quitted office, that those cadets at Carshalton should be transferred to Sandhurst; but as they will now be deprived of the advantage to which they were entitled—namely, admission to the scientific branch of the army—I cannot see any other means of keeping faith with them than by maintaining, at a great expense to the public, the establishment at Carshalton until their education shall be completed.

On Motion for the adjournment of the House at rising until Monday

PROBATE COURT.—OBSERVATIONS.

Mr. WARREN:—Sir, when the right hon. Gentleman below me, the Chancellor of the Exchequer, told us the other night that we had now to pay no less a sum than a quarter of a million sterling, for years to come, to the Proctors in return for their allowing us to reform our Ecclesiastical Courts, I partook of the mild surprise which seemed to pervade this most amiable and liberal House. That communication might of itself have justified my present Motion, but notice of it had, in fact, been given some time before; and I am anxious now to call the attention of the House to two points, in order to show it how we stand with reference to the consideration we have received for the enormous payment out of the Consolidated Fund, which we sanctioned last Session. We, none of us, can have forgotten our exertions in respect of the demolition of the Ecclesiastical Courts and rearing new structures on their ruins. Our efforts were great; for we had to reduce a sort of ecclesiastical Sebastopol which had withstood a thirty years' siege, and even at last we could succeed only by bribing the garrison—that is, by making a vast payment to the Proctors. However, that is done, and we must stand to it. But I must observe that the Bill came down to us from the other House without exhibiting a trace of compensation to practitioners in the Ecclesiastical Courts. The then Lord Chancellor (Lord Cranworth) indeed, on a subsequent occasion, repudiated it in strong terms as highly objectionable in principle and likely to form a dangerous precedent. This House, however, was on the urgent and powerful entreaties of the Proctors, of a different opinion, and my hon. and learned Friend, the Member for Wallingford, became their champion, and entered on their behalf into a deliberate compact with the Government, ratified by the House. He declared that, as far as he and the Proctors were concerned, he would support the Bill on one understanding only—that those should be compensated whose whole prospects in life would be ruined by it. Now I don't stand here as the advocate of the legal profession or any branch of it, but in the interest of the public on whose behalf this bargain was made, and in language well-known to lawyers I shall try to show that a part of the consideration which we were to receive has failed. The two points to which I have alluded are, the exclusion of the great body

of barristers-at-law from the non-contentious business of the Probate Court, and both barristers and attorneys from the Court of Admiralty. And, first of all, as to the non-contentious business of the Probate Court. Unless I am in error the proportion between contentious and non-contentious business is that between 30,000 causes of the latter and 1,300 or 1,400 of the former. That, at least, was the statement made during the Debates last Session in this or the other House. The distinction between the two kinds of business is carefully drawn by the Probate Act of last Session and the rules and orders issued by its authority, and may be stated as substantially this:—Non-contentious business consists of obtaining Probates and Administrations when the right to them is uncontested, and passing them after a contest to that right is at an end; of all Court business of a non-contentious nature in matters of testacy and intestacy not constituting proceedings in any suit; and the lodging and the warning of caveats. This is now the statutory definition of "non-contentious business;" and that of "contentious business" is, all proceedings in the Court of Probate or in its Registries except the above. Now from the whole of this immensely preponderating non-contentious business, serjeants and barristers-at-law are rigorously excluded, and either Proctors or attorneys and solicitors must employ advocates. Now I ask, is this right and fair? Is it in accordance with the understanding on which we proceeded last Session? That all monopoly of practice should be done away with—that the New Court in its entirety of business was to be thrown open to the whole body of legal practitioners, thus affording the public the amplest choice of those in whom they had confidence? Proctors and attorneys and solicitors were, by the Probate Act, placed completely on a footing of equality, each eligible for practice in the Probate Court and in all Courts of Law and Equity. Advocates are also admitted without restriction of any sort to all Courts of Law and Equity, with the same eligibility to appointments as if they had been called to the Bar at the period of their having been admitted advocates. Now, Sir, I for one, as a member of the Common Law Bar, am glad of this; I am delighted that this select body of learned and accomplished gentlemen should be at once incorporated with the Bar at large. Several of them have since received the honour of silk gowns, have been elected Benchers of the Inns of Court, and admitted members of the circuits, and why, after all this, should they be invested with what they themselves, I am sure, must regard as an unjustifiable and invidious monopoly? Why should they alone be capable of being selected by Proctors and attorneys and solicitors to conduct the cases of their clients? If this be allowed to continue, it will of itself, in a perfectly easy and intelligible way, practically attract to itself a monopoly also of the contentious business, such as it is. But I may be told that the language of the Act—of the 40th section—is clear and precise. The 40th section, while admitting the Ecclesiastical Advocates to "practise as advocates or counsel in all matters and causes whatsoever in the Probate Court," restricts the right of serjeants and barristers at law "to practising as advocates or counsel in all contentious matters and causes in the said Court." Whether the distinction was or was not designed, I shall not stay to inquire. I must own, therefore, that the wording of this clause admits of no doubt—nay, more, that it stood so in the Bill when it came to us from the Lords, and so returned to them; but I must add that it was retained inadvertently without the distinction having challenged the attention of the Gentlemen of the long robe, as we are called in this House, for almost all of us were absent on circuit. But however this may be, the distinction appears to me altogether unjust and impolitic, and ought not to be maintained. Sir, I am very far indeed from wishing to make any attack on the Advocates of Doctors Commons in what I am saying, especially bearing in mind that not one of them happens at present to have the honour of a seat in this House to vindicate their rights, if so disposed. I wish indeed some of them were here; I do not think that they would seriously dissent from what I am saying on the question before us, and I must really put it to the candour of my hon. and learned Friend the late Attorney General, whether—having regard to the whole tenor and scope of the measure which he introduced into and carried through this House with so much ability—he will support the exclusion of which I am complaining. I appeal, I say, confidently to the candour of my hon. and learned Friend, who exhibited throughout the whole conduct of the Bill scrupulous good faith. Probably the point wholly escaped his at-

tention, as it was not brought under his notice specially in the House. The question has arisen directly, more than once already in the Probate Court, the Judge of which has declined to hear any but advocates in non-contentious business, properly saying that the plain words of the Act prevented his doing so. The common law counsel, who appeared before him, then asserted his common-law right, as a member of the bar, to practise in all the Queen's Courts, one of which this is declared by the Act to be—and that point the Judge expressed himself willing to hear argued, whenever the question arose between an advocate and a member of the common-law bar. And having mentioned the Judge of that Court, I take this opportunity of congratulating the late Government on their having selected for so important a post, or rather I congratulate them and the country on having had the good fortune to secure in the right hon. Judge of the New Court a gentleman in every way so admirably qualified to preside over it, and organize its procedure to the satisfaction of all branches of the legal profession and of the public. I pass on now to the second point to which I would bespeak the attention of the House, as one touching, as I think, its privileges —the total exclusion of the whole legal profession, except advocates and Proctors, from the Court of Admiralty. There seems a mystery about this matter, which it concerns this House to have cleared up. Let me premise that in the year 1840 the Court of Admiralty was entirely remodelled, and in many important particulars assimilated to the common-law courts. Its practice was greatly improved, and its civil jurisdiction also extended, its criminal jurisdiction, however, being taken away, and transferred to the Central Criminal Court and the Assize Courts in the last-mentioned year and the preceding year 1834. Its present jurisdiction comprises disputes relating to the ownership of ships, questions of collision, salvage, prize, booty of war, and bounty — all matters of great public interest and importance, but becoming infinitely more so in time of war than of peace, when the practice of the Court is of course rendered greatly more lucrative. In the year to which I first referred, the mode of taking evidence in this Court was totally altered. It was thenceforth to be taken *vivâ voce*, in open Court. The Judge may now order issues to be tried by a jury, and grant new trials. Appeals from the Court are made to the Judicial Committee of the Privy Council, and the advocates, surrogates, and proctors of the Arches Court were in the year in question, admitted to practise in the Court. Now, in introducing the Probate Bill into this House, the Attorney General stated, and the Act now contains a corresponding provision, that as soon as the office of Judge of the Admiralty Court should become vacant, that Court should be united to the new Probate Court, thenceforth to be presided over by one and the same Judge ; the present salary of the Judge of the Probate Court by the Act fixed at £4,000 a year, being in that event raised to £5,000. This arrangement is effected by the 10th and 11th sections of the Probate Act—which thus shows, that the Court of Admiralty was fully within the view of Parliament as the subject of legislation while founding the Probate Courts. Now as discussion proceeded on the Probate Bill, and after the principle of compensation had been assented to by the House, it occurred to Members, and particularly to the hon. Member for Sheffield (Mr. Hadfield), that the Court of Admiralty ought to be no longer retained as a closed court in the hands of the old Ecclesiastical practitioners, who were being so largely compensated ; and he gave due formal notice, in the votes, that on a future day he would move the insertion of a clause admitting attorneys and solicitors to practise in the Admiralty Court. On the 11th August the discussion came on, and the feeling of the House appearing in favour of the Motion, the Attorney General, sanctioned by the right hon. Baronet, the then Home Secretary (Sir George Grey), instead of going to a division, expressly assented, as also did the hon. and learned Member for Wallingford, to the introduction into the 45th clause of the Bill, with reference to the rights of attorneys and solicitors to practice in the new Probate Court, of the words, "and also in the Court of Admiralty." Well, Sir, with these words the Bill went up to the Lords on the 12th August, and on the ensuing day the Bill and our Amendments, were ordered by the Lords to be printed. On the 18th they were taken into consideration, and the then Lord Chancellor moved that "*with some verbal alterations*" the Lords should agree to the Amendments of the Commons." Not a syllable was said as to the propriety of retaining the proctors' monopoly in the Ad-

miralty Court, or as to the insertion or rejection of the clause in question; and on the 21st the Bill came down to the House, when we agreed not to insist on certain supposed inconsiderable Amendments so disagreed to by the Lords. These Amendments were not printed; and we all recollect the very hurried procedure of both Houses at the close of that protracted Session. The Bill—with this unexpected and serious omission—became law on the 25th August, Parliament being prorogued immediately afterwards; and as soon as the Act had been printed, it appeared that the words throwing open the Admiralty Court to attorneys and solicitors, were not there, but had been struck out without a syllable having been said to draw public attention to the subject, and thus the bargain we had made on the part of the public was violated in an essential particular. Thus the Court which we had expressly insisted on having opened to the public generally, as a part of the return for the compensation we had granted, remains as strictly and closely in the hands of the Proctors, as though they had not received a farthing of compensation—as though Parliament deliberately deemed it expedient to leave that Court thus fenced out from the great body of that branch of the profession specially trained to and familiar with the common-law method of procedure introduced there in the year 1840. Now, Sir, though I have heard a whisper on the subject, I do not profess to know how this strange interposition was effected, but I should much like to know—I think this House is entitled to know—whose were the hands that thus manipulated the Bill after it had left the hands of those who, as the then Lord Chancellor, reminded the House of Lords, held the strings of the national purse. I must therefore ask for full explanation on this subject, from either the late or the present Government; and it will depend on the answer either may give me, whether I move for a Select Committee to inquire into the matter, or myself bring in a Bill to rectify the miscarriage of which I complain. I must, therefore, particularly ask for explanations in the first instance, from my two hon. and learned Friends the late Attorney General and the Member for Wallingford, who were the parties to that compact, of the violation of which I complain. I perceive the impatience of the House, and its desire to proceed to more exciting matters, but I felt it my duty to bring distinctly before them a matter affecting so materially the administration of justice.

MR. HADFIELD said, that it had been with the consent of the Government that the clause had been introduced at his suggestion opening the Court of Admiralty to all departments of the profession. In the House of Lords, through some unexplained influence, the clause had been struck out, and that Court, which ought to be open, was now a close Court. He trusted that the hon. and learned Member for Aylesbury (Sir R. Bethell) would explain to the House how it happened that the clause had been struck out in "another place."

SIR RICHARD BETHELL was understood to say that he believed it was the intention of the Act that there should be no distinction in the practice of the Court of Probate between contentious and non-contentious business. It appeared, however, that some doubt having arisen as to the construction of the Act of Parliament, the learned Judge of the Court had given directions to have the point argued in order that the question might be settled. He could only add that if it was decided that that was not the proper construction, it was desirable that the matter should be rectified. As to the other point to which the hon. and learned Member for Midhurst (Mr. Warren) had alluded—the clause opening the Admiralty Court to the legal profession generally—he was not aware of the circumstances under which it had been struck out, but was told the reason was that it was deemed necessary that some further provisions should be introduced, and that if the clause had been allowed to remain it would not have been sufficient for the object desired. He had intended to introduce a Bill for the purpose of throwing open the Court of Admiralty to the whole profession. He hoped that his hon. and learned Friend who had succeeded him in the office of Attorney General would direct his attention to the subject, and he (Sir R. Bethell) would be happy to give him any assistance for the attainment of the object in view.

MR. COLLIER said, he understood that a sum of £250,000 a year had been devoted under the Act of last Session as compensation to the proctors. If he had been present when that question was under consideration he should certainly have protested against any such proposition, believing it to be a most extravagant sum. The House would never have voted that

sum, unless upon the understanding that the monopoly of the proctors was to be wholly abolished. They now learned that this monopoly of the proctors was, to a certain extent, to be continued. He protested against the whole arrangement.

MR. MALINS said, after the statements which had been made he thought it right to set aside some erroneous impressions which seemed to prevail. It had been stated by the Chancellor of the Exchequer the other night that the compensations under the Act would amount to £250,000 a year. Assuming that to be the correct amount, they must remember that that included Mr. Moore's compensation, and that of all of the officers entitled to compensation. He believed, however, that it was an exaggerated estimate, and that the amount of compensation to the proctors would not exceed the estimate he had given when the Bill was under discussion, namely, £80,000 to £100,000 per annum. [Mr. Walpole: That is pretty well]. So it is pretty well; but he (Mr. Malins) trusted the House had not forgotten that he had said last year they were about to pay a price for what they would never get value for. He was told that they were going to make compensations to a body of men who would retain their practice. It might be satisfactory to the House to know that the Bill had utterly destroyed the proctors as a body; and if it had not been for the compensation provided by the Bill, they would have been left utterly destitute. That, however, was beside the present question. What he desired was to correct the statement as to the amount of compensation, which, he believed, had been greatly exaggerated. He thought also that the Chancellor of the Exchequer was wrong in saying that the Consolidated Fund would have to bear the whole of the burden, for it received quite as much as it had to pay. There were certain fees payable under the Act by the suitors which would go to the Consolidated Fund, and which would in their aggregate amount to a sum quite equal to that which would be abstracted from it to pay those compensations; so that no additional burden was thrown on the country. Then as to opening the Court of Admiralty, it was true that the hon. Member for Sheffield (Mr. Hadfield) had introduced a clause, which had been struck out in the House of Lords; but he thought that his hon. Friend had been to blame for not remaining to see that the words which he had inserted were retained. When the Bill was sent back to that House he was not here to make his complaint, and surely there was no one else whose duty it was to complain. He (Mr. Malins) understood, however, that the clause as to the Court of Admiralty had been struck out because a learned Judge of that Court had represented that the machinery of the Court was not prepared for the change, and that they ought to wait for the introduction of a more general measure.

MAGISTERIAL APPOINTMENTS.

OBSERVATIONS.

MR. JOHN LOCKE said, he rose, pursuant to notice, to call the attention of the House to the recent appointment of Justices of the Peace for the City of Canterbury, and to ask the Secretary of State for the Home Department whether Mr. John Pout had been appointed one of such Justices, and whether he is the person mentioned in schedules C and F of the Report of the Commissioners appointed to inquire into the existence of corrupt practices at the Election of Members to serve in Parliament for that City in the year 1852, and at previous Elections? He would not go into any detailed reference to the proceedings of the Commission which sat in 1853 to inquire into the corrupt practices that took place in Canterbury at the general election of 1852 and at the previous general election; but he believed there was no difference of opinion either as to the necessity of that inquiry or the conclusions to which the Commissioners came. Indeed it was unnecessary for him to refer to those proceedings as the evidence on which he relied was entirely documentary and a matter of record which could not be in any way controverted. He was sure the House would agree with him that it was their duty to mark their disapproval of every appointment to the magistracy that savoured of party objects. The House would bear in mind that in the appointment of magistrates for boroughs it was the invariable custom of the late Lord Chancellor to examine the names of the parties recommended to him, and carefully to abstain from appointing gentlemen of only one side in politics. ["Oh, oh!"] Hon. Gentlemen on the other side cried "oh, oh!" but he believed the facts would bear him out in the assertion that, with very few exceptions, the magistrates appointed by the late Chancellor were carefully selected, so many from one political

party and so many from the other. If hon. Members, who seemed to doubt this were able to bring forward exceptions let them do so; but he would venture to affirm that if they went through the whole list of magistrates appointed during the five or six years the late Chancellor was in office, they would not find so many objectionable appointments as had been made during an equal number of days by the present Chancellor. It was the general complaint that the magisterial appointments of the present Government were all from the one side of politics; that throughout the country Tories only had been appointed, and that in almost every borough where the hand of power could place itself there was no exception to this rule—in no case had any Liberal been appointed. Hon. Gentlemen opposite were right, perhaps, in endeavouring to prop up their party, and by making appointments of magistrates in the towns and boroughs from their own party endeavouring to obtain that influence which they did not at present possess. He (Mr. Locke) objected to this, for whatever might be done in that House to promote party purposes, the fountain of justice ought, at least, to be kept pure; and even if the contrary practice had prevailed in times past, it was high time that a stop should be put to it. It was stated in the *Kentish Herald*, of the 16th April, that six magistrates had just been appointed for the City of Canterbury, all of whom were Tories, and that amongst them was John Pout. Rather a singular name that, and one once heard not easily forgotten. Now this man—for he had no doubt it was the same—figured, by name, in the Report of the Commissioners who were sent down in 1853 to inquire into the corrupt practices that had taken place at Canterbury, and various other places. He would not quote any extract from that Report, but only the headings of two of the schedules, and show the way in which this John Pout was connected with those practices. Schedule "C" was a list of persons who had paid money to voters to induce them to vote—for the Conservative candidates of course—at the general election of 1852. In that schedule was the name of John Pout. Again, schedule "F" was a list of persons who had given money to voters to induce them to vote—also for the Conservative candidates—at the general election of 1847; and here, too, they found the name of John Pout. It would be found by the Report that this John Pout had figured in all the elections of late years, but for his efforts at these two particular elections he had been ticketed. Now, with that ticket upon him, it was rather extraordinary that the Chancellor should have selected him for the magistracy—for, talk as they might, it was practically the Chancellor who made these appointments. He made no charge against the hon. Member for Canterbury—for they might all be desirous to put forward an active partizan to the magistracy if the opportunity offered. But what he contended was, that those who were in authority, and were responsible, ought not to allow themselves to be led away to make appointments of this description for the benefit of their party. If there were a duty more responsible than another resting upon those who were high in authority—more especially the first Judge in the land—it was to take care that the administration of justice from the highest to the lowest office should be pure; and it ought to be their duty to protect it in its purity. Let them recollect that this man whose name appeared so ticketed in the schedules of the Commissioners' Report, would have to sit on the magisterial bench at Canterbury; and it might so happen that after an election a person might be brought before Justice John Pout charged with bribery. Sitting on the bench as a justice of the peace, he might be called upon to administer justice, and carry out the law against both bribers and bribed. In that case the briber might recriminate upon the magistrate. He might say—"This is not a proper bench of justices to decide my case, and to determine whether I ought to be committed for trial or not." And whose fault would it be if so unseemly a circumstance occurred in a court of justice? Would it be the fault of Mr. John Pout? Certainly not. The fault would be with those in high places, who had appointed him. But there was another case—that of a Mr. Thomas White Collard. He was not so distinguished as Mr. Pout. But why? Because his name only appeared in one schedule. He believed it was in reference to the election of 1852 that Mr. Collard appeared ticketed for having given money to voters for the purpose of bribing them. He (Mr. Locke) had given notice of his intention to put this question to the right hon. Gentleman (Mr. Walpole); but he almost thought, from what he had heard since, that that question would be entirely superfluous. There was no doubt, he believed, that the John Pout referred to in

the Schedule was the person who had been appointed by the Chancellor as one of the justices for the city of Canterbury, and since the notice of his (Mr. Locke's) question had been given he believed some steps had been taken in the matter. He had given no notice in reference to the case of Mr. Collard, for he was not aware that he had been appointed to the magistracy at the time; but Pout being so extraordinary a name, he thought there could be no mistake about him. Some inquiry, he understood, had been instituted, and he believed that his question would, in consequence, be answered by the right hon. Gentleman in the affirmative.

MR. WALPOLE said, he was not going to find fault with the hon. and learned Gentleman for bringing a matter of this kind under the notice of the House. On the contrary, if anything likely to interfere with the proper administration of justice had taken place, the sooner it was corrected the better. The hon. and learned Gentleman had made two charges against his noble and learned Friend the Lord Chancellor—the one, a particular charge in reference to the appointment of Mr. Pout—the other, a general charge, that his noble Friend had — to use a strong word—perverted the administration of justice, by making appointments of a political and party complexion in several towns and boroughs in various parts of the country. In answering those charges he would merely deal with facts, for it was unnecessary for him to enter into any general vindication of the motives by which his noble and learned Friend had been actuated in these appointments, inasmuch as he did not believe any one would impute to him the doing anything which he believed to be improper, or calculated to impair the due administration of justice. The facts in reference to the appointment of Mr. John Pout were these. Some time after his noble and learned Friend had entered upon his present office his attention was called to the state of the magistracy in the City of Canterbury. It appeared there were at that time several vacancies not filled up. There were eleven magistrates on the list, whereas there had usually been sixteen, and sometimes more. Of these eleven magistrates in Canterbury, eight were on the one side of politics and three on the other. Eight were what were called Liberals and three what were called Conservatives. The Lord Chancellor received several recommendations sent to him from the local authorities of Canterbury, and from persons well acquainted with that city. Of the names so sent to him, his noble Friend objected to one on the ground that the party was a solicitor, it not being usual to place such gentlemen on the bench, and a second he objected to for some other reason; but the other appointments, to the number mentioned, were filled up on the recommendations so submitted to his noble and learned Friend. Among the names so placed on the list of magistrates were unquestionably the two the hon. Gentleman had mentioned—those of Mr. Pout and Mr. Collard. His noble Friend was, however, not in the least degree aware that the names of either of those persons was in the Schedule of the Commissioners' Report to which reference had been made. And the moment the case of Pout was brought to his attention by the notice of the hon. and learned Gentleman he caused inquiry to be made. His noble and learned Friend was also informed of the case of Collard, in regard to which, however, no notice had been given; and, finding that the parties were the same as were implicated in the transactions referred to in the Commissioners' Report, he instantly sent down to Canterbury to say that he should require both those gentlemen to resign. The reply to that requisition had not reached his noble and learned Friend when he (Mr. Walpole) entered the House; but he had no doubt that by this time it had arrived, and that the resignations had been sent in. If not, the hon. Gentleman and the House might rest assured that his noble and learned Friend would take such steps as were necessary for the vindication of the pure administration of justice. But the hon. Gentleman had also brought forward a general charge. He had understood when the notice was given that it simply had reference to the case of Mr. Pout; but, fortunately, he had requested his noble and learned Friend to furnish him with a statement of the magistrates he had appointed in boroughs and towns since he had been in office, and he had accordingly in his hand an account of all the appointments that had been made, with the names of the boroughs in which such appointments had been made—the political character of the magistracy in those towns and boroughs now, and what was its political character previous to such appointments—and it would be seen from that account that his noble and learned Friend had not

Mr. John Locke

been influenced by any desire to give an undue preponderance to the Conservative party in connexion with the magistracy. The first place on the list was Norwich. There there were fifteen magistrates of the Liberal party, and thirteen Conservatives. [An Hon. MEMBER: But how many have been appointed by the present Government?] Did the hon. Gentleman wish to have the whole statement read? He was quite prepared to give the whole of the particulars. The number of new magistrates appointed in Norwich was 6. There having been previously 15 Liberals and only 7 Conservatives, 6 Conservatives were put upon the Commission—leaving the total 15 Liberals and 13 Conservatives. The next borough was Warwick. When the Government came into office the state of the magistracy here was 3 Liberal, 1 Neutral, and 1 Conservative. His noble and learned Friend had put on 4 Conservative magistrates and 1 Liberal, leaving the state of the case in Warwick now—Liberals, 4; Conservatives, 5; Neutral, 1. In Poole there were, previous to any new appointments, 11 magistrates—8 Liberals and 3 Conservatives. His noble and learned Friend had put on 3 Conservatives, leaving now 8 Liberals and 6 Conservatives. The next was Shrewsbury. There there were, before the change, 13 magistrates—10 Liberal and 3 Conservative; 8 Conservatives had been added to the list there, making 10 Liberals and 11 Conservatives. He was simply stating facts, leaving hon. Gentlemen to draw their own inferences. At Gravesend there had been 3 Conservatives and 6 Liberals—4 Conservatives had been put on, leaving 6 Liberals, and increasing the Conservatives to 7. At Bath the relative numbers had been 11 Liberals to 4 Conservatives—7 Conservatives had since been put on. The result being, that where a preponderance had existed one way before, the change had brought the matter almost to a balance, but still leaving 12 Liberals to 11 Conservatives. At Bury there was no Conservative magistrate, but 3 Liberals; 4 Conservatives had been put on, leaving 4 Conservatives and 3 Liberals. In Carmarthen there were 4 Liberals, 2 Neutrals, and 3 Conservatives; 5 new magistrates had been added, and the state of the case now was 6 Liberals, 2 Neutrals, and 7 Conservatives. The last on the list was Canterbury. The original numbers were 8 Liberals and 3 Conservatives. His noble and learned Friend had put on 5 additional magistrates, leaving the balance still in favour of the Liberals by 9 to 8. [An Hon. MEMBER: Liverpool.] He had not the return of Liverpool. He had given all the information he had. He had intended merely to make a statement of fact in answer to the charge; but in consequence of the hon. Gentleman's observations he had gone into these details, and certain indications of opinion which he could not mistake tempted him to put it to the House whether these returns showed that an undue political preponderance of opinion had not previously been allowed to prevail in the appointment of magistrates to the various towns and boroughs. The cause of that preponderance no doubt was that the recommendation of the magistracy was left to the local authorities where the Conservatives were in a minority. But it was of immense importance, whatever Government was in power, that such a preponderance should not be allowed to continue, and if his noble Friend had inadvertently and from misinformation made improper appointments, he had certainly not acted wrongly in bringing the relative political state of the magistracy nearer to an equality.

MR. BRIGHT said, there had been some cheers on both sides of the House during this short discussion, and he suspected after hearing the statement of the right hon. Gentleman, that the present Lord Chancellor had only followed in the steps of his predecessor. He could not explain on any other grounds the fact that in some of the cases so few magistrates represented the Conservative party. The plan upon which the Lord Chancellor appeared to have acted was to balance accounts; but there was one thing that had been forgotten—namely, that a very large majority of the population of those towns did not happen to belong to the Conservative party. At a moderate computation three-fourths of the population of the towns were not Conservatives. ["No!"] Hon. Gentlemen seemed enthusiastic in their belief to the contrary, but the multiplication table remained as it was, and in the boroughs the Conservatives were generally in a minority among the electors, and always in a minority of the population. In the counties by far the largest number of magistrates were Conservatives, and it was not unreasonable to suppose that in the boroughs the majority of magistrates ought to be Liberals. He did not complain of it, for with the rapidity of conversion which

had been found to prevail, Conservatives becoming neutrals, and neutrals becoming Liberals, in a very short time the preponderance even in those boroughs would remain with the Liberals. When the Municipal Reform Bill passed the House of Commons, he believed there was a clause in it which gave the Corporations the power of recommending persons for magistrates to the Lord Chancellor, or the Home Secretary, or the Chancellor of the Duchy of Lancaster. When the Bill went to the House of Lords the clause was struck out. He believed that the noble Lord (Lord J. Russell), when at the Home Office, adopted the plan which the Government of which he was a member recommended in the Bill; and the noble Lord no doubt entertained hopes that that course would be adopted by those who succeeded him in office. There would be great advantage if the present course were given up. The moment there was a change of Government, letters and deputations came up from boroughs, and there was a general scramble to put a number of men upon the bench, in order to balance political parties. As soon as the Government went out there was another scramble, and in that manner many unfit men were placed upon the bench, and in many towns the bench was much more numerous than was necessary. If the present Home Secretary would, during his career in office—and he did not particularly wish that it should be a short one—adopt the plan which the noble Lord the Member for the City of London began, of allowing the Corporations to have the recommendation, and if his successor would follow the same course, the custom would become established, and there would be no necessity to pass a law upon the subject. He thought the right hon. Gentleman (Mr. Walpole) was as well disposed as any man in the House to put the matter on a right footing, and he believed there would be a very great advantage throughout the country if they removed the appointment of magistrates beyond what he called the discreditable scramble which took place whenever a new Government came into office.

MR. H. B. JOHNSTONE said, he must throw himself upon the indulgence of the House whilst he said a few words in explanation of the course he had taken in this transaction, and he believed he could easily satisfy them that no blame could attach to the Lord Chancellor. There had been a great want of magistrates in the city of Canterbury, and the Mayor of the city sent up to him a list of gentlemen for appointment. He also sent strong recommendations of the two gentlemen in question. They were men of the highest standing in society—men of great respectability. He would convince the House of the truth of this assertion. He went with the recommendations to the Lord Chancellor, and told his Lordship that these were men of the highest respectability. The Lord Chancellor inquired of him the character of each gentleman severally. He assured his Lordship that each man of them stood high in the estimation of his fellow citizens. And that was the fact. [*Laughter.*] Why Mr. Pout was and had for some time been chairman of the income tax commissioners in the city of Canterbury. He was also one of the guardians of the poor. Mr. White Collard was chairman of the sanitary commission, of the finance committee, and of other boards. When such men were sent up, so respectably recommended by their fellow citizens, could he have refrained from it? He assured the House, honestly and sincerely, that when he recommended those men to the Lord Chancellor, on his word and honour, he quite forgot their names were in the schedule. So much time had gone by that really the thing never entered into his mind. Since then he had spoken to the gentleman who was chiefly instrumental in the recommendation from Canterbury. He said "Oh, it is years since; no one remembers it; I assure you, Mr. Butler Johnstone, I never once thought of it." He assured the House he had not thought of it, or he should not have backed the recommendation. As to the matter being viewed in a party light, the Conservatives only preponderated by one in the magistracy. Looking to the station these gentlemen held, and the recommendation that came up with them, he would ask any hon. Member in the House to change places with him, and then say that he would not have acted as he (Mr. B. Johnstone) had done. He should say that he thought the case a very hard one. These men had come forward and given evidence before the Committee. He was no lawyer, he was sorry to say; but by the 9th sec. of the 15 & 16 *Vict.*, c. 57, it was provided that persons who so gave evidence shall be released from all "penal consequences, difficulties and incapacities." That being the state of the law, he (Mr. B. Johnstone) said that it would be perfectly illegal to strike

these men off. [*Laughter.*] He did assert that. Such a striking off came under the term "incapacities," according to his weak mind. He was extremely obliged to the House for the attention they had paid to his explanation, which was, he hoped, satisfactory.

MR. ROEBUCK said, the observations of the hon. Member for Birmingham (Mr. Bright) led him to address a few words to the House. He was about to allude to a borough with which he had had some connection, the Members for which were no doubt in the House—he spoke of the borough of Bath. The hon. Member for Birmingham had stated that by a clause in the Municipal Reform Bill, which was struck out in the Lords, the town councils or corporations were to have power to recommend persons for appointment as magistrates. Soon after the late change of Government took place, there occurred the scramble which the hon. Member (Mr. Bright) had described, and the town council, acting on the idea in question, sat, and sent up a list of names to the Lord Chancellor. At the same time a clique of the Conservatives of Bath also prepared a list, and both lists were sent up to the Lord Chancellor. The list of these latter gentlemen alone came down accepted by the Lord Chancellor. Every name sent up by the town council was passed over, and every one of those recommended by the clique of Conservative gentlemen was sanctioned by the Lord Chancellor. A remonstrance was made; and he (Mr. Roebuck) thought some alteration took place. It was the first effort of his Lordship's mind to throw himself into the arms of those Conservative gentlemen on the question of an appointment of persons, for what? To administer justice in the city of Bath. He considered his hon. Friend (Mr. Bright) was quite right in his remarks about the majority of the people being Liberals. He agreed with him that two-thirds of the inhabitants of the towns were Liberals. The Conservative part of the population were small compared with the Liberals; but he was bound to say they were "very select." The hon. Member for Canterbury had told the House that, by Act of Parliament, all persons giving evidence before a Committee, such as that which had been referred to in this case, were protected from all incapacities which might be incurred on account of their evidence. Now, he (Mr. Roebuck) did not think those who passed that Act intended that the fact of a man's being bribed should be a recommendation to him. What was wanted in the appointment of magistrates was, that the parties selected should be gentlemen of high character and unblemished reputation, from whose hands the administration of justice should be received without remonstrance. Could that be said of persons branded—of persons who had been notorious for having bribed at an election? If the hon. Member for Canterbury assured the House that he did not know of the bribery in this case, he (Mr. Roebuck) was bound to believe him. [Mr. B. JOHNSTONE: I did not think of it.] As to the hon. Member saying that he did not think of it, he should like to know what the hon. Member was thinking of? What he ought to have been thinking of in the discharge of his duty, when recommending people for the magistracy, was as to whether they were free from all blemish; and one of those very men had been before a Committee as a person branded with having been, in a former election of the hon. Member, concerned in the distribution of large sums in bribery. The hon. Member escaped himself on that occasion. He said he knew nothing about that distribution of money. The Committee believed and exculpated him; but, when the hon. Member said that he did not recollect the circumstance of that charge—that it had slipped out of his memory—he (Mr. Roebuck) should arrive at the conclusion that the recollection of his duty had slipped out of the hon. Member's recollection also.

MR. P. O'BRIEN observed, that knowing that this question was of extreme importance, he wished to say a word upon it, more particularly as a wholesale appointment of nine Conservative magistrates had been made in Dublin. He could not understand the reluctance of the hon. Gentleman the Under Secretary for the Home Department to grant a Return which he (Mr. O'Brien) had given notice he would move for, and which he had supposed would be unopposed until he had a conversation with the hon. Gentleman a short time ago, when he was told that the Government were not in a position to give him the information he wanted. What was his surprise, then, to hear the right hon. Gentleman the Home Secretary get up, and by the desire of the Lord Chancellor give the House the very information which he had intended to move for. It

was for the Liberal party to see that the proper administration of justice was regarded in these appointments, and he trusted the House would not endorse the creation of magistrates merely for party or political purposes.

Mr. WESTERN said, he thought it fair that it should be understood that the right hon. Gentleman the Secretary for the Home Department had not produced a complete list of the places where new magistrates had been appointed, for in the pure borough (Maldon) which he (Mr. Western) represented, six new magistrates had been appointed, making twelve in all, which was at the rate of a magistrate to every criminal which was brought before them. He had no objection to the gentlemen who had been appointed, but he thought it right to mention the fact.

Mr. HARDY said, that the hon. Member for the King's County (Mr. P. O'Brien) had, to his great astonishment, charged him with a breach of faith. In a conversation with the hon. Member, he (Mr. Hardy) told him that his Motion, which stood No. 6 on the paper, was on the face of it an attempt to cast an imputation on the Lord Chancellor, as it asked for a Return of the names of gentlemen appointed magistrates in England and Wales since the 1st of March last, but that, if he chose to make it a Return extending over five years, he (Mr. Hardy) would have no objection to it. He never told the hon. Member that they had a Return which they would not furnish. He at the same time told the hon. Member for Southwark (Mr. J. Locke) that his Return would be granted also if he made it one for five years. The Government could not join in an imputation upon themselves; but it was quite a mistake to suppose that they had any objection to put the House in a position to judge of their appointments to the magisterial bench. The hon. Gentleman's imputation, therefore, was totally unfounded. He should be very glad if the whole question of the magistracy were examined into, for, so far as he had had an opportunity of ascertaining the facts during the short time he had been in office, there had hitherto been a very unfair preponderance, and it was high time that the best men should be selected, without reference to their political opinions, so that there might be no suspicion of party bias when questions involving party interests came before them.

Mr. P. O'BRIEN said, he wished to explain that the hon. Member had misinterpreted him. He made no imputation of a want of faith, but had merely alluded to the circumstances; but there did not seem to be that concord between the head of his department and himself which might have been expected.

Mr. WHITESIDE had no doubt that the hon. Member who brought forward this matter was actuated simply by a sincere respect for the administration of justice, and his anxiety for its purity. The hon. Gentleman had quoted from a blue-book; and he (the Attorney General for Ireland) was sure he would learn with surprise and regret that in that book was to be found the name of another respectable gentleman duly ticketed, but the circumstances of whose case had entirely escaped the research of the hon. Member. In page 22 of that book there was a passage in the Report of the Committee which sat on the Canterbury election of 1850. It was this:—

> "We find that at the election which took place in 1850 in consequence of the elevation of Lord A. D. Conyngham to the peerage, the sum of £37 10*s.* was paid by Mr. Alderman Brent to a voter for the purpose of inducing him to give his vote for Colonel Romilly; but that this was done without the knowledge of the said Colonel Romilly."

Then when he (the Attorney General for Ireland) turned to the schedule he found the name of Alderman Brent. Now he subscribed readily to the doctrine that it was a mistake to recommend the gentleman whose name was now under discussion, and he concurred entirely in what the Lord Chancellor had done the moment the facts reached his knowledge; but what was to be said of those who, having this Report before them "ticketing" the worthy alderman as a briber, had allowed him to remain in the magistracy from 1850 up to the present time? How did it happen that the zeal of the hon. Gentleman for the pure administration of justice had not induced him to bring this case under the attention of the House? No doubt the alderman was a truly Liberal politician, or he would long ago have been displaced. But that was not all. There was a more startling fact to come. This gentleman had not only been allowed by the purists of the Liberal side of the House to remain a magistrate, but he had absolutely been appointed a deputy lieutenant. He begged to direct the parti-

cular attention of the hon. Member for Southwark to this, for there was no knowing that the worthy alderman's promotion would stop at the deputy lieutenancy. Judging from the past it was not clear that, if some one like the hon. Member for Southwark did not interpose, that the gentleman might not yet reach his full lieutenancy in consequence of this fresh publication of his virtues.

Sir WILLIAM SOMERVILLE said, that but for the statement of the right hon. Gentleman (Mr. Whiteside) he should not have troubled the House. The case as brought forward by the hon. and learned Member for Southwark was that of certain gentlemen recently appointed to the commission of the peace. The case of Alderman Brent was a totally distinct and different one—and the right hon. Gentleman could charge no one with being guilty of an improper act with regard to Mr. Brent. But the case of the right hon. Gentleman was, that Mr. Brent had not only remained a magistrate of Canterbury, but that he had received a higher reward, being appointed a deputy lieutenant for the county of Kent. In the first place that was not a Government appointment, and for it neither the Lord Chancellor nor the Home Secretary was responsible. He would, however, contradict the statement which had been made. Mr. Brent was a particular friend of the late Earl Cowper, who, as a mark of respect, made him a deputy lieutenant in 1852, and the Commission to inquire into the Canterbury election did not sit until June 1853. He had disposed of that part of the case. With regard to the general question, his hon. Colleague had stated that there was a great want of magistrates in Canterbury. It might be so. He (Sir W. Somerville) had not sufficient local knowledge of the borough to say that it was not so, but he had never heard of it. With regard to the observations of the hon. Member for Birmingham on the subject of appointments to the magistracy by the Lord Chancellor, he could say that since he had represented Canterbury he had made only one application for an appointment to the magistracy to a Lord Chancellor. On that occasion the names of two gentlemen came up to him recommended by the corporation, one of whom was a Conservative and the other a Liberal. The Lord Chancellor made inquiry into the character and position of the two gentlemen, and both were appointed.

THE BELL FOR THE CLOCK TOWER.—STATUE OF RICHARD CŒUR DE LION.

QUESTION.

Mr. HANKEY said, he would beg to ask the Chief Commissioner of Works what progress has been made in the recasting of the Bell for the Clock Tower, and when it is probable that the Clock will be completed? also, what is the intention of the Government respecting the erection of the Statue of Richard Cœur de Lion by Baron Marochetti, purchased by public subscription, and presented to the Nation in 1856? Although there were clocks in almost every room of the House, there was not one outside the building. He had heard it said that the clock itself was lying in a barge on the Thames, opposite Mr. Dent's workshop; and as he presumed it had been paid for by the Nation, he wished to know whether it was in safe custody, and if it were not likely to be damaged in that position? The Nation took great interest in the erection of the statue, and when it was proposed to subscribe and purchase it, the subscription was well responded to. Last year he was told that a site for it had not been determined, but that it was probable that it would be placed north of Westminster Abbey, in a line with Great George Street and the bridge. If they were to wait till the Houses of Parliament were completed, and a square provided in which to place the statue, they would, he feared, have to wait a very indefinite time. He thought it was somewhat ungenerous on the part of the Government that they had not yet decided upon a place for it.

Lord ADOLPHUS VANE-TEMPEST said, before the noble Lord the First Commissioner of Works answered the question put, he wished to ask him a question relative to the statue of Dr. Jenner that had been placed in Trafalgar Square. He wished to say nothing in depreciation of the memory of Dr. Jenner or the profession to which he was so great an ornament. But he merely wished to submit to the noble Lord whether the site which had been selected was an eligible position for his statue. He also wished to know whether he (Lord J. Manners) had selected the site in Trafalgar Square, or whether it was decided upon by the right hon. Baronet (Sir B. Hall) who preceded him in his office. He had heard out of doors that the public did not approve of the position selected, and that it would show good taste in the noble Lord if he would change the site.

LORD ELCHO said, he should not himself have brought this subject under consideration, for he did not like to be always putting himself forward with reference to these questions. But he thought it would be very desirable to know whether the Government had any fixed principles respecting the erection of statues in the metropolis, or whether any gentlemen who chose to subscribe for a statue of any public character they might think worthy of, were to be entitled to a site for that statue and were themselves to select it? Dr. Jenner's statue had been placed in a line with that of Sir Charles Napier. Now, he should like to know whether the Government intended to complete that line, and have a row of statues extending the whole length of Trafalgar Square. If so, was that line to be a single or a double one? The English formation was two, the French formation three deep,—was the French or the English system to be followed? This subject was really one of no little interest, because Trafalgar Square, which might be made a great ornament to the metropolis, would, unless some ruling principles were laid down respecting the erection of statues there, become nothing else than a disfigurement.

LORD JOHN MANNERS said, that in answer to the question of the hon. Member for Peterborough (Mr. Hankey) he had heard that day that the Bell for the Clock Tower had been re-cast, and would probably be fit for delivery in ten days; and he concluded that the other part of the works was in a satisfactory condition, and that as a vote was to be taken for the completion of the new Palace of Westminster this year the Clock Tower and the remaining works would be finished in a short time. He was glad to say that there was every prospect that the new Bell would have a remarkably fine tone. With regard to the statue of Cœur de Lion, he had to say that an offer of the statue to the public was made by the committee of purchasers in 1856, and in August of that year it was accepted. A reference was made to the Commission of the Fine Arts, and to Sir Charles Barry, as to the best site in which it could be placed, and there was a difference of opinion on the point, and since August 1856 nothing had transpired on the subject; and as his attention had only been recently called to the matter he had not had time to communicate with his colleagues as to any proposal. But he thought that until it was settled what was to be done with the law courts, the buildings in Palace Yard, and in front of the House of Lords, no decision could be come to on the subject. With respect to the question put by his noble Friend, the Member for Durham, (Lord V. Tempest) he believed that in August, 1857, an application was made by a Committee for a site for the statue in Trafalgar Square, and a site was granted by his right hon. Friend opposite. A short time ago an application was made to him by the members of the committee, who stated that the statue was ready, that the pedestal was complete, and asking for instructions for its erection, and not thinking that he had any option in the matter, he had refrained from expressing any opinion as to the desirability, upon the ground of taste, of selecting the proposed site. His noble Friend, the Member for Haddington (Lord Elcho), wished to know the intention of the Government with respect to statues that might hereafter be proposed for erection in other parts of the metropolis, and especially in Trafalgar Square. The department with which he was connected had nothing to do with other parts of the metropolis, but with respect to Trafalgar Square he understood that the position assigned to the statue of Dr. Jenner was part of a general plan, and that three or four other statues would be placed in the same line. One to correspond with that of Dr. Jenner would be placed at the opposite corner, and one of Sir Henry Havelock would be placed so as to correspond with that of Sir Charles Napier.

SIR WILLIAM FRASER said, that as the great bell which had been originally cast had been generally known as "Big Ben," he wished to know the intention of the Government with regard to the nomenclature of the new bell. If the Government would allow him to throw out a suggestion, he thought the new bell would be very appropriately designated as "Little John."

CASE OF COOPER *versus* SLADE.

EXPLANATION.

MR. SERJEANT DEASY said, he had in the course of that day received a letter from Lord Wensleydale, stating that the observations which he had upon the evening previous made in reference to the abovementioned case conveyed to that noble Lord the impression that he (Mr. Deasy) meant to cast upon him, as well as upon the appellate jurisdiction of the

House of Lords, some imputation in reference to the decision in the case which had been pronounced. Now, nothing could be further from his intention than to cast any such imputation, and it had given him the utmost pain to find that the impression to which he had just alluded should, even though it was owing to an erroneous interpretation of the expressions which he had used, have been produced upon the mind of a nobleman for whom he, in common with many hon. Members of that House, entertained the highest respect. Neither, although he might be of opinion that the appellate jurisdiction of the House of Lords might be more perfect, was it his intention to cast any imputation upon that jurisdiction, whose functions were from time to time, he was perfectly ready to admit, discharged by personages of the highest eminence.

THE "CAGLIARI."—QUESTION.

MR. KINGLAKE said, he rose to ask the Chancellor of the Exchequer when Her Majesty's Government will cause to be presented to the House a Copy of the Despatch referred to by the Under Secretary for Foreign Affairs on Tuesday last, as having been received by Her Majesty's Government, stating that the Government of Sardinia cordially accepted the Despatch of Lord Malmesbury, and were prepared to act in accordance with the suggestions of that Despatch, and the spirit of the Protocol of the 14th of April; and also for a Copy of the above Despatch of Lord Malmesbury. His object in putting this question was to ask Her Majesty's Ministers to reconsider the decision at which they had arrived, and which had induced the Chancellor of the Exchequer to refuse the production of papers for which he had asked. On the 12th of March last he (Mr. Kinglake) brought forward a Motion with regard to the imprisonment of the two engineers at Naples, and he thought he might congratulate the House upon the fortunate results which had been brought about so far as the two unfortunate engineers were concerned since he had first invited the attention of hon. Members to the question. It had happily come to pass that when the words used by the noble Lord the Member for London, as well as by many other hon. Members in that House, in the debate which took place in consequence of his Motion, had been conveyed by electric telegraph to Naples, the liberation of those poor men had almost immediately taken place. He (Mr. Kinglake) had concluded his Motion by asking the Government if it would be convenient to produce the papers relating to the matter. That application was acceded to, and in the course of the Easter recess the documents were placed in the hands of hon. Members. Amongst those documents was an extraordinary despatch from the Earl of Malmesbury, in which the noble Lord took the singular and unusual course of communicating to the Government of Sardinia the particulars of a mistake in the Chancellerie of the Minister of Turin. That extraordinary despatch had excited all the astonishment it was calculated to produce. No one at Turin or elsewhere on the Continent could believe that any foreign Minister would have taken the pains to disavow a despatch signed by a Minister of this country accredited to a foreign Court, unless there had been a very strong determination on the part of the Government to recede from the first policy indicated in that mistaken despatch. Accordingly, a general impression prevailed that there was an intention to leave Sardinia isolated and abandoned by England, and the statement afterwards made by the right hon. Gentleman the Chancellor of the Exchequer tended strongly to confirm that impression. Under these circumstances he (Mr. Kinglake) felt that he was entitled to deprecate a policy involving such abandonment. He felt this, not simply upon the ground that the battalions of Sardinia had not been wanting to us in the hour of need, nor because she almost alone of foreign States maintained with firmness and moderation institutions kindred to our own, but because the demands which had been made by her in the case of the *Cagliari* were made at the instigation of the British Government, not conveyed through Sir J. Hudson and the mistaken despatch of Mr. Erskine merely, but by the hand of Lord Clarendon himself when he held the seals of the Foreign Office. It was for that reason, above all others, that he thought England was bound to afford to Sardinia, not the cold comfort of good offices and advice, but a genuine and cordial support. Finding that his views were shared in by a large number of hon. Members, he gave notice of a Motion, which he was induced to postpone in consequence of the production of the opinion of the law officers of the Crown on the very day for which his Motion was fixed. The next time on which he had

the opportunity of bringing it forward was on Tuesday night, when the lateness of the hour at which the debate on the question of the union of the Danubian Principalities had closed on Tuesday last, had induced him to announce his intention to postpone it to the following week. On that occasion, however, the Under Secretary for Foreign Affairs rose and made a statement which had occasioned great surprise, for it gave him (Mr. Kinglake) to understand that the object of his Motion had been attained, and that Her Majesty's Government were acting in concert with that of Sardinia. The next day, however, he heard it rumoured that the Under Secretary for Foreign Affairs had overstated the extent to which Sardinia was satisfied with the proposal of Her Majesty's Government. Last night, when the question was put to the Chancellor of the Exchequer by the hon. Member for Gateshead (Mr. Hutt)—when the further papers referred to by the Under Secretary would be produced, he was surprised to hear not only that the right hon. Gentleman objected to their production, but placed his objection on a ground entirely inconsistent with the statement of the Under Secretary—namely, that negotiations were still pending, and that the production of the despatch by which the difficulties were said to have been concluded would be dangerous. Now, under these circumstances he submitted that the House was entitled to the production of these papers. The object of his Motion was to induce the Government to act cordially with Sardinia; and the Under Secretary said the despatch showed that the Sardinian Government was satisfied with the manner in which Her Majesty's Government were acting. He did not mean to say that the despatch had been referred to for the purpose of anticipating a debate; but the Under Secretary said on the occasion to which he had referred—

"He had certainly hoped that the explanation given by the noble Lord the head of the Foreign Department, in another place, would have been as satisfactory to the hon. Gentleman as he believed it had been generally satisfactory to the country. But at any rate he had the happiness of telling the hon. Gentleman that, although it was not satisfactory to him, it had proved entirely satisfactory to the Government of Sardinia. Her Majesty's Government had that afternoon received from Count Cavour a despatch, announcing that he cordially accepted the despatch which was sent to him by his noble Friend, and that in future he should act entirely in accordance with the suggestions contained in that despatch, and with the spirit of the Paris protocol of April the 14th."

Here was one Minister of the Crown, on Tuesday, stating, amidst the cheers of the House, that the difficulty had been got over by the expression of satisfaction on the part of Sardinia, and last night the Chancellor of the Exchequer said—

"At the present moment, when negotiations are being carried on, nothing could be more inconvenient than to lay the papers on the table. When, on Tuesday night, my hon. Friend the Under Secretary referred to the receipt of a despatch, he gave the general result as a matter which might be interesting to the House. But that is quite a different thing to laying it upon the table. Of course, when the proper time arrives, which I hope will not be long, it will be our duty to lay all the papers upon the table in relation to this subject; but at present nothing could be more injurious to the public service than to do so."

[*Cheers.*] Those hon. Gentlemen who cheered the notion that the production of a despatch would be injurious to the public service were probably the same hon. Gentlemen who on the preceding night cheered the assertion that the announcement would be grateful to all men. The despatches for which he asked were a continuation of those which have been already produced, and, therefore, upon that ground alone he hoped the right hon. Gentleman would reconsider the answer which he gave on the former evening. He certainly thought he was entitled to ask which of the two versions he had mentioned was correct. If the Government of Sardinia was satisfied, as represented by the Under Secretary, he (Mr. Kinglake) would be happy to withdraw his Motion; but if the statement of The Chancellor of the Exchequer was accurate, and matters had not been settled, he should certainly continue his notice upon the paper, and he should endeavour to find an early day to bring it under the notice of the House.

THE CHANCELLOR OF THE EXCHEQUER; I congratulate the hon. and learned Gentleman and the House that he has at last had an opportunity of making his speech upon the Sardinian question. When he asks me which version is to be accepted as correct, my own or my hon. Friend's, the Under Secretary of State, as to the present position of matters, I beg to say I cannot see the inconsistency upon which he has dwelt, and I am prepared, upon the contrary, to maintain that they are exactly in accordance. The question before us is a simple, but very important one. My hon. Friend was quite justified the other night in the statement which he made. What was that statement? It was that the Court of Sardinia

had accepted the proposition made by my noble Friend the Secretary of State for Foreign Affairs in his despatch to Count Cavour—namely, that this vexed question should be referred to mediation, according to the wise and beneficent protocol adopted at the Conference of Paris. That was the statement made by my hon. Friend, he having learnt the fact during the course of the evening, but not having seen the despatch. That statement he made, out of respect to the House believing that it would be received with pleasure by them. Let the House remember that when we have agreed with Sardinia as to the course that shall be adopted we must not suppose that therefore all difficulties are solved. Let me impress upon the House the importance of the questions which still have to be considered between Sardinia and ourselves before we can arrive at a complete solution of the difficulties which now encumber the matter. There is the question of indemnity the question of mediation both involved in the negotiations now commencing. They are two of the most difficult and delicate questions which can arise in diplomacy. Who is to be the mediator?—the objections to this Power,—the recommendations of that Power—what is to be the extent of reference?—all these are points which demand great confidence, great temper, and are liable in the course of management, to frequent misconceptions. It would be impossible to proceed if every despatch written during the course of such negotiations is, like the *feuilleton* of a French newspaper, to be published immediately to the world. If the House has not confidence in the management of this affair by her Majesty's present Ministers, let them say so distinctly, and then we shall understand the position in which we are placed; but I say again that these papers cannot be produced; the despatches which are daily passing between the two Governments cannot be produced as the hon. Gentleman desires without serious detriment to the public service, and I, for one, will not incur the responsibility attaching to such an act. Let me ask the House whether that which has taken place upon the subject of this misunderstanding between Sardinia and Naples, and the relations of this country with that question, lead it to believe that the conduct of Her Majesty's Ministers has been such as to disentitle us to its confidence. We found the matter very complicated and in a very difficult position, and I think I may venture to say we have treated it with prudence, and not without success. What we have attempted we have succeeded in accomplishing, and we are prepared, to the utmost of our ability, to bring the matter to a complete and satisfactory termination. Our labours, however, will be seriously heightened if the House of Commons does not extend to us that fair confidence to which, I think, we are entitled, and therefore I must again say I decline to produce the papers which the hon. Gentleman has asked for.

Lord JOHN RUSSELL: I think the hon. and learned Member for Bridgwater (Mr. Kinglake) may be excused for asking for these papers, as a portion have already been laid upon the table; but at the same time I think, after what the right hon. Gentleman has said, that these papers cannot be produced without serious detriment to the public service, it is impossible that my hon. Friend can press his Motion. I must say further, with respect to the general course which the Government has taken upon this very difficult question, that I see no reason why the House should be dissatisfied with that course. It appears to me there were two very great objects, both of which the Secretary of State for Foreign Affairs was bound to keep in view in dealing with this subject. One was not to desert Sardinia, but to endeavour to obtain for her that redress to which she is fairly and justly entitled. The other object was of scarcely less consequence—namely, how was the redress to be obtained without a risk of hostilities in Italy between the powers who hold very opposite views in regard to affairs in that country, and which, if excited, would have lighted the flame of war, not only over the whole of Italy but over the continent generally. Having these two objects in view, I must say it appears to me that the course of the Government has been judicious, and if the representation which has been made of the present state of the negotiation be accurate, I can only add there appears to be a hope that they will lead to a satisfactory conclusion. There is one other point to which I would refer for a moment. We made an appeal with respect to the English engineers who had been suffering very severe treatment in the prisons at Naples, and treated with all that hardship and cruelty, and with all that disregard of everything like humanity or justice which distinguish what is called justice there. Those two men have been released and

were delivered up very speedily after the representations made by our Government through Mr. Lyons, and the general question has now to be referred to the good offices of mediation and afterwards to arbitration, But what in the meantime is to become of those men belonging to the crew of the Cagliari who are subjected to the same course of treatment and confined in the same dungeons? I can understand, with respect to the condemnation or restoration of the Cagliari, that there may be perhaps a long course of negotiation; but I do not think that it would be at all consistent with the justice, or with the character of this country if we did not use our good offices to prevent those unhappy men being longer detained in prison at Naples. I have heard that part of the proposal is that the crew of the Cagliari are to be immediately liberated and permitted to return to their country. I shall be happy to hear from the Under Secretary for Foreign Affairs that that is the case, for I think it would be a great hardship if those men were to be longer incarcerated and exposed to the ill-treatment which they have borne for so protracted a period. Before concluding, I will add that I hope that some Member of Her Majesty's Government will state when the Commission on the subject of education is likely to meet.

MR. WALPOLE, in reference to the last question of the noble Lord, said, that the Commission would issue very speedily.

MR. SEYMOUR FITZGERALD: In reply to the observations of the noble Lord, I am afraid I cannot give him that satisfactory and explicit answer which he may think he is entitled to receive from me. I can only say, in reference to the communications which are now passing or have lately passed between this country and Sardinia, that our efforts to assist Sardinia are not in any way limited to the mere question of the ship, but that we also desire to extend our good offices to the utmost on behalf of the crew. Beyond that, however, as the matter is still pending, I cannot give the noble Lord that full and explicit answer which he expects. With respect to what has fallen from the hon. and learned Member for Bridgwater (Mr. Kinglake), I may be permitted to say that he seems entirely to have mistaken the object with which I addressed the few words to the House on Tuesday night to which he has referred. I did not make an announcement of the complete contents of the despatch in question, nor did I mean to convey to the House that I was really imparting to them the full contents of that despatch. All I wished to do was this. The hon. and learned Gentleman had had for many nights a notice of Motion on the paper on the subject of the Cagliari. I felt very strongly that that was a question which should be treated with great delicacy, and that it was one of the very gravest with which the House could interfere. I was, therefore, anxious to make a statement which should be so far satisfactory to the House as to induce the hon. and learned Gentleman to refrain from bringing a question of such delicacy under its consideration. Therefore, I stated that the proposition that has been made by my noble Friend at the head of the Department for Foreign Affairs to Sardinia had been satisfactory and accepted. The hon. and learned Gentleman has said that rumours had reached him that my statement was inaccurate. How such rumours could have reached him, or whence they emanated, I am at a loss to understand. They could not have come from any English source, and I must say it is much to be regretted that statements should be made by men who are not in a situation as British subjects to speak in this House or elsewhere, and establish the allegations they have made to the hon. and learned Gentleman. The hon. and learned Gentleman has chosen to say that the course taken by my noble Friend is such as to have led to the general impression that it was the intention of the Government to abandon Sardinia and to leave her in an isolated position in this matter. I can only say that nothing has been further from the intention of Her Majesty's Government than such a course, and that we have neither taken in the past, nor shall we take now any step whatever which shall justify the imputation that we have abandoned a brave and generous ally in the hour of danger.

MR. GLADSTONE: I am glad that this conversation has cleared up any misunderstanding that has existed with respect to the answer of my hon. Friend; but I am bound to say, that I entertained the same impression with respect to its purport and effect as the hon. and learned Gentleman the Member for Bridgwater. I think, certainly, the effect of his answer was, not merely that the proposal of the noble Lord the Secretary of State for Fo-

reign Affairs had been accepted by Sardinia, but likewise that the whole terms of that proposal were thoroughly and entirely satisfactory. That, however, is the point in difference, and I merely state my recollection. What we now understand is, that the proposal has been accepted by Sardinia, and that the matter does not reach beyond that point. [Mr. S. FITZGERALD: We are acting in entire accordance with Sardinia.] I wish to say one word with respect to the crew of the *Cagliari*. I am glad to learn that Her Majesty's Government have taken the condition of these unfortunate men into their consideration, and that their co-operation with Sardinia extends to the question of the crew as well as to that of the ship. But I venture to express a hope that, in considering that portion of the negotiation they will not fail to bear in mind the enormous importance of the element of time, because delays in the negotiations, so far as they relate to the crew, are a virtual ruling of the question against England and Sardinia. The sufferings of those persons have been already exceedingly severe, and I am sure I do not feel any distrust in the slightest degree as to the intentions of Her Majesty's Government, but I entertain a confident expectation that they will prosecute with the utmost despatch all that relates to the crew of the *Cagliari*. I quite agree with my noble Friend the Member for London in viewing with general satisfaction what Her Majesty's Government have done in this matter, and in retaining a perfect confidence with respect to their future intentions; but I am bound to say, that I think the despatch of the Earl of Malmesbury, in which he discussed the circumstances of the note of Sir James Hudson, did not do full justice to the views of Her Majesty's Government. When I read that despatch, and saw how minutely the Earl of Malmesbury had explained the error of Mr. Erskine, I gathered from the tendency and effect of it that it was not intended by the Government to act on the spirit of the letter of Sir James Hudson. I fully grant that an important error—a serious blunder—a most unhappy error was committed by an able and exemplary public servant, and I trust that past merits and important services will not be forgotten in the recollection of that error, and that those concerned in it need not rest under any blot. But I wish to state this opinion, that the obligation of England to Sardinia does not depend on the erroneously expressed note of Sir James Hudson. It arises, in my opinion, not formally, but substantially, with as much fulness and clearness out of the letter of the Earl of Clarendon of the 29th of December last, as out of the letter of Sir James Hudson of the 5th of January. It is true, that if we were seeking for technical grounds on which to attenuate a just claim, we might urge that Sir James Hudson states the intentions of the British Government, and that the Earl of Clarendon simply inquires the intentions of the Sardinian Government. But, having inquired the intentions of the Sardinian Government, Lord Clarendon goes on with great force, clearness, and felicity to state the arguments bearing upon the case, and to give direct and conclusive reasons as from himself, why the Sardinian Government should do the very thing which he directed Sir James Hudson to inquire whether they would do. Therefore, it does not arise out of any error or oversight on the part of Mr. Erskine, and I think it only just to the gentlemen at Turin to make that statement. It is material to bear that in mind, as it forms the groundwork of the whole question. The obligation has been acknowledged in the handsomest manner by the Government, and I do not take the slightest objection to their proceedings.

MR. HEADLAM said, he fully agreed that this was a question of great importance and delicacy, and he thought the House had no reason to regret the course they had taken with regard to it. He deemed it due to Her Majesty's present Government to say that he fully concurred in the statement of the Chancellor of the Exchequer, that when they acceded to office they had to deal with the question under circumstances of great difficulty; and having taken much interest in the case of the English engineers he must express his gratitude to Her Majesty's Government for their prompt exertions on behalf of those unfortunate men, and he cordially congratulated them on their success in obtaining the liberation of Watt and Park. He could only express a hope that Her Majesty's Government might be equally successful in obtaining compensation for our unfortunate countrymen for the sufferings they had undergone during their painful imprisonment. He did not, however, understand the motives of the Government in withholding the papers to which reference had been made, or how their publication could be prejudicial to the public service. They were, at the present period, in

a difficult position. He entertained a strong opinion that the question of the liberation of the Sardinian prisoners, who were now in the same position in which our countrymen stood some weeks ago, should be placed fairly before the House and the country; but it could not be fully discussed until they had fuller information. All that was at present known was, that Her Majesty's Government had tendered what they call their "good offices" between Sardinia and the King of the Two Sicilies, and that it was proposed to refer the matter to a foreign Power. It was impossible to imagine a more unsatisfactory position of affairs than that in which the matter now stood; and though he was forced to accept the statement of Her Majesty's Government, that the production of the papers would be prejudicial to the public interests, he must say that the reasons for withholding them were to him perfectly unintelligible, and he very much regretted that the Government considered themselves precluded from producing them.

MR. CRAUFURD said, that the statement of the hon. Gentleman opposite (Mr. S. FitzGerald), that his hon. and learned Friend (Mr. Kinglake) had had some communication with foreigners, or at all events with persons who were not Englishmen, and from whom he derived his information, was utterly contrary to the fact. He had had no such communication. He wished to know if the hon. Gentleman had read the report of the debates in the Sardinian Chamber, in which England was accused of deserting Sardinia. Had he considered that accusation in conjunction with the despatch of the Earl of Malmesbury, and the dignified remonstrance of Sardinia? His (Mr. Craufurd's) impression was that there had not been that cordial co-operation on our part which there ought to have been, and which he hoped there would be in consequence of the conversation which had taken place in that House this evening.

VACCINATION—QUESTION.

MR. MONSELL observed, that it was stated in the last Report of the Irish Poor Law Commissioners that there had been a considerable decrease in the number of vaccinations in that country in 1857 as compared with 1856. In the year 1856 there were 84,000 children vaccinated in Ireland, but in 1857 the number diminished to 47,000. In consequence of these facts, the Commissioners called attention to the danger which arose to human life from the present state of the law on the subject and recommended certain changes in that law. He wished, therefore, to know whether the Secretary for Ireland was prepared to introduce a Bill to carry out the recommendations of the Report?

LORD NAAS replied that the attention of the Government had been called to this important question, and he hoped that during the present Session he might be able to submit a measure to the House with a view of carrying out the recommendations of the Commissioners. Although the number of vaccinations in Ireland had decreased in an extraordinary degree, he was glad to say there had not been anything like an outbreak of small-pox in the country.

Motion *agreed to*; House at rising to adjourn till *Monday* next.

STAMP DUTIES ON DRAFTS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

MR. J. H. GURNEY said, he entertained no objection to the principle of the Bill, but it provided that the duty imposed should take effect immediately on its becoming law, and he would suggest that it was desirable to fix some certain time—say a fortnight after its passing—when the measure should come into operation. This arrangement would afford country bankers an opportunity of giving notice to their customers, who would thus be enabled to obtain stamps for their cheques on hand.

THE CHANCELLOR OF THE EXCHEQUER said, that the Government intended to take the tax from the 24th inst., and he was about to propose the insertion of words to carry out that intention.

MR. GURNEY said, that would meet his views. He therefore withdrew his Amendment, and that of the Chancellor of the Exchequer was agreed to.

MR. MOFFATT proposed an Amendment to omit from the operation of the clause, sums of money not exceeding £2, on the ground that in many districts wages were paid in cheques, which were taken by the tradespeople as money; and also because, in the case of benefit societies, small payments were made by order on the treasurer. A similar exemption of sums below £2 was made in respect to the receipt stamps.

THE CHANCELLOR OF THE EXCHEQUER objected to the Amendment on the ground that, on principle, all exemptions were bad, and more than that, that the Amendment would extend that exemption to cheques payable to order, which already, if the distance was more than fifteen miles, required a penny stamp.

MR. G. A. HAMILTON said, that the object of the Bill was to place cheques payable to order or to bearer on the same footing, and make them pay a penny stamp irrespective of distance.

Amendment by leave withdrawn.

Clause *agreed to.*

MR. BRADY said, he rose to complain that in consequence of the manner in which the clause had been put he had not an opportunity of moving an Amendment which stood in his name.

Clause 2,

MR. J. C. EWART said, he wished to ask whether the Government had considered his suggestion that they should allow postage stamps to be affixed to drafts as well as receipt stamps, as it would be a great convenience to the public at large.

THE CHANCELLOR OF THE EXCHEQUER said, that however convenient it might be, the practice would create such confusion in the public accounts that it was impossible he could assent to it.

MR. KIRK observed, that there was a strong impression out of doors that this measure would not be so productive to the Exchequer as the right hon. Gentleman expected, and expressed a doubt whether people would not substitute a stamped draft for a receipt.

MR. G. A. HAMILTON said, that the present Bill left the law relating to receipts precisely in the same condition in which it was at present.

MR. KIRK repeated his conviction that people would use these stamped drafts instead of receipt stamps, and thus occasion a loss to the revenue.

THE CHANCELLOR OF THE EXCHEQUER said, that there was no doubt that there would be some diminution on that source of the revenue alluded to by the hon. Gentleman, but that diminution had formed an element in the calculations, and notwithstanding that diminution he still believed that the general result of the impost would be favourable.

MR. BRADY said, he would beg to ask the right hon. Gentleman in the Chair whether he could be allowed to move the Amendment to Clause 1 on any future stage of the Bill?

THE CHAIRMAN: Certainly not.

MR. GROGAN suggested that drafts drawn by people connected with savings banks, and which were usually for very small amounts, should be exempted from the use of the stamp.

MR. G. A. HAMILTON said, orders and cheques for the payment of money connected with savings banks and friendly societies, and payments under the Poor Law Act, were already exempted from stamps by the various acts relating to them.

MR. MOFFATT said, he wished to know whether a stamped cheque payable "to bearer" would be a valid receipt?

THE CHANCELLOR OF THE EXCHEQUER said, it would not be a valid receipt.

MR. MOFFATT: Would a cheque payable "to order" be the same as a bill of exchange with the endorsement?

MR. G. A. HAMILTON said, the law would be precisely the same as it was now with regard to cheques drawn beyond fifteen miles.

MR. BLACKBURN said, that it might not be considered a valid receipt for an account, but it would undoubtedly be received as evidence of the payment uf the particular sum named in it, just the same as a bill of exchange.

MR. MANGLES believed that it would practically be found that people would content themselves with drawn cheques to order, and making an endorsement at the back of such cheques.

MR. WILSON said, it was clear that, after this Bill was passed, there would be no further drawing of cheques to bearer. All cheques would necessarily be drawn to order, and they would, to a certain extent, be proof of the payment of the money.

MR. COX remarked, that he could not agree with the Chancellor of the Exchequer that, if this Bill passed, a cheque drawn "to bearer" would not have the operation of a receipt. He believed that a cheque drawn beyond fifteen miles, with a stamp, was tantamount to a penny receipt stamp whether it was drawn to order or to bearer. He was also afraid, that as the exemption in favour of savings banks was not expressed in the Bill, doubts might arise whether they really were exempt. It would surely be better to make the point clear by the insertion of a few words.

MR. MALINS said, he thought that stamped cheques would not lead to any material decrease in the number of stamped

receipts, and for an obvious reason. Few persons who paid away money would choose to rely upon such an unsatisfactory proof as the cheque; and when, therefore, they put a stamp upon a draft they would, generally speaking, require the person in whose favour it was drawn to contribute another penny to the revenue. The hon. Gentleman (Mr. Cox) need not be under doubt as to the exemption of the savings banks.

COLONEL SYKES said, he could not help thinking that the House and the Government would do well to adopt the suggestion he had thrown out upon a preceding occasion—that a penny stamp payable by the customers should be affixed to all tradesmen's bills, above the sum of 10*s*. He believed that such a measure would be more productive to the revenue than the proposal which they were considering, while it would not be attended with any similar inconvenience.

Clause *agreed to.*

MR. J. H. GURNEY moved the following additional clause:—

"Provided always, that it shall be lawful for any banker or person acting as a banker, to whom a draft or order is presented for payment, if such draft or order requires to be stamped with a penny stamp, and has not been so stamped, to affix an adhesive stamp of one penny to such draft or order, and having affixed and duly cancelled such stamp, then to pay such draft or order; and that it shall in like manner be lawful for any person to whom any such unstamped draft or order may be tendered to affix thereto an adhesive penny stamp, and, after having duly cancelled the same, to receive such draft or order in payment, and to negotiate and circulate the same."

THE CHANCELLOR OF THE EXCHEQUER said, he should oppose the clause. It would afford no sufficient security against fraud, and it was framed in violation of the principle on which the whole system of stamps was founded. That principle was that every instrument liable to a stamp should come at once into operation with the stamp upon it.

Motion *negatived.*

The Preamble having been put,

MR. W. WILLIAMS wished to know whether the Bill ought not to contain some provisions relative to the crossing of bankers' cheques?

THE CHANCELLOR OF THE EXCHEQUER said, that the question was important, but that the present Bill was not a fitting occasion for considering the subject.

MR. AYRTON said, he believed it would be quite unnecessary to make a new law hereafter.

MR. KINNAIRD remarked, that he feared that the bankers would have some difficulty in obtaining a sufficient number of impressed stamps in time.

MR. G. A. HAMILTON observed, that he was informed that the Board of Inland Revenue expected to have an ample supply of impressed stamps by the 24th. If they were not ready, adhesive stamps might be used.

MR. KINNAIRD: Would bankers be allowed to use adhesive stamps on common paper?

MR. G. A. HAMILTON: Yes.

Preamble *agreed to.*

Bill *reported*; as amended, to be considered on *Monday* next.

House *resumed.*

GOVERNMENT OF INDIA.

COMMITTEE.—SECOND RESOLUTION.

[The proposed Resolutions, as circulated with the Votes, will be found in an Appendix to this volume.]

Question again proposed,—

"That the words, 'by one of Her Principal Secretaries of State, shall have and perform all the powers and duties relating to the Government and Revenues of India which are or may be now exercised and performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the Affairs of India,' stand part of the proposed Resolution."

MR. RICH said, he rose to move as an Amendment to leave out the words "one of her principal Secretaries of State," and insert instead thereof — the words "a President of Council for the Government of India." He could not but express his satisfaction at the course the Government had taken in abandoning their own Bill, and in wisely accepting the middle and preparatory course proposed by his noble Friend, of proceeding by Resolution. He did not consider it of any importance whether the new Indian Minister was called the President of a Board of Indian Commissioners or responsible Ministers for India; but he thought there was a wide distinction between such an officer and a Secretary of State. There were hon. Gentlemen who argued that if there were a Secretary of State, there ought to be no council at all, or at all events a Council so much in subordination to the Secretary that it would either be a mere nonentity or a political screen. For his own part he agreed with the right hon. Gentleman (Mr. Gladstone) that the office of Secretary of State was one of peculiar importance, and he held it to be very inexpedient to go on multiplying these high and important offices. Nor had

our experiences of similar attempts been such as to tempt us to repeat them. During the last century there were practically only two Secretaryships. But in 1768, a Secretary was created for the Colonies, and it so happened that in a short time afterwards we lost the most important colonies committed to his charge, namely, those in America, and then this Secretaryship disappeared. In 1793 another was created. In that year a war broke out, and we made a Secretary for War. But with what result? Our navy, under the administration of a Board of Admiralty, covered itself with glory; but though the courage of our soldiers had never been disputed, nobody could look upon the military operations of those days with satisfaction. In 1802 the office of Secretary for War was merged in that of the Colonies, we having acquired certain possessions in the West Indies and elsewhere. Now he (Mr. Rich) ventured to think that the history of the revived Colonial Secretaryship was not calculated to make the House much enamoured of the office. There was an inherent want of continuous experience, control and responsibility in it. The Secretary of State and the Governor acted in secret, and the despatches never came before Parliament till too late, till the mischief was done. Hence the Colonies were misgoverned; discontent and insurrection were caused; and at last they had a rebellion in Canada. The nation then awoke to the dangers of the system, and this led to the establishment of that control and publicity which has been found in the principle of colonial self-government; the legislative assemblies had thenceforth become efficient checks and counsellors of the Secretary for the Colonies. By their means everything that the Colonial Office did came before the public; but that obviously would not be the case with India, if it was placed under a Secretary. He would adduce one more argument to show the unsatisfactory working of Secretaryships of State. The War Department, a few years ago, was not a double, but a sextuple government; for it was dispersed amongst the Colonial Office, the Home Office, the Horse Guards, the War Office, the Treasury, and the Ordnance. He (Mr. Rich), supported the proposal to consolidate these scattered elements, but it had unfortunately been done not by duly organizing, but by suppressing them under the dead weight of a new Secretary of State. He was bound to do his noble Friend (Lord Panmure) the justice to say that he had shown himself, able, zealous and vigorous in the discharge of his duties; and he had reason to hope that the right hon. Gentleman now in office would do the same; but he must say that both had been overweighted. There was more business than they could personally supervise, and they had to depend upon the ordinary civil servants, who, though admirable in their proper spheres were not meant to be councillors, and to direct great branches of the service. If the Minister of War had about him a Council composed of men each of whom was charged with the management of a particular department — one, for instance, having charge of the arming, another of the sanitary condition, and another of the discipline of the army—he would find their supervision and council of the greatest advantage. So likewise of an Indian Minister and Council. But if instead of these they were going to have a Secretary of State who should be almost totally uncontrolled, he thought the case of India would be full of peril. He had supported the proposal to transfer the powers of the Company to the Crown; but if that meant that they must establish a nominally responsible, but practically irresponsible, and uncontrolled Secretary of State, he must say that he would rather that things remained as they were. He considered that the idea of a President would more naturally harmonize and dovetail with a Council than would a Secretary of State, and there would be the additional advantage that he would be assisted in the discharge of his duties not by an Under Secretary, but by a Vice President—that is to say, by an officer who by his higher rank would be of more weight, and be less of a bird of passage than an Under Secretary. At present the Under Secretaryships were not held by men of high official standing in that House. They were rather the stepping stones, the schools of instruction for younger Members who might afterwards become statesmen; for as soon as a gentleman had gained a hold upon that House, and had become well acquainted with the duties of his office, he was transferred to some high post. This was most especially the case with these Indian Under Secretaryships. Thus the late Chancellor of the Exchequer was first Secretary of the Board of Control, then Secretary of the Treasury, and afterwards Chancellor of the Exche-

quer. The hon. Member for Devonport (Mr. Wilson) was first, Secretary of the Board of Control, and then Secretary of the Treasury; and the right hon. Member for Kidderminster (Mr. Lowe), first appointed Secretary of the Board of Control, soon resigned that office and reappeared as Vice President of the Board of Trade. This would not have occurred if there had been a Vice Presidency of the former Board, and the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith), then new to the office, would at the outbreak of the mutiny have had the valuable assistance of all the experience of the right hon. Member for Kidderminster. But that was already carried off to a higher grade of office, as it almost always had been, and would be where it was worth promotion. For these reasons, both as regarded the office of President and as regarded the President personally, he trusted the Government would abandon the notion of creating another Secretary of State, and would accept of the Amendment he now proposed.

Amendment proposed,—

To leave out the words "one of Her Principal Secretaries of State," in order to insert the words "President of Council for the Government of India," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the proposed Resolution."

MR. MONCKTON MILNES said, he attached to the Motion more importance than the hon. Gentleman himself seemed to do. He desired that his support of the Amendment should imply the strongest possible expression of his opinion, that though the East India Company in its integrity was destroyed, the great principle of initiatory and independent Government by which its power and prosperity had been so long sustained should not be lost sight of in making their new arrangements. As the Company was to be destroyed, all they, who believed it to have been a good Government, could do, was to assert in every way the principle of having real power vested in the Council, without offering any factious opposition to the Resolutions on which the Bill was to be founded. The office of Secretary of State carried with it certain definite ideas. With the consent of the Prime Minister and the Crown he was the absolute disposer of the affairs of his Department. If they were to have a Secretary of State for India, would he dispose of the destinies of 180,000,000 of men and the management of £30,000,000 of revenue? In some Governments the Prime Minister supervised each department, but it was more frequently the case that, except in great and general questions, he left each Department to manage its own business. He believed that when the troubles subsided, and India resumed its normal state, the House would hear very little of its government; and the gradations and steps which led to crises and convulsions would be suffered to go on, as they had been, unnoticed by that House, until the danger was too great, the evil was already done, and it was almost impossible for that House to apply a remedy. But it was said the Secretary of State would have associated with him a Council. Such a Council would have no real power; and no man of honour or susceptibility would consent to be placed in such a position. Everybody knew what was meant by asking advice, and the probability of its being acted on. It was a perfect delusion to talk of a Council which was only to give advice when it was asked by the Minister. The Bill of the noble Lord the Member for Tiverton (Viscount Palmerston) was preferable in this respect, as it gave something like an initiative to the Council. But by constituting the new Minister President of a Council, the scheme would be very much improved. Very soon the question would arise who were to be the Council, what their numbers, and what their duties were to be, without any hon. Member of the House knowing what were to be the functions of the Council. If they were to be a mere shield for the ignorance of the Minister, he should prefer to have no Council at all, according to the proposition of the hon. and learned Member for Sheffield (Mr. Roebuck). It would be far less dangerous that the Secretary of State should act upon his own responsibility, simply because there would be less probability in that case of his acting, and more probability of his allowing the affairs of the Indian Government to be managed by the Governor General and his Council. Before proceeding further, therefore, the Government ought distinctly to state whether the Council was to transact the affairs of India in any way analogous to that of the present Court of Directors. Were they to be a consultative or a governing body? If the former, he should vote against such a Council; if the latter, how were they to act? Were they to be

formed into Committees for departments? For his own part, he believed it to be absolutely necessary that the Council should be the governing body of the ordinary affairs of India, preserving to the Minister, the Cabinet, and Parliament, the consideration of that class of questions which were analogous to imperial questions in colonial matters. They were totally in the dark as to the machinery by which the Council were to act; but before they came to an ultimate decision, the whole question of the form and action of the Council ought to be clearly laid before the House.

Lord STANLEY said, the Committee were exercising only a wise caution when they refused to assent to any Resolution without knowing what the proposers of that Resolution really meant by it, and consequently to what their assent might pledge them. Before the discussion began he was told by one who had looked a good deal into the subject that, however large might be the programme laid before Parliament, the greater part of the debates would turn upon the constitution of the Council, and the respective powers of the Council and Minister. He thought that the prediction had so far been verified, and that they had in fact been discussing the constitution of the Council upon a Resolution which dealt only with the title which the Minister for India was to take. That, however, was a question which did not properly arise upon the Resolution then under consideration. The question as to the responsibility of the future Minister for India was the substance of the Resolution that stood next in order. The constitution and powers of the Council were dealt with by another Resolution. The two subjects, no doubt, bore so closely upon each other that it was a matter of some difficulty to separate them in these discussions, and to wait until the respective Resolutions came regularly before them. But the Committee would not pledge itself to anything as regarded the power of the Minister by passing the Resolution before it. There was nothing in the mere name of Secretary of State which necessarily limited or defined with much accuracy the position he was to hold. For example, the Minister for War was termed a Secretary of State, yet his relations with the Horse Guards and the Commander in Chief were somewhat peculiar. He did not mean to hold up the arrangements of that particular office as a model for their imitation. What he meant to say was this, that the mere title of Secretary of State did not of itself convey with strict and minute accuracy those peculiar functions that were to be performed by such an officer. He, however, dissented from the objections raised against this particular Resolution, and still more from the arguments of the hon. Gentleman who moved the Amendment. That hon. Gentleman objected to the Resolution, because he said that the number of such high offices should not be increased. But the number of high offices would remain the same, whether the Minister for India were styled a Secretary or a President. The hon. Member then referred to the colonial administration, which he considered a parallel case, and contended that the Colonies were badly governed under a Secretary of State. He (Lord Stanley) was not there to defend the colonial administration of England in times past. He was aware that it had been marked with many and grave faults; but most of those faults had originated in an error which at the present time was not likely to be committed—that of attempting to govern too much in England, and leaving too little responsibility to the local authorities. But every objection raised by the hon. Gentleman to the title of Secretary of State, when founded upon the analogy of the Colonial Office, was an objection not so much to the title of the Minister for India as to the office itself. That objection, would, however, equally apply to the whole principle of the Bill of the noble Viscount opposite; it was in fact an objection to that course of policy which a large majority of that House had already sanctioned, rather than to anything contained in the present Resolution. He did not think that the Committee would attach great weight to the arguments of the hon. Gentleman as regarded the difference of position between an Under Secretary and a Vice President. Substantially their positions were the same. They were in some sense subordinate colleagues, but still they were colleagues of the Minister. And when two men came together within the walls of an office, their mutual relations depended much less upon the particular titles by which they were designated than upon the ability and energy of the men themselves. No doubt there was a difference between the position of a President of Council and a Secretary of State. No doubt the latter designation more clearly than the former implied that Executive

power and responsibility were to rest in the hands of the Minister; yet be the names what they might it was obvious that such power and responsibility were implied by the terms of the Resolutions before the Committee. The principle contended for was already asserted in the Resolutions, indeed it formed one of the leading principles of that course of legislation upon which the House had entered. An inference had been drawn from this Resolution which he did not think was just. The hon. Member said that if Parliament decreed this additional Secretary of State, such a Minister would become at once absolute in authority, and that his Council would have nothing to do but to give him advice when he condescended to ask for such. Now, that was a question entirely for future consideration. They had not properly opened it yet, and he apprehended it would be more regular to raise it upon the fourth Resolution. He was of opinion that the position in which they proposed to place the head of the Indian Executive in relation to the Council was more clearly represented by the title of Secretary of State than by that of President of the Council; and holding that opinion, he asked the Committee to pass the Resolution before them as it stood.

MR. VERNON SMITH said, he agreed that it would be well to reserve the discussion on the Council until they came to the fourth Resolution; though perhaps the proposal that there should be a President of the Council raised the question whether there should be a Council at all. Further, the proposal to appoint a Secretary of State for India did carry with it the impression that he would have the sole power. He was also disposed to think that there was considerable force, in a constitutional point of view, in the argument which had been adduced against designating the Minister for India a Secretary of State. A Secretary of State would have to take the commands of Her Majesty, and it was certainly inconsistent with constitutional practice, that a high official, having taken the pleasure of Her Majesty, should afterwards have to consult a Council. Then there was an objection to multiplying Secretaries of State, as that would have the effect of increasing the facilities for the interchange of offices, and it was above all things desirable that the Indian Minister should be changed as seldom as possible. He thought it would be best to adopt the Resolution in the form first proposed, containing the words "by a responsible Minister of the Crown." That would probably meet all the difficulties that had been raised.

SIR JOHN PAKINGTON said, the Government would have no objection to accede to the right hon. Gentleman's suggestion, but still, as far as his own opinion went, he thought that the functions of the proposed Minister for India would be better described as those of a Secretary of State, and he should be very sorry to see him designated simply as a President of the Council. If he were a Secretary of State he might very easily consult his Council first, and take the pleasure of the Crown afterwards, and so the objection raised by the right hon. Gentleman would be disposed of. But there was no reason why the question should not be left open for the present, until the functions of the Council had been decided.

SIR GEORGE LEWIS said, he was glad to hear that the Government had acceded to the suggestion of his right hon. Friend. In their efforts to abolish one double Government they ought to take care they were not establishing another double Government. He did not think that that was a proper time to determine the new powers that ought to be given to the Council. They should wait until the Resolution bearing upon that point came regularly before them. He admitted, however, that it was difficult to discuss this question at all until they knew precisely what those powers were that it was proposed should be given to the Council. With regard to the constitutional position of Secretaries of State, it was their duty to take the pleasure of the Crown, and also to signify that pleasure, in connection with the business of their departments. There was no instance in which a Secretary of State was fettered by anything in the nature of a Council. The relations of the Secretary of State for War with the Commander in Chief and the Horse Guards bore no resemblance to the relations between a Secretary of State and a Council. When the Commander in Chief received the orders of the Queen through the Secretary of State for War, he had no discretion as to obeying the orders so signified. Under the Bill introduced by the late Government the assent of a majority of the Council was necessary before certain appointments could be made, and before any new charge could be placed upon the revenues of India. These restrictions were omitted from the

Bill of the present Government, and so far they were consistent in proposing a Secretary of State instead of a President. But there would be a constitutional anomaly in requiring that a Secretary of State, before performing certain acts, should obtain the assent of the majority of a Council. No doubt the Secretary of State would wait until he had obtained that assent before taking the pleasure of the Crown; but it might happen that the Crown signified its pleasure on a point on which the President would be unable to obtain the assent of a majority. Though the present Government omitted from their measure all restraints upon the Secretary of State, he doubted whether the Bill would pass the House without their conferring on the Council some such powers as the late Government had proposed. It was not likely, for example, that they would accede to the principle that the Minister for India should be able, without the sanction of his Council, to place a new and indefinite charge on the revenues of that country, it would be competent for him to do under the present Bill. He gathered from the wording of the 12th Resolution that certain appointments were not to be made by the proposed Secretary of State without the consent of a majority of his Council. Of course Parliament, if it thought fit, might alter the existing rule as to the power of a Secretary of State; but he trusted that the Government, adopting a neutral term for the office of the new Minister, would take this matter into their consideration, and not unnecessarily depart from the established constitutional usage.

MR. ELLICE (Coventry) said, that he thought as the words proposed by the hon. Member for Richmond differed in no essential respect from those of which he had himself given notice, it would save the House trouble if the discussion were taken altogether upon that hon. Gentleman's Amendment. It was, however, quite impossible, in the present state of their information, to confine themselves, as suggested by the hon. Baronet who spoke last, to the bare and isolated point covered by the Resolution before them. All that they had yet decided upon was the extinction of the East India Company, the whole question of the substitute to be provided for that Government was still open for discussion. If the House omitted now to consider that question, they would be precluded from doing so until the Bill, to be hereafter founded on the Resolution, was before them. He begged at the outset distinctly to disclaim any desire to revive or protract the existence of the East India Company, whose power he thought ought to have been transferred to the Crown when the trading functions of that body were swept away twenty-five years ago. Why the Company had been allowed to remain after that event, it would puzzle any man to divine, unless, indeed, from the difficulty—a difficulty in which they were now placed—of finding a substitute for it. A more convenient time might have been chosen for terminating the existence of that great corporation; but the decision of the House on that point was conclusive, and the present Government had no alternative but to bring in their Bill. Still the question was involved in a degree of confusion, such as he had never seen before in regard to an equally important subject; a confusion, the necessary consequence of the seeming want of knowledge of all parties of the details of the administration) for which they had to provide. Although he did not agree with many of its provisions, he thought the Bill of the late Government was by far the most feasible scheme. Yet it proposed a Council much too limited in number, and without any security for its independence. The further provisions of that Bill afforded at least a scheme which by the introduction of Amendments might have been made a practicable substitute for the present Government. Then came the Bill of the right hon Gentleman, which was very little adapted to obtain the concurrence of the House. In that Bill, however, there was one principle in which he cordially concurred as the best means of securing the independence of the Council—namely, the principle of election, although the mode of election proposed by the right hon. Gentleman was open to objection. Afterwards came the proposal of the noble Lord to proceed by Resolution. If that course had been adopted at the outset it might have facilitated their proceedings; but the result of all that had taken place was that the whole question was thrown into such a state of confusion, that he had been induced to concur in the opinion of the noble Member for Durham (Lord H. Vane) that it would be better to take time for consideration before plunging into legislation which they might afterwards have cause to regret. He had been the more induced to take such a course from the opinion

twice expressed by the noble Lord the Member for Tiverton, that it would be better to continue the present state of things than to pass an ill-considered measure. The House was so ignorant of the business to be performed by the home Government of India that a reference of the subject to a Committee up stairs would have been a most advisable step. In such a Committee they might have been able to ascertain the nature of the system best calculated to supersede the present cumbersome machinery.

From statements made to him of the extent and importance of that business, any scheme for uniting the administration of the India House and the Court of Directors under the sole management of a Secretary of State, without a Council, must end in inextricable confusion. In the military and financial departments alone a Council would have to deal with questions of very large dimensions. Despatches were received by the Court of Directors from the different Governments in India, enclosing collections of reports from the various departments — the financial department, the railway department, the electric telegraph department, the marine department, the statistical department, the military department, the ecclesiastical department, the public works, and the judicial department—on which subjects there were not less than 2,500 despatches with 30,000 paragraphs, each paragraph relating to a separate subject: in addition to which there were 16,950 collections of reports on which the despatches were founded. These despatches and reports were read and reviewed, and answers sent out, with observations on each subject. There were despatches from Madras and Bombay, with 17,000 paragraphs, and, in addition to these despatches, 1,741 letters had been received in the same year, from the Secretaries of the several Governments, relating to accounts and other subjects which required orders to be made thereupon. Then came the management of the Indian army, which amounted to 280,000 men in round numbers. Every act of the Government in India connected with the army, not sanctioned by official regulations, was reported to the Court of Directors—which was much the same principle as was adopted in the Queen's service. In the other departments of the army—the pay, ordnance, commissariat, and staff — all questions relating to promotions, honours, the Advocate's department, including reports of courts-martial, public works, surveys of India, and other miscellaneous matters, had to be considered. Were all these questions to be left solely, and without check, to the Government of India? The Government of India must transact it, in the first instance, it was true, but there would be no check of a court of review. Would the House agree to place the promotions of 280,000 men in the hands of the Secretary of State? The Secretary of War told him that nothing was so perfect as the commissariat, hospital, and transport arrangements in India. When called upon to supply means to meet an emergency like the present, they did not fail because the departments were kept under strict review by a set of merchants of whose capacities for the management of such affairs the noble Lord (Viscount Palmerston) had no very high opinion. Having some experience of similar departments at home, he felt bound to say that this state of things bore a striking contrast to our arrangements in the same departments on the breaking out of the Russian war. Let them take care how they substituted the defective management of our Secretary at War for that which had worked so much better. He wished to call the attention of the House, and of the right hon. Gentleman the Member for the University of Oxford, to the fact, that there were pensions amounting to nearly a million sterling paid out of the Indian revenue to the civil servants and soldiers of India, and it showed how lightly they were dealing with this subject when they proposed to legislate upon it without making any provision with regard to these pensions. The retired pay was £384,000; the pensions and annuities on the home establishment were £155,000; Lord Clive's fund, £87,000; these and other claims amounting to £945,000. Yet a Bill was brought in to settle the question of Indian government without any provision for securing these pensions and annuities. It appeared to him that if a Committee had sat upon this question in the first instance full information might have been obtained from witnesses competent to throw light on all these subjects, and they would be in a much better situation for providing adequate machinery on the abolition of the East India Company. His noble Friend the Member for Tiverton said he knew so little of the details of the home Government, that he was not prepared to

give a decided opinion as to the members of a council—if a council was at all necessary for the management of the business hitherto conducted by the Directors and Board of Control. As almost every one had propounded his nostrum on this question, he might be pardoned for stating his. There would have been less difficulty in making the change proposed by his noble Friend had he proceeded cautiously and by steps to accomplish his object. If his noble Friend wished merely to have one body, his simplest plan would have been to unite the Board in Leadenhall Street, and Cannon Row. He might have taken the present Directors for his temporary Council, providing that three or five should retire annually, filling up their vacancies partly, as at present, by direct nomination, partly on the recommendation of the remaining members. He admitted that the great difficulty was that of election, and securing the independence of the Council. He believed that if a Bill was passed for four or five years, thus giving Parliament an opportunity to act after that period as experience might point out—for nobody could suppose, do what they would now, that future legislation would not be wanted—they would be acting in a safe and wise manner. By the plan he proposed the Company would have been abolished, the Crown would have been put in possession, and the whole business of the Company might have been carried on without interruption. He hoped the Committee would pardon him if, amongst the other doctors who were called in, he ventured to give his opinion. But a more serious matter remained behind. Not one word had been said about the question of the patronage of India. His hon. Friend the Member for Birmingham (Mr. Bright) said that India would be better managed by a responsible Secretary without being clogged by a Council. He agreed with his hon. Friend in that opinion, if the Council was not to be an independent one. Let them have no sham, at all events. If they were to have a Council, let it be a Council which would give the public assurance that the patronage and business of India should be conducted as well and as honestly as heretofore. The noble Lord who with so much advantage to the country and such public approbation had undertaken the administration of colonial affairs had just told the Committee that the Government of the Colonies was much less difficult now than in former times, and expressed a hope that the government of India also would be found to have changed for the better. But it should be recollected that Canada and Australia had now their own Parliaments, and were therefore to a great extent self-governed. Previous to the granting of those Powers, the state of the administration was the subject of constant grievance and complaint. Did any one propose that India should have a Parliament? This was only suggested in the petitions from English residents in Calcutta, who wished India to be granted for their sole advantage. He would assume that no member of the Committee desired a Parliament elected by this constituency for India. His noble Friend the Member for the City of London, one of the ablest and best Secretaries of State for the Colonies he never knew, could tell the Committee that one of the most difficult parts of his business consisted in listening to complaints of the colonists against those placed in temporary authority over them. It was the most difficult, because on the decision depended the fate and fortunes of individuals. Was it the intention of the noble Lord that the 900 civil servants of India, when aggrieved by the local authorities, should come to Parliament to state their complaints, and thus occupy its time, without, after all, being able to get justice? Parliament was a bad court of appeal, for such cases. It appeared to him that no individual, if a Secretary of State was to be appointed to undertake it, could bear the weight of so much business. He next came to the great question of patronage. The Bill of the Government and the Resolution of his noble Friend made their own dispositions of it. If India was to be governed by a Minister of State, and he was not to be controlled by a Council, what was to become of the patronage? His noble Friend the Member for London had an ingenious contrivance for disposing of the first appointments in the army, but he (Mr. Ellice) warned them against running too fast with this system of competitive examination. Officers for the cavalry and infantry could not be selected by competitive examination, which would afford no test of their moral or physical qualities. The best crammed boys do not turn out either the ablest men or most efficient soldiers. On the contrary, as mental faculties develope themselves, sometimes earlier, sometimes later in life, so early cramming had often the effect of weakening the intellect, and leading to relaxed and supine

[*Second Resolution.*

habits afterwards. He did not see why the appointment of the cadets should not be left to the members of the Council. It was an inducement to accept the labour and responsibility of office. But beyond the first appointments, the patronage was to be left with the Secretary of State. At present the directors appointed to the Councils in India—did they propose to transfer that patronage to the Secretary of State? All the plans pointed to nomination by the Crown. Under the Court of Directors this patronage had been secured to the middle classes of England—and well might they be proud of the men they had produced—the Malcolms, Metcalfes, and others. Were they so certain that equally eminent men would be selected by the Minister under the pressure of Parliamentary Government. Experience in the Colonies did not justify that expectation. The pressure of the House of Commons was in this respect as much to be guarded against as any tendency to abuse his patronage by the Minister. The right hon. Gentleman the Member for Ashton (Mr. M. Gibson) had congratulated himself on the increased power of the House from the breaking up of parties. Perhaps they might arrive at the American system, when every man would insist on naming his own cadet? It was proposed in the Bill of the noble Lord the Member for Tiverton, that in the first instance the Secretary of State should be appointed by the Crown, to be controlled by no Council. He was to name the Governor General, and the Governor General was to nominate the Indian Councils. The Secretary of State would thus directly or indirectly exercise the whole patronage of the Indian empire — the advancement of every man in the revenue department, in the diplomatic service, in the Residencies and in other branches. When they had dispensed with an independent Board to review and control this patronage, would not Members press the pretensions of their friends, connections, and constituents on the Minister, responsible to them for their share of patronage as well as for the due performance of his duties? But the mischief did not end there. In the great extension of our territories the necessity had been imposed upon us of appointing officers in the army to fill many civil appointments in India. Well, if they took the Company's officers for those duties, why should they not take the Queen's officers for the same service? The necessary consequence would be, that young gentlemen of rank and influence would be sent out as aides-de-camp, or other situations on the staff, to succeed to these offices. Of course it will be said this would not happen. Let them consult every day's experience at home for an answer. When the Government sent out the proposed Commissioners to inquire into the finances of India it would be discovered that they were very good men—that they had discharged their duties efficiently, and their ultimate destination, of course, would be the Indian Council. In fact, the country ought to know, and the Committee must know, that if either Bill were consented to, without securing an independent Council to control and administer Indian government and patronage with as much purity and honour as they had hitherto been administered, the confidence and attachment of our officers in India, on which our tenure of the country depended, would be undermined, and the security of the empire endangered. He had heard it said that all officers in India were eager for the change; but his information led him to conclude directly the reverse. He had no doubt they would rather hold their appointments directly from the Crown than from the Company, but always on the condition, that they should have equal security, with that they enjoyed at present, for just and impartial promotion, according to service and merit. But one hon. Member said that all danger respecting the distribution of the patronage would soon be obviated by a reform in Parliament. Why, Sir, that would only reproduce the evil in an aggravated form. from the more direct pressure of popular impulse and jobbing. The hon. Gentleman who had served with him on the Committee up stairs would recollect the great anxiety of all the Members to extend the admission of Natives to office. No soooner had the mutiny broken out, than Lord Canning was denounced, for appointing one faithful Mahomedan to office. Would you govern India, according to the varying and conflicting prejudices and feelings out of doors, brought directly to bear on a popular assembly? Look also at the public meetings held with a view, as it was called, of christianising India. Did any man mean to tell him that if the opinions there expressed were to become the rule of our Indian Administration the stability of our empire would not be endangered? The danger would be great if popular feeling in England were permitted to act

directly on the 180,000,000 of people in India. The right hon. Member for Radnor (Sir G. C. Lewis) said that the last twenty years had been the best period of the Directors' government, but had at the same time deprecated the slowness of their movements. Now he (Mr. Ellice) believed the best part of the present system was its slowness and caution. He did not mean to say in case of war, when energy and promptitude were required, but in all matters where the sensitive feelings of 180,000,000 of Hindoos were concerned too much deliberation and consideration could not precede the introduction of change and even of reform. It appeared to him, in short, that we were legislating in the dark with regard to India, and that presumption, instead of caution, prompted our course. He should, however, throw no obstacles in the way of the very anomalous proceedings in which they had embarked, in which three great parties were supporting three diametrically opposite principles. The most important point at issue was the difference between a Council nominated by the Crown and an elective Council. He was sure that neither the noble Lord at the head of the Government nor the right hon. Gentleman opposite would consent to be the lacquey of opinions of other men in which they did not concur. If they could not carry what they thought right they would not be parties to the passing of what they thought wrong. There was no difference between his two noble Friends, the Members for London and Tiverton, on the subject of the nomination of the Council, while the right hon. Gentleman advocated the principle of election. His plan would be to make the new machinery differ as little as possible from the old, taking possession in the name of the Crown, but making as little change as might be necessary consistent with the amount. If they could not frame an independent Council, let them take the one they had. In conclusion he would say, "Pass your Bill temporarily, and review it when experience enables you to do it with confidence and safety; but do not, for God's sake, in exchanging new lights for old ones, make a false step, which may shake our Indian empire to its foundation."

Lord JOHN RUSSELL said, the Committee had no doubt listened with attention and with instruction to the speech of his right hon. Friend. He was not going to answer it, but it must have struck every Member of the Committee that half of that speech was too late and the other half too soon. A great part would have been an excellent speech on the Motion of the hon. Member for Huntingdon (Mr. T. Baring) and the remainder on the Amendment of the noble Member for South Durham (Lord H. Vane); but on both of those Motions the House had pronounced an opinion; and to ask the Committee now suddenly to reverse all that they had just decided, and to call on them upon the very threshold of their task to throw up their hands in despair, would be a course so mean-spirited and dastardly that he did not believe the Committee would ever think of adopting it. His right hon. Friend had gone through the various points embraced in these Resolutions and the Amendments proposed; but it was surely premature to discuss these at present. The whole benefit of proceeding in Committee was that they might consider each Resolution separately on its merits—with a view, no doubt, to what was to come after—but discussing each proposition by itself. He could not therefore consent to go into a re-argument with his right hon. Friend of questions respecting which the Committee had pronounced a final decision. It had been decided, for example, that the power of the Company was to be transferred to the Government of the Crown, and the settlement of that point had disposed of many of the arguments of his right hon. Friend. Then his right hon. Friend had endeavoured to show that it would be quite impossible for any Secretary of State, with any Council you could frame, to carry on the government of India. Now, if arguments of this kind were listened to, he (Lord J. Russell) could easily demonstrate that it would be impossible for the noble Lord (Lord Stanley) with all his talents and application to carry on the business of Colonial Secretary. Even now, though a great many colonies governed themselves, there were some fifteen or twenty Crown colonies all with different constitutions and different laws. Some of those colonies were founded on the Dutch, some on the Spanish, some on the French law, and some on the ancient British colonial constitution; and if he were to show that the Colonial Secretary had to examine all those laws, to decide upon fifty questions of administration which occurred daily in the Colonies, and to keep in view the position of the people from North America to Ceylon—if he were to draw a picture of all these diffi-

culties the House would probably say,—"It is impossible for twenty men, let alone one man, to carry on such an administration." Now, he believed that the administration of India, although difficult, was not of so extremely varied a character as the business of the Colonial Secretary. There was more similarity in the questions which came before any Board of Control or Court of Directors than in those which were submitted to a Colonial Secretary. As to the much calumniated system of colonial administration in former days, it should be remembered that there then existed peculiar difficulties in the way of administration, which time and the change of manners and customs had now removed. This had been the case with the West Indies and with Australia. Slavery formerly existed in the West Indies, and it would have been impossible to give a constitution to a country where the persons who were to govern were masters, and those to be governed, slaves. Neither could we have at once given self-government to Australia, because we had sent there none but convicts. We could not form a House of Lords of housebreakers and a House of Commons of pickpockets. We were obliged to wait until emigration had produced in those colonies a population who were really fitted to govern themselves. When, therefore, it was said "How well the colonies are governed now, compared with their position formerly," he thought such a change was attributable more to circumstances than to any increased wisdom. The principles of self-government, it should be remembered, were the ancient principles on which in the beginning of the 17th century our colonization was founded; they were not now newly invented; and he held, therefore, that the extreme vituperation which had been bestowed upon the colonial administration of former times was not quite merited. He could say this with the more disinterestedness as his right hon. Friend had been pleased to exempt him from his censure. With regard to this particular Resolution, which was all the Committee had to decide upon, the question was whether a Minister of the Crown should exercise the power taken away from the Company by the first Resolution—the power of governing India—either with or without a Council. As to the distinction between the Secretary of State and the President of the Council, he was not very anxious on that point. He rather inclined, however, to the proposition of the Government, thinking that the Secretary of State for India might just as well, after procuring the opinion of the Council for India, take the pleasure of the Crown, as the Foreign or Colonial Secretaries, who, after laying the whole subject before the Cabinet, and collecting their opinion, took the pleasure of the Crown on the ultimate decision arrived at. He thought, therefore, that none of the technical difficulties which had been made to a Secretary of State were very material. But there was a question which was not only material, but which went to the root of the whole matter—a question which his right hon. Friend (Mr. Ellice) had raised to a certain degree, but had hardly attempted to solve. His right hon. Friend had exposed all the difficulties which might arise from transferring this government to the Crown; he had shown all the evils of corruption which might attend a change. But upon this proposition, affecting so greatly the future of India, both the late and the present Governments had proposed a Resolution which he thought presented the only right solution as to the relations between the Minister of the Crown and the Council. His right hon. Friend said, that if there were an independent Council, we might intrust to them as safely as to the Court of Directors the power of governing India. Now, he should wish to know whether the right hon. Gentleman, in speaking of an independent Council, meant a Council which should have the entire power of governing India or not? The Bill of his noble Friend the Member for Tiverton (Viscount Palmerston) gave to the proposed President of the Council of India the power of acting alone in those cases in which the Secret Committee might formerly have acted; and, although it might be said that the Secretary of State for India or the President of the Council should not have the power alone to decide that £20 a year should be given to an old Indian soldier who had served his country for fifty years, yet if he were to have the power of sending out on his own responsibility instructions to India by which a war might be incurred which would cost £4,000,000 or £5,000,000., in his hands the real government of India would be vested. Was a power so great as that, he would ask, to be centred in a Minister of the Crown or in a Council? If it were to be centred in a Minister of the Crown, then would there be a person who, although he might advise with his Council, would be responsible to

that House and to the country for his acts, and who might justly be called to account if he should adopt any measures wanting in prudence, vigour, or capacity. But if to a Council, let it be appointed for only six or eight years, or as he (Lord J. Russell) proposed, during good behaviour, the decision of great points relative to the welfare of India was to be committed, the double system of government would in reality still be maintained; that which was termed a sham would still continue to exist, inasmuch as, while the Minister of the Crown would have the name of governing India, his Council, whose members could not be removed except for some act nearly amounting to a crime, would constitute an irresponsible Government, and the country would thus labour under the evils arising from their misconduct without the advantage of that remedy which Parliament always possessed in the case of a responsible Minister. Under those circumstances, he felt that in agreeing to the Resolution under discussion, he was recording his opinion in favour of a proposition which had the concurrent support of the late and the present Government—namely, the essential provision that there should be a Secretary of State or President of the Council, as it might be, who should be supreme, and consequently responsible. If his hon. Friend the Member for Coventry (Mr. Ellice) should raise the question that the decisions of the Minister should be valid only in case they were made in Council, and that the voice of the majority was to be conclusive, then he must contend that in the event of such a proposition being carried into effect, the future government of India would be rendered less efficient than that which the House was asked to supersede; for although the principle which had been laid down in the Bill of 1784 was that the power of governing India was to be left with the Company, yet subsequent legislation in 1793 completely vested all essential power in that respect in the hands of the Minister. One of the inconveniences of that system was that the Government appeared to be that of the Directors, while in reality it was centred in the President of the Board of Control. Now that Parliament was about to change the form of government for India, he thought it was bound to place the question upon a distinct footing, and he should therefore vote for the Resolution.

MR. ELLICE (Coventry) said he had never intended to suggest that the Minister for India, by whatever name he might be called, should have less power than the President of the Board of Control. The House might rest assured that the new Minister for India, whether a Secretary of State or President of a Council, would have sufficiently important duties to perform in directing the general policy of India, without interfering more than was absolutely necessary in those details of administration for the due discharge of which an independent Council would be required.

SIR HARRY VERNEY remarked, that the more the question was ventilated and discussed, the more must the opinion gain ground that it would be impossible to give the power to the Minister, and at the same time preserve the independent character of the Council. Due credit had not been given to the East India Company for what they had done, and he would therefore warn the Committee of the danger they would incur by altering the present system.

THE CHANCELLOR OF THE EXCHEQUER: The right hon. Gentleman the Member for Coventry has told us to-night that we are in a state of great confusion, and this is not the first time in the course of these debates that the right hon. Gentleman has apprised us of that fact. I know there are several hon. Gentlemen who agree with him on the subject. There is no doubt of the fact, that upon the Indian question there is in this House a party of confusion. But I do not think that the right hon. Gentleman in his elaborate and interesting address has at all substantiated his point. It is not by referring to the Bill of the noble Lord opposite, or to the Bill which Her Majesty's Ministers introduced, or to the Resolutions to which we now propose to apply ourselves, that the right hon. Gentleman will prove that the position we now occupy is one of a confused and perplexing character. It is not at all extraordinary that on this vast question of the government of India we should have gone through a train of doubt, perplexity, and dissatisfaction in the course of these debates. The thing constantly occurs when the House first attempts to grapple with a great question. How often has it happened that even powerful Ministers have been obliged to withdraw the Bills they had brought forward, and at a subsequent period, perhaps, the same Minister has introduced a large and satisfactory measure? And when it is remembered that the subject we are now discussing is

not inferior in importance or difficulty to any which has ever engaged the attention of the House, I do not think that by dwelling upon difficulties which have been got over and obstacles that have been removed, hon. Members will be able to prove that this is especially a perplexing subject to deal with. That it is a most important subject no one can for a moment doubt. As to the question now before us, the second Resolution asks the House to agree that, the government of India having been transferred from the Company to the Crown, all the functions hitherto fulfilled by the various bodies concerned in the administration of India shall be hereafter concentrated in one Minister of State. There is a controversy whether the Minister of State shall be be called a Secretary or a President. I confess the bias of my mind is rather in favour of a Secretary of State, and I think all the constitutional arguments which have been addressed to the House favour that arrangement; but I do not think that is a question of material importance at the present moment. The Resolution is only intended to express in a sufficiently perspicuous manner what are the general intentions of the House upon the particular point before it, and it is needless to embarrass ourselves with questions of detail. I think, therefore, this question may well be postponed, and that the suggestion of the right hon. Gentleman opposite (Mr. Vernon Smith) is well worthy of consideration. I think the best way will be to make the clause read thus, "That for this purpose it is expedient to provide that Her Majesty, by one of the responsible Ministers of the Crown." If those words are adopted, I think they would obviate any serious objection, and I think, if the clause thus changed be agreed to, the next clause may be omitted. The object of the third clause is, that there shall be a specific declaration of opinion by the Committee that the responsibility of the Minister shall be complete and the same as that of other Secretaries of State. I shall, therefore, propose the words which I have mentioned, and if they are agreed to, I will withdraw the third clause.

MR. CHICHESTER FORTESCUE said, the change would have an effect on which they might congratulate themselves, that it would reduce the number of the Resolutions they had to encounter by one. He thought, however, the question as to whether the Minister was to be a Secretary of State or a President was not of the slight importance, that it had been considered by some who had spoken to-night. Two views prevailed in the House and in the country as to the government of India. Assuming that there was to be a Council, one or other of these views was implied by the adoption of the Resolution or of the Amendment. According to one view the Crown was to select for the advantage of the Minister a certain number of gentlemen supposed to be fitted to assist him; but it would depend upon the Minister how far he would act on their advice or not. According to the other view, which seemed to him the truer one, the Council for the affairs of India would not be the occasional advisers of the Minister, but an essential part of the system of government. He was inclined to stick more closely to the Bill of the late Government than they were themselves.

VISCOUNT PALMERSTON said, he thought that there was no inconsistency in those who supported the Bill, which he had had the honour to introduce, voting for the Resolution as it now stood. But he must remind his hon. Friend that these Resolutions were not a Bill, and that they only laid down principles. He would only say that he was glad that the right hon. Gentleman proposed to omit the next Resolution, because he thought that objection might be taken to it, not only for the reason which the right hon. Gentleman had stated, but also from a defect inherent in the Resolution itself. It proposed that the business should be transacted by the Minister in the same manner as the business was transacted by the other Secretaries of State. But as it was proposed that there should be a Council to assist him, he would not administer the business of the department in the same manner as the other Secretaries of State. Therefore, if the right hon. Gentleman had not proposed that it should be omitted, he Viscount Palmerston) would have suggested that that Resolution should be altered.

THE CHANCELLOR OF THE EXCHEQUER replied, that had it been necessary, he believed he could have shown that the objection of the noble Lord to the third clause was quite inapplicable.

MR. T. BARING said, he wished that the opponents of the clause might perfectly understand their position. If they did not oppose the Resolution, he wished it to be understood that they should not be precluded hereafter from proposing the establishment of an independent Council. If

it was understood that they should hereafter be permitted to discuss that point, he thought it would be unnecessary to put the Committee to the trouble of dividing. The Committee having adopted the first Resolution, it was evident that it would be necessary to provide for the government of India by a President of the Council or a Secretary of State, and he trusted that, whatever might be the title of the Minister who directed the government of India, they would limit his powers, control his action, and check his patronage.

MR. RICH said, that after the discussion which had taken place, and the admissions which had been made by the Government, he was quite willing to withdraw his Amendment, for when the time arrived for deciding whether a Secretary of State or a President of the Council should direct the government of India, he thought it was not improbable that the Chancellor of the Exchequer would be induced to accede to his suggestion.

Amendment, by leave, *withdrawn.*

Original Question again proposed,—

"That the words, 'by one of Her Principal Secretaries of State, shall have and perform all the powers and duties relating to the Government and Revenues of India which are or may be now exercised and performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the Affairs of India,' stand part of the proposed Resolution."

Another Amendment proposed,—

To leave out the words "one of Her Principal Secretaries of State," in order to insert the words "one of the responsible Ministers of the Crown," instead thereof.

MR. ELLICE (Coventry) observed, that he was also willing to withdraw his Amendment, on the understanding that the adoption of the Resolution did not pledge the Committee to the principle that India should be governed by a Secretary of State alone, but that conditions might hereafter be proposed with respect to the duties of the Council.

Question, "That the words proposed to be left out stand part of the proposed Resolution," put, and *negatived.*

Question, "That the words 'one of the responsible Ministers of the Crown' be inserted instead thereof," put, and *agreed to.*

Resolution, as amended, *agreed to.*

2. *Resolved*, That for this purpose it is expedient to provide that Her Majesty, by one of the responsible Ministers of the Crown, shall have and perform all the powers and duties relating to the Government and Revenues of India which are or may be now exercised and performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the Affairs of India.

MR. WALPOLE said, it became his duty, in the absence of his right hon. Friend the Chancellor of the Exchequer, to move the fourth Resolution in the following terms:—

"That in order to assist such Minister of the Crown in the discharge of his duties it is expedient that a Council be appointed of not less than twelve nor more than eighteen Members.

This Resolution would raise two questions of great importance—first, whether the Minister should have the assistance of a Council; and, secondly, what should be the number of Members of such Council. This Resolution was proposed by Her Majesty's Government, in the belief that it was unquestionably desirable that the Minister of the Crown who directed the Government of India should be assisted by the advice of a Council. Her Majesty's Government also believed, judging from the experience of the government of India by the East India Company, and from all the information they could obtain, that unless there were a sufficient number of members of Council it would be impossible for them efficiently to transact the business which would devolve upon them. It would be necessary to divide the Council into three or four Committees, and it would be impossible, if the Council consisted of only eight members, as was originally proposed by the noble Lord the Member for Tiverton, that such Committees could be formed. Supposing there were only twelve members of Council, if four Committees were requisite, they could only consist of three members each; but, by placing the members of Council on more than one Committee, it might be possible for twelve members to discharge the duties. Her Majesty's Government believed, however, that a larger number of members was necessary, and accordingly their proposal was that the Council should consist of not less than twelve nor more than eighteen members.

Motion made and Question proposed,—

"That in order to assist such Minister of the Crown in the discharge of his duties, it is expedient that a Council be appointed of not less than twelve nor more than eighteen Members."

SIR EDWARD COLEBROOKE moved that the Chairman report progress. It

[*Fourth Resolution.*

was impossible to make satisfactory progress at that late hour of the evening—twenty minute past eleven o'clock.

THE CHANCELLOR OF THE EXCHEQUER said, that the discussion had commenced so late that evening that he really thought if they were to make that progress they all desired they should continue the debate somewhat longer.

MR. ELLICE (Coventry) said, the fact was, that this Resolution constituted the whole question in dispute; and, therefore, to commence discussing it at that hour was absurd.

SIR ERSKINE PERRY hoped, that if the right hon. Gentleman opposite assented to the Motion for reporting progress, he would make arrangements for the debate to come on at an early hour in the evening on the next occasion. It was remarkable that those who were opposed to the measure should be most forward in offering obstruction to it.

SIR EDWARD COLEBROOKE denied that he and those who acted with him were guilty of pursuing an obstructive policy. They had not yet had an opportunity of discussing the most vital parts of the measure.

MR. ROEBUCK said, he was certainly not opposed to legislation during the present Session. At the same time, if they desired to have a consecutive and well-directed discussion on the clause he thought they ought to adjourn the debate to another day; and the more especially as before any of the numerous Amendments on the paper, regarding the composition of the Council came on to be discussed, he should like to raise the preliminary, whether there ought to be a Council at all.

VISCOUNT PALMERSTON said, he entirely agreed that, although it was desirable to avoid all unnecessary delay, yet that, as questions were coming on in connection with this Resolution that would require a long debate, it would be better to report progress, on the understanding that the debate should be resumed on Monday evening after the discussion of the Lords' Amendments to the Oaths Bill, and should be proceeded with, without interruption, until they had gone through the Resolutions.

LORD JOHN RUSSELL said, he would join in the proposal for reporting progress, but he thought they ought first to settle the order in which they should proceed. It seemed to him to be the most convenient course to discuss the composition and numbers of the Council seriatim, and, after disposing of them, to enter upon the discussion of the hon. Member for Sheffield's Amendment—namely, whether there should be a Council at all.

MR. ROEBUCK said, he would consent to the suggestion of the noble Lord, although he thought the more logical course would be to discuss his Amendment first.

THE CHANCELLOR OF THE EXCHEQUER said, he felt somewhat disappointed that the Committee had not made more progress with the Resolutions that evening, especially as he did not see that there was any chance of proceeding with the Amendments on Monday, when it had been arranged the House was to take into consideration the Amendments on the Oaths Bill as the first Order of the Day. So far as the Government were concerned, they would be prepared, on Friday, to go on with the Indian Resolutions. He would, however, suggest that some arrangement might be come to by which the intervening days between Monday and Friday might be devoted to this important subject. Of course that depended upon the inclination of hon. Members to waive precedence for their Motions. He would, therefore, fix the Resolutions for Tuesday, trusting that some arrangement might be made in the interval by hon. Members who had Motions for that day.

MR. ROEBUCK: Then on Tuesday I will take the opinion of the Committee upon the Resolution asserting the expediency of appointing a Council for India.

MR. WALPOLE said, he concurred in the mode of proceeding indicated by the hon. and learned Member for Sheffield (Mr. Roebuck).

LORD ROBERT CECIL said, he must protest against the omnivorous rapacity of the Government. Already Thursday was taken away from independent Members, and now it was proposed to take away Tuesday also. A Motion stood on the list for Tuesday, having in view the protection of certain inhabitants of the Potteries, who were being undermined, and were gradually sinking to the centre of the earth, and while that House was discussing a law for India which would probably not pass in the present Session, that Motion would be put off till next year, and he did not know what might happen in the meantime.

House resumed.

Committee report progress; to sit again on *Tuesday* next.

SUPPLY OF GAS.

COMMITTEE MOVED FOR.

MR. BYNG said, he rose to move for a Select Committee to inquire and report upon the existing arrangements for the supply of gas to the Metropolis. About three weeks or a fortnight ago he accompanied a deputation to the Home Office from the inhabitants of many parishes in London, who represented that they were subject to what they considered a monopoly on the part of some of the gas companies. The right hon. Gentleman the Home Secretary, after courteously hearing the statements of the deputation, expressed his belief that it had made out a *prima facie* case. Subsequently the Home Secretary received a deputation from the metropolitan gas companies, by whom, as he understood, no objection was made to the appointment of a Committee, provided it was a fair one. The consumers complained that the gas companies had divided the metropolis among themselves into districts in such a way as to make a complete monopoly. They complained also of the hardship of incoming tenants being refused a supply of gas, unless they paid arrears which might have been left by previous occupants; likewise of the quality of the gas, and, generally speaking, of being totally at the mercy of the gas companies in regard to the supply of that article. On these grounds he moved the appointment of a Committee.

MR. WALPOLE said, a numerous deputation from the parishes referred to by the hon. Member had waited on him and made such statements as led him to believe they had a *prima facie* case of complaint against the gas companies of the metropolis. A deputation from the gas companies also waited on him and stated their case very fairly, expressing their perfect willingness to meet any inquiry that might be instituted before a Committee. In these circumstances he thought nothing could be fairer than to appoint a Committee, and he assured the deputation that no effort would be wanting on his part to insure a satisfactory investigation.

MR. F. C. RUSSELL, on the part of gas companies, stated that they cordially assented to the appointment of a Committee.

Motion *agreed to*;—Select Committee *appointed*—

"To inquire into and report as to the existing arrangements for the supply of gas to the Metropolis."

APPOINTMENT OF MAGISTRATES.

RETURN MOVED FOR.

MR. P. O'BRIEN moved an Address for return of the names of all persons who have been appointed as magistrates in England and Wales since the first day of March last, specifying the names of those recommending them to such commissions, the dates of such appointments, and the county or town for which appointed. The hon. Member vindicated the course he had taken with reference to this Motion, and maintained the accuracy of the statement he had made in the early part of the evening.

MR. WHITE seconded the Motion.

Motion made and Question proposed,—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, a Return of the names of all Persons who have been appointed as Magistrates in England and Wales since the 1st day of March last; specifying the names of those recommending them to such Commissions; the dates of such appointments; the county or town for which appointed; and according to the following tabular form:"

[Here follows the tabular form.]

MR. HARDY said, he must disclaim any intention to offend the hon. Member for King's County (Mr. P. O'Brien) far less to cast any imputation upon his honour. What he objected to was to assent to a Motion which appeared on the face of it to be directed against particular individuals. He was not unwilling, however, on the part of the Government to agree to a return for the last five years, instead of one for the last three months.

MR. WALPOLE said, he would suggest that the hon. Member for King's County should withdraw his Motion in favour of that which appeared on the paper in the name of the hon. and learned Member for Southwark (Mr. J. Locke) on the understanding that the return should be made out for the last five years, and also that it should be given in a tabular form.

Motion by leave *withdrawn*.

MR. J. LOCKE moved for an Address for Return of the names of the several Boroughs and of the several Counties of Cities and Towns in England and Wales for which persons have been assigned to act as justices of the peace; and also the names of the persons so assigned to act as such justices since the 1st day of

January, 1850, under the Act 5 and 6 William IV., c. 76.

Motion *agreed to.*

House adjourned at a quarter after twelve o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 10, 1858.

MINUTES.] PUBLIC BILLS.—1ª Chelsea Hospital (Purchase of Lands); Franchise Prisons.
2ª Chelsea Hospital and Waterworks Exchange of Lands.
3ª Customs Duties (No. 2); Excise Duties; Exchequer Bonds (£2,000,000).

LORD CANNING'S PROCLAMATION.

THE EARL OF SHAFTESBURY: I beg to give notice that on Friday next I will move a Resolution condemnatory of the publication of the late despatch to the Governor General of India. I will put on the Notice-paper to-morrow the precise form of words in which I mean to bring forward that Resolution.

THE EARL OF ELLENBOROUGH: I propose, for the convenience of the noble Earl, and of your Lordships generally, that the despatch shall be laid on the table *in extenso*. I may as well, perhaps, take this opportunity of explaining to your Lordships the accident by which the House of Commons got the whole of that document, while a portion of it only was laid before your Lordships. It was originally intended that it should be communicated entire to both Houses, and the hon. Gentleman the Secretary to the Board of Control had taken a copy of it with him for the purpose of presenting it to the House of Commons. But at a later period of the day, and just before the House met, it was understood between my noble Friend at the head of the Government, the Chancellor of the Exchequer, and myself, that extracts only should be given, as we considered it inexpedient that certain passages should be made public. But this arrangement was adopted too late, for the Secretary of the Board of Control had already laid the whole despatch before the House of Commons. I will also take this opportunity of removing a misunderstanding which appears to prevail on the other side of the House with respect to the communication of a copy of the despatch to a Gentleman in the House of Commons. The circumstances are these:—the noble Earl opposite (Earl Granville) having put a Question relative to this despatch, a copy *in extenso* was privately communicated to him; and as he would naturally communicate it to his friends, it was thought only fair that the hon. Gentleman who has also put a Question on the subject in the House of Commons should have a similar opportunity of making the document known to his friends. That is the whole history of that portion of the transaction. I believe the noble Earl must have got his copy first, because the same messenger took both copies, but went to the noble Earl's residence first; and as the hon. Gentleman in question had left the residence to which I had directed his copy, I understand he did not receive it until three or four hours after the noble Earl received his.

THE MARQUESS OF CLANRICARDE: Has the noble Earl got in his office any other despatch on the subject to which the omitted paragraphs relate, addressed by him to the Governor General? If any such despatch exists will he have any objection to lay it on the table?

THE EARL OF ELLENBOROUGH: The noble Marquess will recollect it is the usage of this House to give notice of questions. I shall answer the question to-morrow.

EARL GREY: Will the noble Earl also state to-morrow whether all the information in his possession on the subject is before us; and whether there is any further explanation from Lord Canning bearing upon this Proclamation than that contained in the papers to be laid before us?

THE EARL OF ELLENBOROUGH: I regret to say there is not. Though that letter was sent on the 3rd of March by the Governor General to Sir James Outram at Cawnpore from that hour to this we have heard nothing from him on the subject.

EARL GREY: Then you have only received a draught of the Proclamation from the Governor General; you have not received the Proclamation as published?

THE EARL OF ELLENBOROUGH: We only gather incidentally from some of the papers that the Proclamation has ever been published at all. We have no information whatever from the Governor General on the subject. He has been silent for nearly a month with respect to that Proclamation.

EARL GRANVILLE: Within the last minute I have been informed by my noble

Friend sitting near me (the Marquess of Lansdowne) that the right hon. Gentleman lately at the head of the Board of Control (Mr. Vernon Smith) received a private letter from the Governor General, in which he states that he thought this Proclamation required an explanatory despatch, but that owing to the great pressure of business he had not been able to send this explanation. I will not pledge myself that these are the exact words used, but that is the substance of the communication which I understand has been received.

THE EARL OF ELLENBOROUGH: I was quite unaware until now that any such communication had been received by the right hon. Gentleman.

THE EARL OF MALMESBURY: I cannot help observing that there has been considerable difference between the conduct of Mr. Vernon Smith and my noble Friend opposite (the Earl of Clarendon) who preceded me at the Foreign Office. Since I have had the honour of holding the post I now occupy my noble Friend opposite has sent to me all the private letters he has received bearing upon matters of public interest since his retirement from office, and I take this opportunity of thanking the noble Earl for having done so. A period of as much as two months may elapse before a change of Administration becomes known in our distant possessions in India, and if private letters are received by a Minister who had relinquished office, containing information with reference to important points of foreign or Indian policy, I consider that it is the duty of the late Minister who receives such letters to communicate them to his successor.

THE MARQUESS OF LANSDOWNE was understood to say that the letter referred to was not received, as he understood, until after the document had been, as he thought, most improperly communicated to the public.

THE EARL OF DERBY asked, if the noble Marquess could state the exact date at which the letter was received?

THE MARQUESS OF LANSDOWNE said, he did not know the exact date.

THE EARL OF DERBY: The Proclamation to which allusion has been made having appeared in *The Times* of Thursday last a question was put in the other House as to the conduct of the Government with reference to that Proclamation. I understand that a private communication has been received by Mr. Vernon Smith from Lord Canning, of which we have now heard for the first time, and which I should have supposed should have accompanied the draught of the Proclamation. I wish to know from the noble Marquess whether that letter, containing a promise of a subsequent explanation, was not received before five o'clock on Thursday evening? Am I to understand that that private letter had not been received until after the time at which—most improperly in the noble Marquess's opinion—the statement was made to the House of Commons? I wish to ask the noble Marquess whether he can state with full certainty that the letter in question was not received by Mr. Vernon Smith until five o'clock on Thursday last?

THE MARQUESS OF LANSDOWNE replied that, as he understood, the letter was not received until after the communication had been made to the House of Commons, and until after the Proclamation had been published in the newspapers.

Copy of the Letter from the Secret Committee of the Court of Directors of the East India Company to the Governor General of India in Council, dated the 19th of April, 1858, ordered to be laid before the House.

And the Copy of the said Letter was laid before the House at a later period of the evening.

ANNEXATION OF NATIVE STATES.

MOTION POSTPONED.

THE EARL OF ALBEMARLE: I have a notice on the paper regarding the annexation of Indian territories; but inasmuch as there appears to be some connection between that subject and the letter of the Secret Committee of 19th April, 1858, I beg to postpone my Motion, lest it should be supposed I would sanction in any manner the conduct of Her Majesty's Government towards the Governor General engaged in a most difficult position—engaged, and most skilfully engaged, in the suppression of one of the greatest mutinies and widespread rebellions which the history of any civilized country has upon record. Without pronouncing any opinion whatever, either as to the Proclamation or the arguments used in that despatch which commented on it, I conceive that there are few of your Lordships who will not deprecate the tone, the time, the manner, and the circumstances in connection with the publication of that paper. I think their

conduct towards the Governor General has been most unwise, most indiscreet, most ungenerous, and, virtually speaking, most illegal. If your Lordships will refer to the Act of Geo. III., passed in 1793, c. 33, you will find that the Secret Committee is to be sworn upon oath to secrecy; and yet, that which these officers are not allowed to divulge even to their own colleagues, the President of the Board of Control exposes to the whole of civilized Europe before the person to whom it is addressed can have any cognizance of its contents. I beg to postpone my Motion.

THE EARL OF ELLENBOROUGH: The noble Earl has done justice to the Governor General, Lord Canning. Allow me to ask him to do justice to another—I do not mean to myself (for that I do not expect), but to the Marquess of Dalhousie. The Motion of the noble Earl is evidently intended to convey the strongest possible censure on the policy of Lord Dalhousie, which was supported by Her Majesty's late Government. It does not state truly the principle upon which Lord Dalhousie did what he did. If his policy is to be censured, let his principle be stated in his own words; and I do request that the noble Earl, when he does (if ever he does) bring forward his Motion, will state the principle in the words of the noble Marquess who preceded Lord Canning.

EXCISE DUTIES BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Moved—That the Bill be now read 3ª.

LORD MONTEAGLE said, he did not object to the very high rate of duty which it was proposed by the Bill to levy upon Irish spirits, provided only that it could be collected. Perhaps he should be told that the present duties were punctually paid; but he would remind their Lordships that the price of grain had latterly been very high; and when that was the case the revenue authorities had seldom much to complain of. But in point of fact smuggling was on the increase; for while the consumption of spirits had of late increased, the number of gallons taken for home consumption had diminished. The difference must, therefore, have been made up by spirits smuggled or illegally distilled. There was another matter to which he wished to refer. The admirable body of revenue police had been abolished and its duties transferred to the Irish constabulary; but while a fair provision had been made for its younger members, those who had grown old in the service had been treated in a most miserably parsimonious manner. The Government would save £40,000 by the proposed arrangement, and was going to raise £500,000 additional from Irish spirits, and they might do an act of justice to these men for £20,000 a year. He had no personal knowledge of any one of these parties, but he appealed to any noble Lord connected with Ireland whether he had not justly estimated the services of this corps. He should not make any Motion on the subject, but he hoped the Government would look into the matter and do what was just.

THE EARL OF DONOUGHMORE said, he did not agree with the noble Lord that the measure would have the effect of promoting illicit distillation. The decline of the temperance movement in Ireland had no doubt tended to increase the consumption of spirits there; but still it should not be forgotten that the population of that country was a diminishing one, and that the habits of the middle and higher classes had become greatly improved, two circumstances which would account for the moderate consumption of spirits. He would not deny that an increased duty might have the effect of still more limiting the consumption; but as the use of intoxicating liquors was bad for the morals of the people and for the prosperity of the country, it was the duty of the Government, independently of raising a revenue, to impose a tax upon it. The revenue police had no doubt been very effective in suppressing illicit distillation in the mountains and bogs, but had not been a very great check upon overrunning in the licensed distilleries. The districts which had been the last stronghold of the illicit distiller were rapidly becoming more and more assimilated to the other parts of the country, and therefore the necessity for a revenue force no longer existed. He thought the Government had taken a very wise step in equalising the duty.

THE MARQUESS OF CLANRICARDE thought that this matter was one of very great importance to Ireland, and he dreaded lest illicit distillation or the adulteration of spirits should increase. With reference to that class of persons to whom his noble Friend (Lord Monteagle) had referred, they had been turned out of the public service at a time of life when it was almost impossible

for them to devote themselves to anything else, and he recommended their claims to the notice of the Government.

The Earl of DERBY said, that, as to the particular class alluded to who had been superannuated, he must say to the noble Marquess opposite that it was quite sufficient for the Government to have to defend their own measures, without having cast upon them the burden of defending the measures of the late Government. This was the second time within a short period when leading Members of the late Government had attacked the present Government for doing that for which they were themselves responsible. The late President of the Board of Trade had attacked the Government as to the arrangements for telegraphic communication with India, and had made an admirable speech, pointing out the superiority of another plan and the great inconvenience of the one adopted, without waking to the consciousness that the plan so objected to was that adopted by the late Government of which he was a Member. The noble Marquess protested as to the injustice of the superannuations. [The Marquess of Clanricarde: No.] To the great hardship then inflicted on the officers of the revenue police by reason of the inadequacy of the compensation. It did happen that that compensation had not been assigned by the present Board of Treasury, but by the Government of which the noble Marquess was so distinguished a Member.

The Marquess of CLANRICARDE: Not at the time. A complaint had been made before he joined the late Government, and he had intended to bring it under the notice of his colleagues.

The Earl of DERBY wondered that the noble Marquess had allowed the matter to sleep as long as he was a Member of the Government. It was at all events very extraordinary that the noble Marquess had accepted office in the Government that had inflicted such hardship on a body of his countrymen—if indeed it were a case of hardship; but he did not think it was. He thought that these men had received as much as they were entitled to. Upon the consolidation of the revenue police with the general constabulary of Ireland, every man who was fit for service in the revenue police was transferred to the constabulary police. They then had to deal with those who were incapable of performing their duties; and they were dealt with in this way. All who had served for a period of time which entitled them to receive less than half of their pay and emoluments had assigned to them a sum equal to half of their pay and emoluments, a sum larger than by any circumstances they were entitled to under the Superannuation Fund Act. Those who had served for a longer period, and came under the Superannuation Act, had assigned to them the utmost amount that the late Lords of the Treasury could assign; this applied to those who were entitled to more than half their emoluments. The complaint really was not that the Government had done too little for one class, but too much for the other. It was the old parable of the labourers in the vineyard. A memorial had been prepared in which superannuation was calculated upon the basis of pay and allowances, whilst the Government took as their basis for superannuation, pay and emoluments. "Allowances" included such items as forage for a horse; but when a man left the service he, of course, had no claim to such an allowance. Nothing could be more unjust than to regulate superannuation in reference, not to pay and emoluments, but to pay and allowances. What he said was this, that they had given to those who had only been a short time in the service more than they were entitled to, and they had given to those who had been longer in the service the maximum that they were entitled to claim; and under these circumstances he could not see that the parties had been dealt with unfairly. There may have been cases of individual hardship, but as a general rule he thought that the late Board of Treasury had treated these parties with justice and liberality.

Lord MONTEAGLE said, that he had complained of both Governments, and that when the Bill for the consolidation of the revenue police with the constabulary was introduced it was said that a distinction would be made in the case of officers whose offices were abolished. This demand was now put forward solely on the ground of pay, not of allowances, and the case was one deserving of consideration.

Lord STANLEY of ALDERLEY said, the noble Earl at the head of the Government had accused the late Government of making it a practice to condemn their successors for taking those measures which they had themselves sanctioned when in office. This accusation appeared to have some reference to what passed on a former evening relative to the laying down of the electric telegraph to Alexandria. Now,

the facts really were, that only a few weeks before the noble Viscount late at the head of the Government stated, in "another place," that the negotiations with the Austrian Government on the subject of the telegraphic communication had ceased; and shortly after the present Government came into office, he had himself expressed a hope that the negotiations would not be renewed, inasmuch as any scheme which would give to an Austrian company the absolute control of the telegraphic communication with Malta, or any other of our Mediterranean stations, would be highly objectionable and detrimental to the public service. And he had at the same time added, that in his opinion some attempt ought to be made, before negotiating with the Austrian Government, by the present Government to ascertain whether the telegraph could not be laid down by an English company on the same or even on more favourable terms. The noble Earl opposite then stated that the Government were only carrying out the recommendation of their predecessors, and, in proof of that assertion, referred to a minute which they had found among the public archives on their accession to office. The truth was, that this so-called minute was only a memorandum, which bore date the 22nd of February, or two days after the late Government resigned, and it contained no decision whatever on the subject. He had asked the noble Earl now at the head of the Foreign Office what answer had been made to the proposition made by the Sardinian Government in regard to the laying down of the telegraph; but he had been unable to elicit from him any satisfactory reply. The last intimation which the late Government gave on the matter was the one to which he had already referred—namely, that the negotiations with the Austrian Government had ceased. This explanation would show whether he had condemned the Government for adopting the recommendation of their predecessors.

THE EARL OF MALMESBURY, with respect to what the noble Lord had stated as to the impossibility of obtaining an answer from him the other evneing, said, that the noble Lord had not done him the honour to give him due notice of his intention to put his question. The House would recollect the advice offered to the Government by a noble Earl on Friday night—namely, never to answer any question, however simple, unless previous notice of it had been placed upon the paper. That appeared to be a good rule to follow; and, if the noble Lord wished for any information which could be consistently afforded by the Government, perhaps he would not object to give notice of his question.

After a few words in explanation from Lord STANLEY of ALDERLEY,

Motion *agreed to.*

Bill read 3ª accordingly, and *passed.*

House adjourned at half-past Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 10, 1858.

MINUTES.] PUBLIC BILLS.—1° Chelsea Bridge Act Amendment; Prescription (Ireland).
2° Non-Parochial Registers.

LIMERICK CITY ELECTION.—REPORT.

House informed that the Committee had determined,—

That George Gavin, esquire, is not duly elected a Citizen to serve in this present Parliament for the City of Limerick.

That the last Election for the said City of Limerick is a void Election.

And the said determinations were ordered to be entered in the Journals of this House.

GOVERNOR GENERAL OF INDIA. NOTICE.

MR. CARDWELL; Sir, I beg to give notice that on Thursday night I shall move a Resolution in the following terms:

"That this House, whilst in its present state of information, abstains from expressing any opinion on the policy of any Proclamation which may have been issued by the Governor General of India in relation to Oude, has seen with regret and serious apprehension that Her Majesty's Government have addressed to the Governor General through the Secret Committee of the Court of Directors, and have published a Despatch condemning in strong terms the conduct of the Governor General, and is of opinion that such a course on the part of the Government must tend in the present circumstances of India to produce the most prejudicial effect by weakening the authority of the Governor General, and encouraging the further resistance of those who are in arms against us."

NATIONAL AGRICULTURAL MODEL SCHOOL AT BELVOIR.—QUESTION.

MR. CALCUTT said, he would beg to ask the Chief Secretary for Ireland if the National Agricultural Model School at Belvoir, in the county of Clare is closed, and if so, how long it has been closed; and if

there is any objection to the production of the Correspondence between the Board of Education and the Patron of the School?

LORD NAAS said, that the Agricultural School was closed in June, 1855; the reason of such closing being that the Manager had not been disposed to continue the necessary outlay for keeping it up. There would be no objection to produce the Correspondence between the Board of Education and the Patron.

GLOUCESTER GATE BRIDGE.—QUESTION.

MR. WYLD said, he would beg to ask the First Commissioner of Works, if it be intended to widen and enlarge the Bridge over the Regent's Canal (near the Gloucester Gate), in compliance with the request contained in the Memorial of the Inhabitants of the Regent's Park and in its neighbourhood? A large population had grown up in that locality since the erection of the Bridge, the roadway of which was much too narrow to accommodate the increased traffic; and many accidents had resulted in consequence.

LORD JOHN MANNERS said, that he had looked carefully into the whole question, and he was decidedly of opinion that if the Bridge were widened and enlarged, it would lead to a great expense, which would certainly not be undertaken by the Government; and he therefore thought that the question had better be left to the consideration of the Vestry of Marylebone.

PROPERTY TAKEN IN LUCKNOW.

QUESTION.

MR. LAURIE said, he wished to ask the Secretary to the Board of Control how the valuable treasure and other property found in Lucknow, and elsewhere in Oude, is to be disposed of; and whether any portion is to be subject to Prize Money for the Army?

MR. BAILLIE said, that at present the Government had not received information whether any Prize Money or plunder had been taken at Lucknow, and until they had, it was impossible to say what course would be taken.

THE MAIN DRAINAGE SCHEME.

QUESTION.

MR. CHARLES S. BUTLER said, there were many conflicting statements as to the expenditure that the Main Drainage scheme would involve. It had been variously stated at from £1,200,000, to £5,400,000, and then it was said that if this large outlay were incurred it would not, after all, accomplish that purification of the Thames which was desired. Under these circumstances he wished to ask the First Commissioner of Works whether having regard to the various Reports of the Referees and Commissioners upon the subject of the Main Drainage of the Metropolis and the Purification of the Thames, it is his intention, before acceding to any scheme for carrying out the 135th Section of the Act for the better Local Management of the Metropolis, to cause any further investigation to be made by a reference to the Committee recently appointed, or otherwise; and whether it is in contemplation to amend or modify such Act, with a view to the adoption of any scheme that may not be in accordance therewith?

LORD JOHN MANNERS said, that no power was given at the present moment to proceed with the scheme recommended by the Metropolitan Board of Works, and should that Board contemplate carrying it out, he certainly, having regard to the fact that a Committee of the House of Commons had been appointed on the subject, should oppose sanctioning any proposition for that purpose until that Committee had made its Report. He was not aware that the Metropolitan Board of Works had expressed any desire for fresh legislative powers for the purpose suggested by the hon. Member; but should they make any application upon the subject, he would then consider whether such powers were necessary or not.

ARMY MEDICAL OFFICERS.—QUESTION.

COLONEL KINGSCOTE said, he would beg to ask the Secretary for War whether it is intended to carry out the recommendations of the Committee appointed to inquire into the Army Medical Department, of which Mr. Stafford was Chairman in 1856, or any of the recommendations of the Sanitary Commissioners, of which the right hon. the Member for South Wiltshire was President, which relate to the pay, rank, and organization of the Army Medical Officers, or whether it is intended to continue the system now prevalent under the present Director General.

GENERAL PEEL said, he would beg to inform the hon. and gallant Gentleman that there was no intention to alter the

present system. The Reports of the Sanitary Commissioners appointed by Lord Panmure, and of the Committee of which the Right hon. Gentleman the Member for Wiltshire (Mr. S. Herbert) was President, had been received, and, in conformity therewith, a warrant had been drawn and sent to the Lords of the Treasury, and as soon as it received their sanction it would be acted upon.

ORDNANCE SURVEY COMMISSION.

QUESTION.

VISCOUNT DUNCAN said, he wished to ask the Secretary for War whether the Royal Commissionors appointed last year, on the subject of the Ordnance Survey of Great Britain, had made their Report? and if so at what period a Copy of it will be presented to the House?

GENERAL PEEL: Sir, the Chairman of the Commission waited upon me to-day and stated that the Report would be ready in a few days. When it is received no time will be lost in laying it on the table.

WESTMINSTER HALL.—QUESTION.

SIR A. AGNEW said, he rose to ask the First Commissioner of Works whether there is any immediate intention of removing all temporary erections in Westminster Hall, and of substituting a permanent and ornamental doorway in place of that by which the public at present have access to the building?

LORD JOHN MANNERS said, that there was only one erection in Westminster Hall at the present time, which enclosed some of the models for the Wellington Memorial which had not yet been removed. The parties had been requested to take them away, and if they did do not so the Government would remove them, and the erection would then be taken down. No Vote was intended to be taken this year for making a permanent door-way to the Hall, but he hoped next year that a Vote would be submitted for that purpose, and also for putting up more sightly notice boards in the Hall than those which now existed at the entrances of the Law Courts.

UNIVERSITIES (SCOTLAND) BILL.

QUESTION.

MR. COWAN said, he wished to ask the Lord Advocate whether, as this Bill which had been placed on the Order of the Day had been scarcely seen in Scotland, and as great anxiety was felt with reference to some of its provisions, the Right hon. and learned Lord would consent to postpone it until after the Whitsuntide holidays.

THE LORD ADVOCATE said, he could not consent to postpone the Measure for so long a period as that suggested, but he had no objection to delay the second reading till the next week.

LIMERICK CITY WRIT.

COLONEL FRENCH said, he rose to move that a New Writ be issued for the election of a Burgess for the City of Limerick, in the room of Major Gavin, unseated on petition.

Motion made and Question proposed,—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland, to make out a new Writ for the electing of a Citizen to serve in this present Parliament for the City of Limerick, in the room of George Gavin, esquire, whose Election has been determined to be void."

MR. BOUVERIE said, that at the commencement of every Session it had been usual to agree to an order that when a Member was unseated for bribery, the Motion for a New Writ should not be made until after a week's notice. In this case the hon. Gentleman had been unseated for acts of bribery committed by his agents. The practice which he had referred to was a sound one, and he thought, therefore, that it was unadvisable that the House should at present agree to the Motion.

COLONEL FRENCH said, there was no such Sessional Order at present in existence, or he should have given the usual notice required by it.

MR. COLLINS said, he believed the notice required was two days, and not one week.

MR. DUNLOP said, the Committee was not called upon to make any special Report as to whether much bribery and corruption existed in the borough. They did not receive any evidence to show that that was the case.

Motion by leave *withdrawn.*

OATHS BILL—LORDS' AMENDMENTS.

Order read for the consideration of the Amendments made by the Lords to this Bill.

The First Amendment, to leave out Clause 5, read 2°.

LORD JOHN RUSSELL: I rise to move that the House do disagree with the

Lords in this Amendment. It will be quite unnecessary for me to renew the arguments which have been repeatedly used in this House, and which have been so successful, against the proscription and disability to which the Jews, subjects of Her Majesty, are subjected. There are, however, one or two points upon which I wish shortly to advert. I am aware that there are persons who say that without this clause the Bill is of great value in itself. Now it appears to me that the form of oath I proposed was a compromise and concession with a view to satisfy those who had not been satisfied, otherwise there are many things in the oath, as proposed, which I think quite unnecessary. I believe the words in the Oath of Supremacy, on the true faith of a Christian, were originally introduced in consequence of there being at the time, when that oath was framed, a sect of Roman Catholics who held the doctrine that no oath was to be kept with heretics, and therefore, to bind them, these words were inserted. With regard to the Oath of Abjuration, that was framed in consequence of the assumption of the sovereign title by the head of the house of Stuart, there being at that time many persons in this country who were favourable to the claims of that House. But, Sir, these are now merely records of forgotten battles and condemned causes which are now utterly repudiated by all parties. There are no parties I believe who hold that circumstances now exist, as in the reign of Henry VIII., rendering such a state of the law necessary to be maintained, or that the maintenance of a peculiar doctrine by a peculiar section of the Jesuits any longer requires such a safeguard. Again, the necessity for the retention of the words in relation to the claims of the House of Stuart has likewise expired with the extinction of that family against whom they were directed. So that if I were to frame a Bill according to my own views I should put nothing into it but a simple Oath of Allegiance. But in order to obtain a settlement of this question of religious liberty, I inserted those provisions which the prejudices of some persons lead them to think ought to be still retained, but which I consider as unnecessary. I certainly thought the chief value of the Bill which went from this House was the clause regarding the admission of the Jews to seats in the House, they being now kept out by a sort of legislative fraud, by words which were intended to exclude Roman Catholics, and were never meant to apply to Jews. There is another point to which I would refer, and that is, that I think the question assumes a somewhat unusual complexion at the present moment. In the first place, after twenty-five years of discussion, and often as the principle of admitting the Jews has been affirmed by this House, we find that the Bill was sent up to the other House by a greater majority on this than on any previous occasion. This is the first circumstance I would call the attention of the House to—the next is, that we now see the Government in power opposing themselves in the Lords to the clause which proposes to relieve the Jews from their disabilities. In former instances we have had the Government—sometimes with an exception, but generally without—favourable to this relief, and it has been the House of Lords, as a Legislative body, that has rejected it. But we must now consider—all the Members of the Government, I believe, in the House of Lords, with one exception, having opposed this clause—that we are living under a Government who are hostile to the principle of religious liberty. That is also a matter for the serious consideration of this House. With regard to what is to be done it is quite premature to speak. With regard to proceeding by Resolution, I have no doubt the hon. and learned Gentleman the Member for Aylesbury will take the question into his consideration, and that the House would listen to any proposition he may have to make with great respect. At present I have nothing to say upon that point, and will conclude by moving that this House disagree to the said Amendment.

MR. GILPIN seconded the Motion.

MR. NEWDEGATE: Sir, I am unwilling that what the noble Lord has said with respect to this important question should pass altogether unnoticed. The noble Lord has told us that the words "upon the true faith of a Christian" were retained by him in the oath of this Bill to be pronounced—or their equivalent declared—by all except Jews on their entrance to this House, merely in deference to the prejudices of certain Members of this House; but that he attaches no value to these words, and both desires and expects to see them swept away. Now, many hon. Members on this side of the House believed that, in changing the terms of the oath, but retaining these words, in consenting to such an alteration in the form of the oath as would sweep

away those other parts of the oath which are assumed by hon. Gentlemen on the other side to be no longer necessary, because they relate to a family which is extinct, and whose claim to the Throne of these realms was no longer worth consideration, they were meeting a valid objection. But the noble Lord now tells us that the whole of this, his own Bill, that the oath that it contains — that in fact everything that has been done towards meeting the objections to the Oath of Abjuration, upon which he and others have laid so much stress, is valueless ; and he has declared deliberately and openly, before this House, that he will accept of no such concession ; but he declares in plain terms, his right and his intention to reject the words "upon the true faith of a Christian," which we value most highly, but which he regards as totally unnecessary, and as a useless remnant of the bigotry of past ages, introduced for the purpose of binding Jesuits who no longer exist. That the Jesuits are an order which no longer exists, I was certainly not prepared to hear asserted by the noble Lord, considering all we know of their operations abroad and in this country ; he has made a discovery of which I was not before aware.

LORD JOHN RUSSELL: I did not say that. I said a particular sect of the Jesuits.

MR. NEWDEGATE: If I understood the noble Lord rightly, he said the peculiar doctrines of the Jesuits no longer prevail against which these words were intended to guard. [Lord JOHN RUSSELL: No, No!] Does the noble Lord mean that the doctrines of the Jesuits do not continue what they were ? If they do, the same reasons remain for the retention of the words which originally induced Parliament to introduce them. I do no see how the noble Lord can escape from that conclusion. What is the plain truth ? These words were introduced to make this Christian oath especially binding upon a certain sect of Christians whose opinions were supposed to be lax with respect to the observance of any oath. I do not understand that. The noble Lord, now says, that this sect or order has altered its opinions, or that it has ceased to exist. The noble Lord has shown no reason on that ground for the exclusion of the words, but he has stated in the most unmistakeable manner that their insertion in the oath contained in this Bill is, in his mind, a worthless, a mere concession to the prejudices of hon. Members on this side of the House, yet this is the Bill which the noble Lord has introduced himself. The plain fact is, and it is becoming patent to the country as it is to the House of Lords, that the Bill is based upon revolutionary principles which are but thinly cloaked. It is a phaze of the Bill, introduced in 1854 by the noble Lord, which this House rejected as based upon a revolutionary principle, principles never adopted in this country in either of the two revolutions through which it has passed, and which resulted in the establishment of true freedom. The oath which was adopted by the Long Parliament and the Commonwealth is one which distinctly recognizes the doctrine of the Trinity, but is distinctly Christian. Would to God we had it now! The noble Lord now asks us to adopt the principle of declaring against all professions of Christianity as a qualification for the admission to Parliament or to high office, against every restriction on the ground of religious belief. It was for refusing to read James the Second's declaration to this very effect, that the Bishops were imprisoned but acquitted, and their imprisonment was the immediate cause of the Revolution of 1688. The principle which the noble Lord is now endeavouring to apply to the constitution of this country is the principle upon which the first French revolution was founded, the principle of indifferentism to all religion. It is the principle to which France returned in 1831, and it was her return to that unhappy principle, and the rejection of the Christian principle upon which her dynasty had been reconstituted, that led to the second overthrow of the constitutional monarchy in that country, and eventually to the sacrifice of her entire constitutional freedom. Sir, I feel grateful, as does the most important, most religious, and most intelligent portion of the community, to the House of Lords for the course which they have taken in relation to this subject. I doubt not their adherence to that course; for, having assumed the ground of defending the religious convictions of the people of this country against the misguided attempts so perseveringly made to break down the Christian character of the British Parliament, the House of Lords have taken a ground, which they cannot abandon with honour, and which I know they will maintain with firmness and dignity. The noble Lord the Member for London has now thought proper to move that the House do disagree with the Amendments of their

Lordships. Sir, I, for one will not join in repudiating my own opinions, far less the authority of the House of Lords. I warn this House that difficulties and dangers will attend them should they be misled into any attempt to supersede the independent authority of the House of Lords. I warn them against being led into the mischievous and undignified course of setting themselves in opposition to the law and due discharge of the functions of those, whose duty it is to administer the laws of this country. I trust that the House will not adopt the minatory tone of the hon. and learned Gentleman opposite, that they will not follow the example, in this respect, of the Long Parliament, or perhaps they may find that they have exhausted the patience of the country, and that a fall similar to that of the Long Parliament awaits them. Let not this House arrogate to itself the pretence of infallibility or grasp at a power that has never before been safely wielded by any one branch of the Legislature. Any one who lends himself to such a proceeding will, in effect, be making a direct attack upon the constitution itself, and upon the freedom of our institutions. Depend upon it, this country views this question in a very simple light. It is viewed as a question between religious indifference and those principles of Christianity which form the basis of our constitution. The people of this country will not be drawn into those subtle refinements as to how certain words found in the oath came there, but will look to their general effect and operation, and will regard those who maintain the Christian character of Parliament as the best friends of the constitution and of their freedom.

SIR RICHARD BETHELL said, that having been referred to by the noble Lord the Member for the City of London, and the opinion which he had expressed on a former occasion having been made the subject of remark in "another place," he was anxious to take the present opportunity of offering one or two observations to the House. Unquestionably, on a former occasion he had taken the liberty of pointing out what would be the result of a continued opposition on the part of the other House of Parliament to the often-repeated wishes of the people on this subject—wishes which, for a period of more than a quarter of a century, had been embodied in divers Bills for the emancipation of the Jews, and which had passed the House of Commons by continually augmenting majorities. He took the liberty of pointing out—not in his own language, but in the better-chosen and well-considered expressions of the right hon. Gentlemen now a Member of the Government (the First Lord of the Admiralty), that it might be possible this House would be compelled to resort to another mode of proceeding, provided it should ultimately appear that that was the only constitutional course by which this great public object could be effected. Undoubtedly, he approved of that proposition, recognizing in it the only ground on which he could ever venture to recommend to the House the adoption of an independent course of action. And he now stated, though with great regret, that should it become necessary — which he earnestly trusted it would not—he should consider it his duty to bring before the House a Resolution on this subject, and therein suggest a course, perfectly constitutional, by which he thought the great object of the people and of that House might be accomplished. Without adopting any minatory language, he might venture to appeal to any constitutional lawyer, and to any reader of our history, whether usage was not the law of our constitution, and whether they were not warranted by that usage in coming to the conclusion that when a particular measure had been adopted by that House on several successive occasions, and when a particular course had been adopted regarding it, not by one Parliament only, but by a series of Parliaments, not by small majorities, but by large majorities perpetually increasing—and that during a period of nearly thirty years—they were in a position to pronounce, with great justice and truth, that the measure in question fairly represented the views and wishes of the nation, and that it was the duty, as it had been the custom of the other House, to yield to the wishes of the nation when so expressed. What was the position in which they were now placed? He thought this was the twelfth, if not the thirteenth, occasion in which the House of Lords had been solicited to confirm the opinion of the representatives of the people on this question. It was not merely that these Bills had been sent up to the other House; they had been sent up in a manner that showed the people of England considered this question not as involving the rights of the Jews only, but the rights of the constituencies of this country. That was, in reality, the true construction of the case. The ques-

tion was, whether the constituencies were, in point of fact, to be practically disfranchised; and whether an anomaly was to continue, the existence of which, to any great extent, would be quite sufficient to condemn the present state of things. It was the undoubted right of any constituency to elect a Jew, but the Jew, when duly elected and returned, was, in consequence of the singular interpretation put upon this anomalous law, unable to discharge the duty of a Member of Parliament. But it was not only that this question had grown up and gone on augmenting in successive Parliaments. By every considerate and careful observer it unquestionably must have been seen that in the course of the last thirty years this measure had been recommended by the opinion and speeches of the most able and enlightened and most distinguished statesmen—men of all parties and of all shades of opinion having arrived at the conclusion that it was a measure justified by the purest wisdom. If that was the state of the case—if all these appeals had been made in vain—if, in reality, the exclusion of the Jew depended on that which he had frequently had the opportunity of describing as a perversion and fraudulent application of the law, and if they were still unable to prevail on the other House to change its opinion, then, undoubtedly, he conceived it to be the duty of the House of Commons to consider whether there was no other constitutional course of proceeding left for them to adopt. He would not enter at present into the reasons—which hereafter he hoped he might be spared to give to the House—why he thought he should be able to recommend a course of proceeding consistent with the duty of that House and consistent also with constitutional law and usage. He admitted that he should regard the necessity of taking that course as a very great sacrifice, and would not adopt it without deep regret. Indeed, he should regret as a great misfortune the establishment of such a precedent, the consequences of which, he readily admitted, it might be an exceedingly fearful thing to contemplate. He would, therefore, though with the greatest respect, avail himself of that opportunity to address the language of supplication, and not of menace, to those who persisted in opposing this measure, that they would consider the consequences of that House being left no other mode of discharging its duty to the country. This being the state of the case, it might be right that he should say a word or two to relieve the minds of some hon. Members from the apprehension that the course which he might recommend the House to adopt would have the immediate result of involving the House in a collision with the Courts of law. He should deprecate that as an evil almost as great as the establishment of the precedent of independent action on the part of the House. He should undoubtedly hesitate very much before he ventured to recommend to the House any step that would repeat those discreditable scenes which were witnessed in the case of Stockdale and Hansard, and therefore he could assure the House that, if he ventured to propose such a Resolution as had been indicated, the course which he would recommend would be altogether clear of anything which would involve the House in the necessity of asserting, by a strong hand, its authority in overruling and overpowering in any way the ordinary authority of the Courts of law. He should confine himself now to saying that he hoped no Member of that House would rashly bring forward a Resolution of that kind; and he would assure the House that the particular proposition in question, if unfortunately it became inevitable, could be shown to be right and constitutional, and not entail as its consequence any rupture or controversy between the established Estates of the Realm. The result of the rejection of this clause by the House of Lords was, that the Bill was converted into a measure for imposing a greater amount of disabilities upon the Jews within these realms than they were exposed to antecedently to the introduction of the measure. No wonder that the hon. Member (Mr. Newdegate) hailed this Amendment with pleasure; but he ventured to prophesy that it would be the herald to some further proceeding that would put an end to the necessity of repeating these attempts to carry a measure by legislation in which both Houses of Parliament, acting in conformity with the public voice during the last thirty years, ought to concur.

SIR JOHN PAKINGTON: One word in explanation in regard to a particular Resolution referred to by the hon. and learned Gentleman. My hon. and learned Friend refers to the Resolution with which my name is connected, and which was submitted by me on a former occasion to the Committee over which the noble Lord the Member for London presided. In conse-

quence of this reference, as well as that of the noble Lord himself, there appears to be some misapprehension in the minds of hon. Members as to my real intentions in relation to this question. I heard, indeed, two noble Lords in "another place" express an opinion that, in pursuance of that Resolution which I submitted to the Committee last year, I was to bring the substance of this Resolution before the House in the shape of a substantive Motion. Now, I beg to state that the hon. and learned Gentleman was quite right in his definition of that Resolution. It was deliberately written and submitted for the consideration of the Committee last year, of which the noble Lord the Member for London was chairman. I maintain the same opinion I therein expressed, and I adhere completely to what I then wrote. I think, however, that the hon. and learned Member for Aylesbury, and the noble Lord the Member for London, will admit that, in submitting that Resolution to the Committee, I gave no pledge that I would take any proceedings whatever in the House in relation to it, and that it is a most erroneous impression to suppose otherwise.

Mr. WARREN said, that but for the tone which his hon. and learned Friend the Member for Aylesbury had adopted in speaking of those in "another place"—the tenants of the other Chamber of the Legislature—he should not have said a word on that occasion, and even then would content himself with very few remarks. The House need not fear that he was going to inflict on them a speech on the Jew Bill, but he rose to protest strongly against the tone and spirit of his hon. Friend's address, as calculated to introduce still greater difficulty and complication where none was needed. Surely this unfortunate Bill had returned to us with embarrassments enough of its own, which were suddenly aggravated when the noble Lord the Member for London rose to announce the course which he wished the House to take, without requiring the ill-timed and minatory tone of the speech to which the House had just listened. From beginning to end it was a tissue of mysterious threats that if the other House did not do what the hon. Member said they ought to do, then this House would do something very terrible indeed — would take a step which would bring it into a formal and deliberate collision with the other, and compel it to yield to the will and pleasure of this House. Now, did the hon. and learned Member, did this House, did the country at large really believe that the other House would for one moment regard such threats? That they would abdicate their functions, and surrender their convictions, and their independent judgment on any question, especially so great a question as this, of introducing Jews into the Legislature? He could assure his hon. and learned Friend that he never made a greater blunder in his life than in thinking so. The Peers of England were not the men he (Mr. Warren) took them to be if they did not disregard and despise such threats, and they knew well that the country at large would rise as one man to support and vindicate the independence of the other House of Parliament, let it be assailed when, how, and by whom it might. But it was said by his hon. and learned Friend that the Peers were setting themselves deliberately and obstinately against the public opinion of the country, in resisting the introduction of Jews into the Legislature. He (Mr. Warren) denied it confidently, and asserted that however majorities might have been obtained in this House, they were not the exponents of public opinion out of doors. That public opinion was not slow to array itself on the side of truth, justice, and liberty. It could make its voice heard, when it pleased, in thunder. But how stood the fact? Judging from the petitions which have emanated from the people at large—so few as to be ridiculous when represented as the voice of the people—it was quite the other way. Notwithstanding all the skilful, scientific, and persevering efforts of the friends of the Jews, there were virtually almost no petitions in favour of their claims, nor any public meetings called; and out of all the constituencies of the United Kingdom, during a thirty years' agitation, only two constituencies had been induced, after desperate efforts, to return Jews to this House. But let him observe, that even in cases where constituencies chose to take such a course, that afforded no sound argument; for constituencies might go wrong in their exercise of the elective franchise, and in ignorance, or wilfulness, return persons notoriously incompetent to sit in this House. If they chose to return a Jew, why not a woman? an infant? a foreigner? a convict suffering penal servitude? Were constituents to return such, and then say, the fact of our having done so is sufficient to call on you to admit the objects of our

choice? It was not so—it was ridiculous. It was extremely painful to him (Mr. Warren) as an insignificant unit in that House, thus to feel compelled to resist the introduction of a class of his fellow-subjects among whom were persons whom personally he regarded and respected greatly; but what was he to do, if he felt impelled by an irresistible sense of public duty? And before he sat down, he wished to draw attention to a remarkable circumstance, not hitherto, that he knew of, adverted to in that House, that so little did the Jews themselves desire admission into this House, that not a single petition from themselves to that effect had hitherto been presented to either House. [*Expressions of dissent.*] Nay, he asserted the fact, and challenged contradiction. And in this state of things, if the City of London would persevere in sending to this House, Parliament after Parliament, one who could not take his seat here, they were unconsciously establishing the fact, that in their own opinion, three Members were sufficient for their interests, and that they were over-encumbered in having four. On the question immediately before the House, he should strenuously resist the Motion of the noble Lord.

MR. T. DUNCOMBE said, he would beg to ask the right hon. Baronet the Member for Droitwich for an explanation as to where the Resolution with which his name was identified was to be found. Such Resolution did not appear in the report of the proceedings of the Committee referred to, nor was it on the table of the House.

SIR JOHN PAKINGTON: The hon. Gentleman is quite correct. In consequence of a point of form I was precluded from actually moving the Resolution in question. The Resolution, therefore, does not appear on the face of the proceedings of the Committee. But the hon. and learned Member for Aylesbury, who has, I suppose, kept a copy of it, having read the Resolution on two occasions, has now expressed its meaning quite correctly.

MR. T. DUNCOMBE: That shows the inconvenience of discussing a Resolution.

Motion made and Question put, "That this House doth disagree with the Lords in the said Amendment."

The House *divided*:—Ayes 263; Noes 150: Majority 113.

The Second Amendment, to leave out Clause 8, read 2°

LORD JOHN RUSSELL moved, that the House do disagree with the Lords' Amendment.

MR. MALINS said, he wished to notice an observation of the hon. and learned Gentleman the Member for Aylesbury. The hon. and learned Gentleman was under a misapprehension in supposing that the Bill, as it came down from the Lords, increased the disqualifications of the Jews. The Amendment made by the Upper House on the 8th clause was only consequent upon the former Amendment, and there never was any intention by this Bill of introducing new disqualifications, nor had it done so.

MR. T. DUNCOMBE believed, notwithstanding the opinion expressed by the hon. and learned Gentleman opposite, that the course recommended would create a new disability.

Amendment *disagreed to.*

Committee *appointed*, "to draw up Reasons to be assigned to the Lords for disagreeing to the said Amendments."

MR. T. DUNCOMBE moved to have read at the table the Return of the Indenture sent to the Crown Office in obedience to the writ for the election of a new Member for the City of London, issued by Mr. Speaker on the 22nd of July, 1857. His reason for making this Motion was, that at that moment the House had no official cognisance of the return of Baron Rothschild for the City of London.

Ordered,—

That the Certificate of the Return of the Indenture sent by the Crown Office, in obedience to the Writ issued by Mr. Speaker on the 23rd day of July, 1857, for a new Election for the City of London, be now read.

And the same was read, as followeth:—

"These are to certify, that Lionel Nathan de Rothschild, commonly called Baron Lionel Nathan de Rothschild, is returned a Citizen to serve in the present Parliament for the City of London, as by Indenture bearing date the twenty-eigth day of July, 1857, delivered into my Office this day, and there now remaining of Record appears.

"Given under my hand at the said Office, this 28th day of July, 1857.

"C. ROMILLY,
"Clerk of the Crown in Chancery."

Lord JOHN RUSSELL, MR. CHANCELLOR of the EXCHEQUER, Sir JOHN PAKINGTON, Lord STANLEY, Mr. ATTORNEY GENERAL, Viscount PALMERSTON, Sir CORNEWALL LEWIS, Sir GEORGE GREY, Mr. LABOUCHERE, Sir JAMES GRAHAM, Mr. GLADSTONE, Mr. CARDWELL, Sir RICHARD BETHELL, Mr. BRIGHT, Mr. MILNER GIBSON, Mr. HORSMAN, Mr. BYNG, Mr. DILLWYN, Mr. THOMAS DUNCOMBE, Mr. HEADLAM, Mr. ROEBUCK, Mr. MONCREIFF, Mr. JOHN FITZGERALD, Mr. Serjeant DEASY, and Mr. JOHN ABEL SMITH, nominated Members of the said Committee.

MR. T. DUNCOMBE said, he believed it was perfectly competent for the House

to appoint Baron Rothschild one of the Members of the Committee. He would call the attention of the House to a precedent for that course which arose in 1715, when a Committee of Secrecy was appointed, consisting of twenty-one persons. On the 13th April, 1715, an objection was raised that Sir Joseph Jekyll, not having been sworn at the table, could not be appointed a Member of the Committee. The point was debated, and a division took place, on a Resolution which had been moved, settling the question then and for ever, that it was not necessary for a Member to be sworn at the table before he could be appointed a Member of a Committee up stairs. The House decided, by a majority of 225 against 117, that Sir Joseph Jekyll having been chosen on the Committee of Secrecy, could sit on that Committee, although he had not been sworn at the clerk's table. That was a case exactly in point with that of Baron Rothschild. He was not aware that any hon. Member would object to the nomination of Baron Rothschild as a Member of the Committee. No one could be so fit as Baron Rothschild himself to draw up reasons for disagreeing with the Lords' Amendments. He believed that Baron Rothschild was quite ready to serve on the Committee, as he was ready to serve in the House and perform his duties on all occasions if opportunity were afforded him. An opportunity did now present itself, and he hoped that no objection would be made to the course now proposed, and that Baron Rothschild would be allowed to attend the conference with the Lords, and state his reasons for disagreeing with their Amendments.

Motion made, and Question proposed, "That Baron Lionel Nathan de Rothschild be one other Member of the said Committee."

MR. DILLWYN seconded the Motion, If Baron Rothschild had the right of sitting on a Committee, he ought to be allowed to do so. The very fact of a member of the Jewish persuasion acting as a Member of a Committee would give a practical illustration of the absurdity of the present law — an illustration which perhaps might have some effect in another branch of the Legislature.

MR. NEWDEGATE was understood to say that he begged to remind the House that formal Resolutions, in which both the noble Lords the Members for London and Tiverton had concurred, had been passed in the cases of Baron Rothschild and Mr. Alderman Salomons. The purport of those solemn Resolutions was that neither of those Gentlemen were competent to sit or vote in that House. He contended, therefore, that the precedent cited by the hon. Member for Finsbury could not apply to the case of persons elected to that House, but declared incompetent to sit there. He should be glad to hear the opinion of the right hon. Gentleman the Home Secretary, and other Members of the legal profession, as to whether a Gentleman declared to be incompetent to sit in that House could be appointed a Member of a Committee. If in the Resolutions to which he had referred the House had only resolved that the hon. Members in question had no right to vote, there might be some ground for supporting the application of the precedent of Sir Joseph Jekyll's case in the present instance. But as the House had gone further, and declared that those Gentlemen were incompetent to sit, he could not see how the precedent applied. He did not think that the leading Members of that House, or the noble Lords to whom he had referred, would wish to involve the House in the absurd anomaly of placing on the Committee a Member whom they had declared incompetent to sit.

MR. WALPOLE said, he had been somewhat taken by surprise by the proposition of the hon. Member for Finsbury. He thought the House ought carefully to consider the proposition of the hon. Member before coming to any positive decision. He (Mr. Walpole) was not at all aware that such a course of proceeding was about to be taken, and therefore had not had time either to look at the precedent or to consider the effect of the proposition. To the best of his recollection, the Act of Parliament attached the penalty to Members for voting or sitting during debate. If so, possibly it would not apply to the present case. One thing struck him on the face of the precedent which had been quoted—namely, that in 1715 no person was duly qualified to take any part in the proceedings of the House without being sworn, not merely at the table, but before the Lord High Steward. He could not find whether Sir Joseph Jekyll had been so sworn or not. If he had been so sworn, he would have been returned to the House as a Member, and that was a material element in the consideration of the question. All he could say was, that if Baron Rothschild by constitutional precedent was en-

titled to sit on a Committee, he would offer no objection to his doing so. But he would ask the House not to commit itself without due consideration to what was after all a perfectly unnecessary proposition, and thus establish a precedent which might lead to inconvenience and difficulty.

MR. BOUVERIE said, that some years ago his attention had been called to this very point, and after looking carefully into the Act he then came to the conclusion there could be no sort of doubt that a Gentleman was competent to sit on a Committee although he had not been sworn at the table. He had no doubt that his decision was founded on the view that the Act of Parliament only excluded a Member who had not been sworn at the table from "sitting and voting" in that House. The precedent on the journals was founded on that view of the matter. If the hon. Member pressed his Motion, he should therefore feel it to be his duty to vote in its favour, though he should have wished that the House had had an opportunity of more fully considering the subject.

MR. LYGON said, he was only anxious to know whether the precedent of 1715 referred to by the hon. Member for Finsbury (Mr. Duncombe) was in point or not. It would, however, be desirable to know whether Sir Joseph Jekyll was not sworn before he served upon the Committee? He knew that he was not sworn before he was nominated, but the question was whether he was not sworn before he served.

LORD JOHN RUSSELL said, he was quite as much taken by surprise at the statement which had been made as the right hon. Gentleman the Secretary of State for the Home Department. Some three or four years ago he had looked at the precedent of Sir Joseph Jekyll. He believed that the fact was, that Sir Joseph Jekyll was appointed and served on the Committee before he took the oaths. At the same time he thought, although he had not the circumstances perfectly in his recollection, that it appeared that that was owing to some accidental cause, such as his not arriving in time to take the oaths, and that it was perfectly understood that he would take them as soon as an opportunity should be afforded. There was certainly that difference between the two cases; still he believed that the precedent did justify his hon. Friend the Member for Finsbury in moving that Baron Rothschild should be a Member of the Committee of Conference. If, therefore, his hon. Friend should think it necessary to press the question, he should vote with him; but after what had been stated by the right hon. Gentleman the Home Secretary, he thought that it would be but a matter of courtesy and more in accordance with the forms of the House if the Motion were delayed.

SIR JOHN PAKINGTON said, he was sure the House would admit that no question could have been treated with greater fairness than this had been by his right hon. Friend (Mr. Walpole). If Baron Rothschild was found, upon due inquiry, to have a right to be on this Committee, he was sure there was no Member of the House, whatever might be his views on the abstract question of the admission of Jews to that House, who would wish to deprive him of the exercise of any right to which he might be entitled. At the same time he thought the hon. Member for Finsbury would have treated the House with greater fairness and courtesy if he had given notice of his intention to bring on this Motion. It rested entirely upon a precedent, set many years ago, of which few hon. Members could be aware, and with the real character of which they ought to have an opportunity of making themselves acquainted before being called upon to vote. His own views concurred very much with those expressed by the noble Lord the Member for London, and after what had passed he hoped the hon. Gentleman would not object to postpone his Motion until to-morrow.

MR. WARREN remarked, that he had only one word to say, and that was a word of advice as a friend of Baron Rothschild's, and in the interest of the Jews, to advise the Friends of Baron Rothschild to consider very fully and deliberately the position in which he might be placed if this Motion was carried, and the consequences in which it might involve him individually.

VISCOUNT PALMERSTON said, it seemed to him that this Motion was one which was contingent upon the decision to which the House might come with respect to the Amendments of the Lords on the Oaths Bill. The hon. Gentleman (Mr. Duncombe) had waited until he saw what course would be taken by the House, and then felt himself justified in proposing his Motion. But he (Viscount Palmerston) thought that after the short discussion which had taken place, and the statement which had been made by the right hon. Gentleman (Mr. Walpole), that the deci-

sion did involve the consideration of some precedents, which, as the matter now stood, they had not time to do; for that reason he thought the House would do well to accede to the proposition of the right hon. Gentleman the First Lord of the Admiralty, and postpone the consideration of the question until to-morrow.

MR. T. DUNCOMBE said, he would apologize to the House for any apparent want of courtesy of which he might have been guilty in not having given notice of his Motion, but the fault was not his, because he was not aware that the Committee would be nominated that evening. The usual practice was to give twenty-four hours' notice of the names of the Committee, and supposing that that practice would have been followed in the present instance, he had intended then to give notice of his Motion. He was perfectly satisfied, however, that the precedent which he had quoted thoroughly bore him out. There were the words in plain English upon their own Journals, that Sir Joseph Jekyll was capable of being chosen a Member of a Committee of Secrecy, although he had not been sworn at the clerk's table. All that he now proposed was, that Baron Rothschild should be chosen a Member of the Committee of Conference, although he had not been sworn at the clerk's table. He maintained that he had a right to make that Motion, and if the effect should be that they should find themselves in an anomalous and absurd position, all he could say was, "so much the better."

MR. MELLOR said, that no doubt the precedent quoted appeared to justify the Resolution to which the hon. Member for Finsbury asked the House to come. But he would entreat the friends of the Jews not to take a step which had the appearance of taking the House by surprise. It would be very unfortunate if they were to come to a division which would commit the House to a decision on grounds which they had not had time to consider. On the other hand, if they were right to-day they would be also right to-morrow, and the question would lose nothing by the delay.

LORD HARRY VANE said, he entirely concurred in the suggestion that the decision of this question should be delayed until to-morrow, and he hoped his hon. Friend (Mr. Duncombe) would accede to that suggestion, on the understanding that the question should have precedence of all others at half past four o'clock.

SIR JOHN SHELLEY also, in the interest of the Jews, recommended the adjournment of the Motion till to-morrow, being satisfied that nothing would be lost by the delay.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the simple course would be to adjourn the debate to half-past four o'clock on the following day. It appeared to be a question of privilege, and he would therefore move that the debate should be then adjourned.

Debate adjourned till *To-morrow* at half-past four o'clock.

On the Motion for going into Committee of Supply,

STATUE OF DR. JENNER'—QUESTION.

MR. T. DUNCOMBE said, he wished to ask the President of the Board of Works, a question with reference to his statement the other evening as to the erection of a statue to Dr. Jenner in Trafalgar Square. The noble Lord stated the other evening that he had no power to remove the statue, inasmuch as leave had been given by his predecessor to erect it there. He (Mr. Duncombe) did not mean to say that a statue of Dr. Jenner was not a very good thing in its proper place, but he thought it was altogether out of place among statues of our naval and military heroes. He hoped that if the present Government did not feel themselves at liberty to reverse the decision of their predecessors in this respect, that some independent Member would move an Address to the Crown for the removal of the statue of this promulgator of cow-pock nonsense from its position in Trafalgar Square. What he had to ask the noble Lord was, whether he had any objection to lay on the table any Minutes or Correspondence in his office with respect to the erection of this statue?

LORD JOHN MANNERS said, so far as he was concerned, he had not the slightest objection to the production of the papers asked for. But before answering the question, he should like to have an opportunity of consulting his predecessor in office, and to ask him whether he had any objection to the production of these papers.

NEW ZEALAND.—OBSERVATIONS.

SIR JOHN TRELAWNY said, he rose to call the attention of the House to certain passages in the evidence given by one of the witnesses before the New Zealand Loan (£500,000) Guarantee Committee, and to compare the same with Re-

cords of the Proceedings of the New Zealand House of Assembly, in which the witness referred to took part; also, to call attention to certain dealings with the Natives for the sale of their lands, and to the manner in which certain contracts made with them, with respect to Schools and Hospitals, by a Government Officer, had been carried into effect. He feared that in bringing forward this Motion it would realize the old adage of shutting the stable door when the steed was stolen. Hon. Gentlemen were aware that last Session there was a proposal to guarantee a loan of £500,000, to the colony of New Zealand, for specified purposes, amongst which it was understood that £200,000 was to be applied to the discharge of a debt due from the colony to the New Zealand Company; while other sums were to be devoted to the purchase of native claims. What probably more than anything else satisfied the Committee as to the propriety of guaranteeing this loan was a statement made by those witnesses before the Committee which inquired into the subject, that the colony would not be disposed to accept of a guarantee for a smaller loan than £500,000, and he, therefore, felt it an incumbent duty to call attention to a very material discrepancy between that statement and the actual proceedings of the New Zealand House of Representatives on the 2nd July, 1856. He would not weary the House by reading at length the numerous records and documents which he had in his possession to prove this assertion, but they were in the House and at the service of hon. Members who might be disposed to look at them. What he should attempt would be to describe the facts as briefly as possible. Mr. Henry Sewell, the Colonial Treasurer, who might be described as the Prime Minister of New Zealand, when examined by the Committee on this subject, distinctly gave the Committee to understand that the colony would not accept a loan of £200,000 instead of £500,000; that the colony must either have the whole of the latter amount, or they would have none. He (Sir J. Trelawny) would cite a passage from the evidence before the Committee. Mr. H. Sewell was asked (Question 193),

"You speak now of the £500,000? Yes.—(194.) Supposing Parliament was willing to accede to the £200,000, and not to the £500,000, if the proposal were referred back to the colony, do you think that it would not be accepted? It would not be accepted. The question was raised in the Legislature, and was distinctly negatived. There is no object in exonerating the lands of the middle island from the Company's charge, so long as you leave its land fund liable to be wholly absorbed in the purchase of native lands in the northern island. In fact, it would be a loss instead of a gain to the middle island.—(195.) It is your opinion that Parliament has the alternative of either guaranteeing the £500,000, or of not guaranteeing any, but that a middle course would not be acceptable? Distinctly."

Now, on reference to the proceedings of the Legislature, as reported in the *New Zealand Spectator* of August 6th, 1856, and other authentic records of their proceedings, he (Sir J. Trelawny) found, on the contrary, that the Legislature had distinctly provided for the contingency of getting a guarantee for £200,000 only, and that Mr. Sewell himself had taken part in the debates which ended in the adoption of that Resolution for which he voted. It was true that Mr. Sewell had offered some explanations of his evidence in a letter to the *London Spectator*, dated April 22nd, 1858, but they were not of a nature that could be considered satisfactory; and he considered they did not amount to a denial of the charges made against him, but only to what lawyers called a confession and avoidance. And he (Sir J. Trelawny) could not help thinking that that gentleman had to some extent, perhaps inadvertently, misled Parliament into granting a loan of more than £200,000, which the assembly of New Zealand were quite willing to accept. He (Sir J. Trelawny) proceeded to read the Resolution come to in the New Zealand House of Representatives, which commenced as follows:—

"That in the event of the financial scheme of the Government failing from inability to obtain the necessary loan of £500,000, the loan of £200,000 offered by the Home Government for liquidation of the New Zealand Company's debt, shall be raised on the terms proposed; and yet Mr. Sewell said in reply to (Question 194) 'The question (of taking £290,000 that is) was raised in the Legislature, and distinctly negatived."

This matter at least required explanation. There was also another point connected with the colony to which he wished to direct its attention—he alluded to certain dealings with the natives for the sale of their lands, and to the manner in which recent contracts made with them in respect to schools and hospitals by a Government Officer had been carried into effect. He referred in particular to the purchase by Mr. Mantell of 30,000,000 of acres for £5,000. The land was obtained at this low rate in consequence of distinct promises on the part of that Government

officer, that the Natives should have the advantage of schools and hospitals, which promise was violated (as only £250 had been granted), and so indignant was Mr. Mantell, that he had thrown up his office, finding his complaint to the Colonial Office ineffectual, and that he had been made the instrument of a proceeding which could not be justified on any principle of honour. He (Sir J. Trelawny) had been informed that if actions of ejectment were brought, the grants which had been made of land in New Zealand would prove to be totally valueless. He held in his hand a letter in the original Maori, addressed by the simple natives of New Zealand to the Queen of England, which he would not read to the House as it appeared from a translation. They prayed that the laws and commandments should be made one for the white and the black man. They had looked in vain to the purchasers of those lands for a fulfilment of the promises that had been held out to them. He (Sir J. Trelawny) implored the noble Lord carefully to examine the facts of the case, and if he saw an opportunity of doing a great act of justice, that he would not leave the British name under the grave stigma which at present attached to it.

LORD STANLEY said, that the hon. Baronet had raised two distinct questions, and he (Lord Stanley) should deal with them separately. The first related to the evidence given by Mr. Sewell, before the New Zealand Loan Committee last year. The hon. Baronet could not have been more surprised than he (Lord Stanley) was when the apparent discrepancy between Mr. Sewell's evidence and the facts as they appeared in the official records of the New Zealand Legislature was first brought under his notice. The House would remember that they were last year asked to give an imperial guarantee for a loan of £500,000 for purposes connected with the colony of New Zealand. That amount was to be guaranteed in two separate sums of £300,000 and £200,000, those sums being required for different purposes; and the question was raised before the Committee to which the matter was referred by the House, whether, in the event of Parliament being unwilling to grant a guarantee for the whole amount, a guarantee for £200,000 instead of for £500,000 would be accepted by the colony. The question was put to Mr. Sewell in this form: "Suppose Parliament was willing to accede to the £200,000 guarantee, and not to the £500,000, if that proposal were referred back to the colony, do you think it would not be accepted?" To which Mr. Sewell replied, "That question was raised in the Legislature, and was distinctly negatived." Now, on referring to the Records of one branch of the Legislature of New Zealand, which appeared at the first glance not to bear out Mr. Sewell's statement, he found a Resolution to the effect that in the event of the home Government only consenting to a guarantee for £200,000 such guarantee should be accepted, but there followed certain stipulations which as appeared, from an explanation given by Mr. Sewell, completely neutralized the effect of that acceptance. He lost no time in applying to that gentleman to know in what manner the apparent discrepancy between his evidence and the Resolution could be reconciled. Mr. Sewell's explanation was, that the Resolution divided itself into two parts. The first, accepting the proposition of a guarantee limited to £200,000 was moved by a member in opposition to the local Government. For some reason the Members of the local Government did not like to meet it with a direct negative, but preferred to meet it by the addition of those words which formed the second part of the Resolution —words which would for all practical purposes neutralize the first part. The effect of the addition was, in fact, to render the Resolution as a whole totally unmeaning. In that light it appeared that the guarantee for the £200,000 without the £300,000 was opposed by the local Legislature. He (Lord Stanley) had reason to believe that this was so, for in the official records he did not find anything to show that the Resolution ever reached the Upper House. It appeared to have been treated as, what in fact it was, a dead letter. It was allowed to drop without any further proceeding upon it. The true explanation of the matter seemed to be that the question of accepting a guarantee for the smaller sum was raised in the local Legislature; that a Resolution was passed ostensibly in favour of accepting the smaller guarantee, but coupling with that acceptance conditions which made it equivalent to a refusal. He thought that Mr. Sewell would have done better had he explained to the Committee the circumstances upon which he based his statement that the Legislature of New Zealand had met the proposition of the smaller guarantee with a direct negative. Mr. Sewell acknowledged that

in one respect he had been inaccurate. He had told the Committee that the proposition to accept a guarantee for a smaller sum had been "distinctly negatived." That statement went further than was warranted by the facts, but some allowance ought to be made for a witness giving his evidence before a Committee, remembering that he was questioned and cross-questioned on all hands, and that his words were taken down as they fell from his lips. It was not unnatural that a witness should, under such circumstances, fall into some inaccuracies. Mr. Sewell, in his explanation to him, maintained that he was substantially right in stating to the Committee that the guarantee for £200,000 would not be accepted by the local Legislature. He (Lord Stanley) put it to him whether, if the smaller guarantee had been granted, would not the colony itself have been able to obtain the remaining £300,000 without an imperial guarantee. He was answered, "No doubt that might have been done; there was nothing in the Resolution to prevent it, but practically such a thing would be impossible. The Legislature would not have sanctioned it; the Government would not have proposed it: it was an alternative not contemplated by any one." With regard to the purchase of land from natives that was a very large question; but the hon. Baronet (Sir J. Trelawny), exercising a wise discretion, had not gone into it very deeply. The Gentleman to whom he had referred was employed as a Commissioner for the purchase of native lands. In that capacity he purchased a very large quantity of land. He (Lord Stanley) believed that the quantity—30,000,000 acres—stated by the hon. Baronet, was correct; and that the amount which he paid was £5,000. The hon. Baronet complained of certain transactions connected with these purchases. He (Lord Stanley) was willing to admit that the sum given for the land seemed inadequate, and he would also admit that many frauds had been practised by settlers in New Zealand on natives: but these transactions had taken place not in consequence of, but against the policy and wishes of the Government. When they spoke of the prices given for lands being inadequate, however, they should bear in mind that the value of land to the native owner might be very much less than it was to the settler. The value of land in a new country depended in a great degree on the exertions of the colonists and on the result of these exertions—on the existence of roads, of harbours, of commerce, of agriculture—and it was not just that of these advantages, to which the native had not contributed, he should have the exclusive benefit. With regard to the promises of schools and hospitals, which the hon. Baronet said were made and broken, having looked into the matter, it appeared to him (Lord Stanley) that, though various representations had been held out as to what might be done by the Government, in the way of providing such establishments, nothing in the nature of a contract to that effect could be said to have been entered into; for nowhere could he find the slightest approximation to a statement of the amount which it was intended to expend on these institutions, or of the fund on which they were to be charged. The representations alluded to by the hon. Baronet could scarcely then be said to have assumed the form of positive promises. Indeed, the power of doing anything in this way had been taken out of the hands of the Imperial Government, for the waste lands had passed under the control of the local Legislature, and it was only from the funds arising from this land that such works could be undertaken. A sum of £7,000 a year was now at the disposal of the Government of New Zealand for such purposes, and he feared he should be only misleading the hon. Baronet and the colonists if he were to hold out any hope that that amount would be increased. As to the assertion that these were obligations binding on the Imperial rather than the provincial Government, he replied that they were in the nature of a charge on land, that the land had been transferred, and the obligations must therefore be held to have been transferred also.

Mr. LABOUCHERE said that, after the clear and correct statement of the noble Lord, he would offer but a few observations. As chairman of the Committee, he was in a position to state that they had not been misled by the evidence which was given by Mr. Sewell. From information which he had received, he had reason to know that substantially the statement of Mr. Sewell was correct, and that the only alternative before the Committee was to recommend a guarantee of £500,000, or not to recommend any guarantee at all. If there had been a guarantee for £200,000 only, it would not have been approved by the colony. He wished to say a few words as to Mr. Sewell. He was a

man possessed of great accomplishments, of high character, of great and varied information; he had great capacity for public business, and by his abilities had raised himself to the high position of chief adviser to the Government. Bearing all this in mind, he (Mr. Labouchere) was disposed to accept as satisfactory the explanation which had been given. At the same time he regretted that Mr. Sewell did not give to the Committee the explanation he had since given. With respect to the general question of guaranteeing loans to the colonies, that was not the proper time for entering into it; but he would say this, that while he held the seals of the Colonial Office, it had been his duty to refuse applications almost without number, upon the ground that, except under special circumstances, he was not favourable to the principle of guaranteeing colonial loans. On the other hand, he could not agree with those who said, that under no circumstances should the Imperial Government grant guarantees, because it appeared to him that one of the best means which the mother country possessed of rendering valuable assistance to a colony was by giving a guarantee, where it could be done without cost or danger to the Imperial treasury of this country.

MR. ADDERLEY said, he thought as a friend of Mr. Sewell, who was a gentleman of high honour, he had a right to complain of the manner in which this question had been brought forward against absent persons until further information and explanation had been sought for. The persons attacked were placed in a most unfair position, for while the attacks were spread throughout the country through the medium of the press, the only means they had of answering them was by writing a letter to the newspapers, which perhaps might not be read, or at any rate not by the same parties who had read the attack. Under these circumstances it was most unjust that attacks such as that made by the hon. Baronet should not be brought forward unawares. He (Mr. Adderley) was pretty well acquainted with the subject, having been the recognized correspondent of the colony in this country, and having been put in possession of the whole state of the case, he was prepared to state distinctly that the House had not been deceived. The simple state of the case was that there were two portions of the colony, one of which was interested in the exoneration of the land from one liability, and the other in its exoneration from another. Neither of these portions of the colony would accede to the one exoneration without the other being made at the same time. On his (Mr. Adderley's) own authority, he could state that the guarantee for the smaller sum alone would not have been accepted. When the proposition for the acceptance of the smaller sum was made in the local Legislature by Mr. Fitzherbert, a Member of the Opposition, Mr. Sewell was absent from the House, and in his absence an inferior Member of the Government acceded to the Motion. When Mr. Sewell returned and found that that admission had been made without his authority, he saw it was too late to get out of the difficulty in any other way than by moving the addition of a rider to the Resolution which made the first part nugatory. There could be no question that Mr. Sewell was substantially accurate, when he stated to the Committee that the proposition for the smaller guarantee had been negatived; although, perhaps, he would have been more correct, if he had used the word "virtually" instead of "distinctly," negatived.

MR. CHICHESTER FORTESCUE said, he concurred in the opinion that one scheme would not have been agreed to without the other. As regarded the demand that a larger sum should be reserved for native purposes, the fact was that the Parliamentary Government of the colony had so encroached upon the province of the Home Government, that not only had the Crown given up its power to increase that sum directly, but it was not able to do so indirectly.

SIR HENRY WILLOUGHBY said, he would admit that the explanation which had been given was satisfactory. At the same time he would ask, why had it not been given before the Committee by the right hon. Gentleman the Member for Taunton (Mr. Labouchere)? He was one of those who opposed the loan altogether, and he hoped the House would be cautious in guaranteeing loans to the Colonies, as the result in all cases tended to injure the exchequer of this country, without a corresponding good to the Colonies.

MR. W. WILLIAMS thought that the principle of guaranteeing loans to Colonies ought to be entirely repudiated, for if a loan were guaranteed to one colony and refused to others, great discontent would be created.

SIR JOHN TRELAWNY, in explanation, said he could not blame himself for

bringing the matter forward, as he had tried every means of procuring the information now elicited, but without effect. He did not know that Mr. Sewell was in this country. He was quite willing to believe that the hon. Gentleman had had no intention to deceive the Committee or the House.

THE RECRUITING SYSTEM.

OBSERVATIONS.

GENERAL CODRINGTON said, he wished briefly to call the attention of the House, before going into Committee, to several matters which were closely connected with the efficiency and well-being of the army. He would first refer to the present system of recruiting, which he thought was not worthy of this country. Considering the great number of men in the army—amounting nearly to 200,000 troops—we ought to have a very large recruiting establishment. The number of recruits required must amount to at least 20,000 a year, if not nearly 30,000, taking into account the casualties likely to happen from the climate of India. The system of recruiting as at present managed, he had said, was unworthy of this country. It was supposed that the army consisted of volunteers, but how did we obtain them? We seduced and cajoled men into the service by means which were dishonourable and degrading to the profession. He thought, if greater inducements were held out to recruits by the localities, or by those by whom the men were enlisted, in the shape of arrangements which would conduce to their comfort, we should raise a greater number of volunteers, and in a far more creditable way than we did now. As a general rule, the standard of height ranged from 5 feet 6 inches to 5 feet 7 inches, though sometimes we had had it as high as 5 feet 8 inches; we reduced it to 5 feet 3 inches for India, and had latterly raised it again to 5 feet 4 inches. Instead of paying a really good price for men of 5 feet 6 or 5 feet 7 inches, and of good character, we got, by lowering the standard, a totally different class of recruits, inferior in character and in physical capacity. We got men, in fact, from the low town populations, instead of from the agricultural districts and the agricultural towns. This, he thought, had been the cause of much evil. He happened to have served on the Billeting Committee, and he knew that great complaints had been made by the licensed victuallers of the class of recruits that had been enlisted since the Crimean war, and of the great difficulty experienced in establishing any discipline among them. For himself, he regretted that the system which originally obtained of naming regiments after particular counties and towns in which they were raised, and so of identifying them ever afterwards with those counties and towns, had been discontinued. It was a practice which tended to promote and keep alive the most kindly feelings between the men in the same regiments, and between them and the localities in which their military lives began. It had the happiest effect on the characters of the soldiers, who looked forward to the time when, their term of service ended, they would return to their native places, and live in the society of those among whom they had spent their early days. The late General Sir Charles Napier, in a book published in 1837, strongly eulogized the practice of naming regiments after the counties and towns in which they were embodied, adding that he himself would willingly return to his own native village where he had spent his childhood. I may be, perhaps, allowed to read an extract from his work on this subject:—

"I have always thought that each regiment should belong to, and have recruiting parties in some county or town of which the regiment should bear the name and arms on the colours. The 50th are West Kent; 52nd, the Oxford; 43rd, Monmouth, &c.

"This old custom seems to lose ground, which is, perhaps, to be regretted, as it might be turned to advantage in many ways.

"If each regiment had a town, in which it was recruited, though the men might be from other parts of the kingdom—if in that town he had certain rights granted to him—if there he might leave his family, and be assured that the magistrates and the people would guard and respect those he trusted to them—if to that town he felt assured he was to return from time to time; and that there he and his comrades would close life together, sure of occasionally seeing the regiment in which they had spent their youth. If this were the case, he would feel that town to be his real home;—if he saved a little money or got a larger sum in prize money, he would spend it in buying a cottage near that town; there his character would serve him—his name would be inscribed in some urbane record as a brave and honourable soldier; his deeds of valour would be known; and in war he would go forth to battle with a light heart, for his family would be protected if he fell.

"I speak as I feel; I would willingly return to my own village of Celbridge, where I spent my childhood.

"To a soldier his home is where his comrades in the war congregate.

"I appeal to the Engineers, to the Artillery, to the Marines—do they not all feel that Wool-

Sir John Trelawny

wich, Portsmouth, Plymouth, and Chatham are their homes? Do not most of them settle in or near those places.

"The nature of man makes him desire to finish life with those among whom his best days have been spent; and if regiments had each a town, of which they bore the name, it would foster the better feelings of soldiers, it would make them serve more cheerfully, and it would make them feel how much the comfort of their latter days must depend on their obtaining a high character. If the 50th had Canterbury or any town in Kent as its head quarters, there I would live in preference to any part of England.

"Such are soldiers' feelings: we cannot get rid of them, and a wise Government would turn them to good account."

He (General Codrington) wished to see a system of recruiting established which would conduce to the honour and credit of the country, instead of the haphazard, undignified way in which soldiers were now caught. With regard to the keeping up of the establishments of the army, there had been great pressure in the direction of economy, which had resulted in reductions being made. He spoke now of the Military Train. If there was one body more deficient than another, on starting the army for the East, it was the Military Train; and if there was one body more than another on which the comfort of that army depended, it would have been a well-organized Military Train. The Military Train had been reduced to 1,100 men for the whole established army of England, which was just sufficient to move one division of an army. He wished to suggest that, as there was a certain amount of Military Train, it should not be kept as a matter of economy to do a variety of dirty things, but should be put to the purpose for which it was designed, namely, that of enabling troops to move with their tents, ammunition, and ambulance. That could be done at Aldershot. There was no reason why there should not be a certain number of packhorses kept there, that the ammunition should not be packed, and that they should now and then move ten or twelve miles out into the adjacent country. The Train might be kept together to show how a brigade, or a regiment, or a division was to march, complete in its establishment for field service. Again, the Commissariat Department had also been very much reduced, from the necessity of keeping the accounts under a different system. Those accounts were now more under the supervision of a military auditor than of commissioned officers actually identified with the military service, and accustomed to serve with troops in the field. That would be rather a serious matter when it came to a question of foreign service, into which he feared the military auditor system would introduce an element of discord. He also understood that the new arrangement was much less economical, and that the military auditors who had been appointed to go out with the Chinese army had cost £4,000, as compared with £1,300, about the sum which would have been expended for a commissariat establishment for the same purpose. There was another point to which he wished to allude. A sum of £20,000 a year was received from the Ionian Islands to the credit of this country. Notwithstanding that, it had come to his knowledge that an officer there had to pay a duty not only upon his wine, but also upon the clothes he wore. He thought that very hard, and he trusted some inquiry would be made into the matter. The canteen arrangements in the Ionian Islands were also objectionable. A very large sum was paid in the shape of rent or head-money by the canteen-man, according to the number of men, and that rent must come out of the profits received from the soldiers, which he (General Codrington) did not think was right. He saw no reason why such a system, which existed no doubt in other garrisons besides the Ionian Islands, should be continued, as it was abolished in England, unless the money raised were applied to increase the comfort of the soldiers or to provide recreation for them, in the way of lighting and warming their barracks, and giving them the means of amusement.

MR. MONSELL observed that the right hon. and gallant Gentleman (General Peel) had stated on Friday, with respect to the Royal Military Academy at Woolwich, that the new arrangements which would be carried out in consequence of the Resolution passed by this House a few days ago would entail considerable expense on the country in keeping the engagement entered into with the students in the military school at Carshalton. At the present moment that school cost the State nothing. The amount received from the boys there was something like £5,000 a year, while the expense of the establishment was about £4,500. But, as no more pupils would now be taken into that school, their number would, of course, decrease from year to year, until they were entirely absorbed by the Woolwich Academy, and next year or the year after the sum received from students would not be sufficient to support

the staff. He wished to point out to the right hon. and gallant Gentleman, however, that he was under no obligation to charge the State with the present education of the Carshalton students. Perfect faith would be kept with them if they were allowed to go to private schools, care being, of course, taken that on presenting themselves at Woolwich at the proper age they should not be subjected to any competitive examination which, as they were received at Carshalton under the old system, would be exceedingly unjust. The country, therefore, need be put to no expenditure ; all that was required was that the Carshalton students, no matter where they were educated in the meantime, should be allowed at the proper age, to enter into the Woolwich Academy, after a pass examination, should their attainments be satisfactory. Another point to which he wished to call the right hon. and gallant Gentleman's attention was the present state of the buildings of the Royal Military Academy at Woolwich. That Academy was originally built for the reception of boys between fourteen and sixteen years old. Now, there was no objection to allowing boys of that age to sleep three or four in a room ; but at present the Academy was occupied only by young men who were admitted between the age of seventeen and twenty, and who were therefore frequently twenty-one and twenty-two before they left. It was perfectly monstrous that young men of that age should not have a room to themselves, and he would therefore beg the right hon. and gallant Gentleman to ask even this year for some small Vote in order to provide additional accommodation.

COLONEL KNOX said, it struck him as rather extraordinary, considering the number of years which the right hon. Member for Limerick (Mr. Monsell) had held an important post in the Ordinance Department, that the suggestion he had just made should not have occurred to him before. The evil to which he had drawn attention had been complained of for years, and the right hon. Gentleman had for a considerable period been in a position to rectify it; but he (Colonel Knox) had never heard that he had taken any step for the purpose of doing so. It was a pity the right hon. Gentleman had not grappled with it when he had the power.

MR. MONSELL remarked that he had stated at the outset of his observations that there was not the same objection to three or four boys of fourteen years of age sleeping in the same room that there was to young men of seventeen or twenty years of age.

SIR FREDERICK SMITH observed, that he concurred with the hon. and gallant officer (Sir W. Codrington) in thinking it very desirable that something should be done to make the recruit feel at home when he entered the service. This was the reason why the marines recruited so much better than the line, because when they came home from service afloat men knew that they would return to the division in which they enlisted, and to which they continuously belonged. Having himself served at Aldershot, he had always been of opinion that the Land Transport Corps was the only thing wanted there to complete the education of the officers and men in the art of campaigning.

COLONEL BOLDERO said, he considered the marines the best service into which a man could enlist. After serving three or four years afloat a marine often found himself with £60 or £70 in his pocket, with part of which he might buy his discharge, and with the rest enter into some little business. In the line such a thing could never occur, and he was therefore not surprised that the marines formed the favourite corps. With regard to the remarks that had been made respecting the cadets at the Royal Military Academy at Woolwich sleeping three or four in one room, he (Colonel Boldero) remembered the time when two subalterns used to reside in one room. At the time he was at Woolwich, he lived three or four in a room, and rather liked it, for this simple reason, that the provisions not being so nice as they desired, they were thus enabled to club together and provide additional comforts. They also made the cadets below them their fags to do the cooking, lay the table, and so forth. Messing four together was far cheaper and more comfortable than messing one in a room. He did not, therefore, see much ground for complaint in what the hon. Gentleman had said.

MAJOR WORTLEY owned, he was surprised at hearing his hon. and gallant Friend say in effect that because the evil had existed in the British Army of keeping two subalterns together in one room, therefore the practice should be continued at one of our principal military academies. It remind him of the old argument which had been used in favour of retaining

"Brown Bess" in the hands of the soldiers rather than supply them with the rifle. All he knew was that when the regulation of placing two subalterns in a room was dispensed with and each had a room for himself, it occasioned a feeling of great satisfaction among that body of officers, and he was sure that the gentlemen in the Royal Military Academy would consider such a measure to be equally a boon to them. Their sleeping in different rooms would not prevent their messing together.

GENERAL PEEL said, he could assure the hon. and gallant Officer opposite (Sir W. Codrington) that he had devoted much attention to the subject of recruiting during the time he had been in office. If hon. Gentlemen considered the requirements of the service at the present moment, and the pressure upon it, they would not be greatly surprised at the measures adopted by the Government for the purpose of obtaining recruits. In order to place the matter in the proper light and show the pressure that existed for men, he would briefly point out the condition of the army with regard to numbers this year as compared with 1857. In 1857, before the mutiny broke out, the total strength of the army was, in round numbers, 157,000, of which about 30,000 were in India, consisting of four regiments of cavalry and twenty-four battalions of infantry. The total British force at this moment was, in round numbers, 223,000, showing an increase of 66,000 men, which they had been called on to raise in the course of the year. The establishment last year consisted of twenty-three regiments of cavalry, and 105 battalions of infantry, of which there were four regiments of cavalry, and twenty-four battalions of infantry in India. At the beginning of the mutiny it was necessary to send out to India from the home establishment seven additional regiments of cavalry, and thirty-six battalions of infantry; thus reducing the British establishment to twelve regiments of cavalry, and forty-five battalions of infantry. To make up the deficiency thus created, two new regiments of cavalry and one of infantry—the Royal Canadian Rifles—had been created, and twenty-four additional or second battalions. In order to increase the numbers of the army the strength of the cavalry regiments had been raised from 469 to 666, and the infantry from 840 to 950. He saw no reason why the whole contemplated establishment should not be completed during the present year, especially when they considered that during the last eight months they had enlisted as many as 48,000 men. But it was not the British establishment alone that had to be supplied. The casualties in India were very great; and there was besides an absolute necessity that they should keep up the system of relief for regiments abroad, without which the army would greatly deteriorate. There were at this moment ten regiments in India that ought to be relieved, and also some that had been in the Colonies for many years. It also appeared that notwithstanding the increase which had taken place from recruiting operations, our strength at home was less than it was when the mutiny broke out by five regiments of cavalry and ten of infantry. That fact ought to be borne in mind; and as soon as it was ascertained what was the total number of regiments permanently required in India, it would be the duty of the Secretary of State to have adequate relief supplied. From these statements it would be seen how great was the pressure upon them in regard to the army. He thought some means might be employed to make the permanent staff of the Militia more available than at present for purposes of recruiting and drilling. With regard to the Commissariat and Military Train to which his attention had been directed, it would be admitted that nothing was more difficult than to keep up in time of peace an establishment which could be suddenly expanded for Commissariat purposes in time of war. This difficulty had always been experienced; but he could assure his hon. and gallant Friend opposite that the most careful inquiry was being made, and would yet be made into the subject, with a view of carrying out, as far as possible, practical improvements. He would also take the other subjects which had been mentioned into consideration. He was very glad to say that a plan had been suggested by which faith could be kept with the students at Carshalton, without any expense to the country. The accommodation for those at Woolwich should receive attention; but he would remind the House that at the time he came into office the determination come to was that they should be removed to Sandhurst.

COLONEL NORTH said, he would remind the House that he had opposed the reduction of the artillery at the time it took place, and he must say that at a time like the present, when there was so great a

pressure for men, and the establishment was 20,000 under its number, he could not but regret that no less than sixteen regiments of militia should have been disbanded. He thought that if the officers of the militia had received commissions as a return for the number of men they induced to go into the army, a great increase of the regular army might in that way have been insured.

Motion *agreed to.*

SUPPLY.—ARMY ESTIMATES.

House in Committee of Supply, Mr. FITZ ROY in the Chair.

£121,977, to complete the sum for Departments of the Secretary for War and the Commander in Chief.

MR. W. WILLIAMS complained that the Estimates for these departments were scattered through so many heads, that it was with difficulty he could follow them. He thought they ought to have a distinct and clear statement laid before them at one view of the expenses of each department. He could not understand what the Commander in Chief required with one Secretary and three Assistants, when even the Secretary for War, whose duties were so much more onerous, was content with only three. But even the Secretary for that department thought the staff was too numerous. There was the Director of Stores and clothing, with a salary of £1,200 a year, and an Assistant Director, with a salary of £800 a year. There was also a Chaplain General with a salary of £950 a year. He wanted to know what were his duties? He could understand a Chaplain being sent out with a regiment that was going abroad, but what were the duties of a Chaplain General? Were they similar to those of a Bishop in the Establishment?

Colonel KNOX said, that without attributing any blame to the right hon. and gallant General at the head of the War Department, he might remind the Committee that when that department was reorganized, a pledge was given to Parliament that as soon as the Crimean war was concluded, the duties of the department should be clearly defined, and that a statement of its cost should be laid before the House. That had not yet been done, but he hoped that the House would insist on the promise being fulfilled. If the vote for the present departments of the Secretary for War and the General Commander in Chief were compared with the old votes for the War Office, the department of the Commander in Chief, and the Ordnance Office, it would be found that under the new system the expenditure for clerks had been trebled, while he doubted whether the service was more efficiently performed. He thought that a revision of this portion of the Estimates was most desirable. With regard to the clothing departments, he believed that many of the officers who had been appointed to conduct it, although they might be clever enough at pen and ink, were wholly unqualified for the duties they were required to discharge. He hoped that a Commission or a Committee would be appointed to inquire into the departments to which this Vote related, with a view to their revision. Sir Thomas Trowbridge had been appointed head of the Clothing Board; afterwards a change was made, and a gentleman was appointed whose only recommendation appeared to be that he knew nothing of the requirements of that department. The War Department was now under the control of the right hon. and gallant Member (General Peel), a military man, and he had no doubt there would be entire control and unity of action between the General Commanding in Chief and the present Secretary for War; but he thought that considerable difficulty might arise if a civilian should be placed at the head of the War Department, for he did not believe any civilian could deal satisfactorily with the various questions brought under the cognizance of the Secretary for War.

SIR FREDERICK SMITH remarked, that he could state from his own knowledge that it was quite impossible that the duties of the Ordnance and War Departments could be carried on with a smaller staff than was at present maintained.

SIR DENHAM NORREYS said, he would refer to the small number of hon. Members present (twenty-five) as evidence of the culpable apathy of Parliament on matters of national expenditure. He doubted whether there was a proper method of doing business at the War Office. He had occasion lately to make some inquiry relative to the property left by a certain soldier of a certain regiment, and he received a reply relative to some soldier of a different name and regiment; and even then a delay of six months had occurred before the matter was settled. This was highly discreditable to the management of the Department. The most lavish expenditure was incurred in the movement of troops owing to the want of system and

good management. He did not blame the right hon. and gallant General now at the head of the department for this wasteful expenditure.

COLONEL NORTH said, that nothing could surpass the civility and attention of the clerks in the War Department, so far as his dealings with them had been concerned. He had frequent occasion to make such applications as those of the hon. Gentleman, and found the greatest promptitude in attending to such applications. He knew by his own experience, that an admirable record was kept at the War Office, by which, in five minutes, the name of any deceased soldier and the property, if any, left by him could be ascertained.

GENERAL CODRINGTON said, probably the case to which the Hon. Member (Sir D. Norreys) alluded took place during the Crimean war.

SIR D. NORREYS said, such was not the case.

SIR JOHN TRELAWNY suggested, whether a good deal of the expense of clerks might not be saved by using manifolding machines?

COLONEL BOLDERO said, instead of the War Department being too large, it was much too small for the work it had to do. The house had insisted on amalgamating the three departments of War, the Commissariat, and the Ordnance into one; and he would now show what they had gained by the change. At the Weedon establishment alone between one and two millions of money had been spent by the amalgamated department during the last two years and a half, and the accounts had not been audited up to that hour. So much had the work fallen into arrears that they had lately been obliged to send down twenty additional clerks to bring them up. To show the house what they had gained by the amalgamation, he might mention that in 1850 the number of soldiers voted amounted to 113,697; and in 1851, to 113,200; and the three departments being then in existence, the expense in each year amounted to about £9,000,000. In 1852-3, the number of men was 120,000, and the expense was £9,300,000. In the present year the number of men was only 10,000 more, and yet the expense was £11,500,000. These were the advantages the country had got by the amalgamation. It appeared that the accounts were framed on a wrong principle, for the staff was insufficient properly to conduct the business of the department, and he believed that it would be necessary to add another million to the Estimates.

GENERAL PEEL said, he could not but admit that the complaint of the hon. Member for Lambeth as to the complexity of the accounts was correct, and if it were his fortune to remain at the War Department for another year he would endeavour to remedy that defect. As to the number of people in his office, he did not believe there were too many. He thought there was need for more, and he could confirm the statement of the hon. and gallant Officer behind him, that they were all most anxious to afford any information in their power. He would make inquiries relative to the suggestion of the hon. Baronet (Sir J. Trelawney).

Mr. W. WILLIAMS wished to know whether the Commander in Chief required four public Secretaries and one private Secretary.

GENERAL PEEL said, that the only answer he could give was that the amount of correspondence at the Horse Guards was enormous, and that all those officers were fully employed.

GENERAL CODRINGTON observed, he could bear testimony to the magnitude of the correspondence of the Military Secretary to the Commander in Chief. He had to transact business connected with promotions wherever the British army was stationed.

COLONEL KNOX said, he thought that by good arrangements they might dispense with many of the persons engaged in the establishment at Weedon.

COLONEL NORTH remarked, that he did not believe that there was one officer too many in the Commander in Chief's office.

Vote *agreed to.*

(2.) £233,000, to complete the sum for Manufacturing Establishments, &c.

MR. NEWDEGATE said, it was with great satisfaction he rose to ask for information on one or two points of this Vote from the right hon. and gallant Gentleman the Secretary of War, because he knew that that right hon. Gentleman was not actuated by any feelings of hostility towards the arms trade. He knew that the right hon. and gallant Gentleman would believe that he was actuated by no sinister motive with respect to the question he was about to bring before the House. It had been an irksome task with him hitherto to bring forward this question, because he was suspected either of an undue jealousy

against others or of wishing to perpetrate a job, while it so happened that he and those whom he represented had no interest whatever in bringing the question before the House, but a desire to obtain a just comparison between their productions and those of the Enfield establishment. He was sure the House would make all due allowance for any weaknesses to which they supposed him liable. He wished the House to remember that the expenses of the Enfield establishment this year had considerably increased. Last year it amounted to between £58,000 and £59,000, but this year it had reached the extent of £97,000. That was a great increase, and he hoped the right hon. and gallant General would state the exact proportion of the different items of the expense. But before going into that portion of the question, he wished to call the attention of the House to the concluding portion of a Report of the Committee on small arms which sat in 1854, and which, in order that Parliament might ascertain the success of the Government factory, in an economical point of view, recommended that an accurate debtor and creditor account, so far as the profit and loss of the establishment was concerned, should be fairly made out and published. He had long been in hope that this account would be produced, and, in fact, he had numerous assurances that it would be produced; for, besides its own intrinsic value, it would form a precedent to be followed with respect to the other Departments, from which, if he might judge from the reports he had heard to-night, seemed to be much wanted. At present the items relating to these Departments were scattered up and down the Estimates, so that it was impossible to find them. He found, for instance, that items relating to Enfield were mentioned at page 60, page 79, and several other pages of these Estimates. It was very hard upon hon. Members that they should be required to compile those accounts for themselves. They ought to have the amounts of the different establishments placed under separate heads, so that they might judge at one view of the expense of each. He did not understand the principle on which these Estimates were framed. He supposed there must be some reason for them, but as their object was professedly to give information, and as they did not, he thought there ought to be some change. Referring back to the Enfield Estimate, he found that not only was the Estimate in general increased, but there were some remarkable additions in some of the separate items. Thus, the Committee of 1854 was told that the machinery at Enfield was calculated to supersede skilled labour, and upon that understanding the House consented to try the experiment to an extent which was promised not to exceed from £34,000 to £35,000. But the actual expense, far from being confined to that sum, had gone up as high as £150,000. This was said to be owing to the pressure of the war; but the important circumstance was, that notwithstanding all this expense, there had been, as he was informed, not a single musket produced during the war. But the expense of the establishment did not stop there. He had not been able to make out an accurate list of the expenditure, but it appeared to have amounted, from its first establishment till now, to between £600,000 and £700,000. Now, the House never contemplated an expenditure of that kind, and that, he thought, was an additional reason for reverting to the recommendation of the Committee of 1854, and insisting that the House should be furnished with a debtor and creditor account of the expenses of the establishment. The expense for the wages of artificers and operatives had increased from £39,000 last year to £86,000. He called the particular attention of the Committee to this item, because they were told, as the main reason for the establishment of this factory, that it would supersede the necessity of employing skilled labour, and would enable them to substitute unskilled labour at a cheap rate. Last year £39,000 had been voted for labour, and he believed there were about 1000 workmen employed. The original estimate of Mr. Anderson, who was the original proprietor of the Enfield factory, was that the establishment with that amount of labour — namely, 1000 workmen—would produce 150,000 muskets a year, at the rate of about 21*s.* per week each man, or £33,000 men per annum. But what had been the result?—that more than double the sum estimated by Mr. Anderson had been expended on the erection of the factory, more than £300,000; while the annual payment for wages amounted to the sum of between £84,000 and £85,000 a year, being at the rate of about 32*s.* a week for each labourer. He (Mr. Newdegate) had been told—and he hoped it was true—that the factory had produced 50,000 muskets—a quantity equal to only one-third

of the number promised. He doubted whether even that quantity had been turned out. He cited this to show that the House ought to regard this question as prudent conservators of a private establishment would do, they ought to take stock and ascertain what they were about. The House never contemplated making the experiment on such a scale as that, for the sum voted on the recommendation of the Committee on Small Arms was only from £30,000 to £40,000, and it was plain from the rate of wages they were paying that skilled labour was largely employed; whereas one of the promises most distinctly held out by Mr. Anderson was, that no large amount of skilled labour would be required if his plan were accepted. He knew that this produced great detriment to the small-arms trade in Birmingham. He did not say that the Government had no right to employ skilled labour if they required it; but Mr. Anderson had totally failed in avoiding the necessity for it, and he knew that the Government deprived the small-arms trade of their best workmen. The expectations which were entertained from that factory had been disappointed. He would not now enter further upon the controversy which had arisen on that subject. He had formerly taken occasion to refute in the newspapers the aspersions upon the small-arms trade, which he believed emanated from persons employed at Enfield, and he only referred to them now to express a hope that the right hon. and gallant Gentleman would use his influence to prevent injurious and unfounded reflections being thrown out on semi-official authority to the injury of those who were engaged in the small-arms trade, and which, when circulated by the press, produced that result, not in this country only, but in foreign countries. There was, however, a serious ground of complaint which he wished to refer to the right hon. and gallant Gentleman. This was, that the manufacturers of small arms were subjected to the inspection, supervision, and guidance of the same officer who was at the head of the Enfield establishment, which placed them in a position which exposed them to serious injury. It was the intention of the House, when the new Enfield factory was established, that by competition in production it should be a check upon the prices and production of the trade; but it must be obvious that if they wanted a fair trial they should not set one competitor to judge another. The head of the Enfield establishment was naturally interested in the success of that establishment, and all that the trade asked was to be judged by the Secretary for War, by the Commander in Chief, or by some officer appointed by these authorities for that purpose, but not by any person connected with the Enfield establishment with which they competed. That in his opinion was but a fair and reasonable demand. The trade believed that the arms they produced were of more solid workmanship than those produced at Enfield, although they admitted that the latter were very neat. He could have no object but the public good in bringing forward this question. All that he wished was the establishment of a fair test, and a trial before independent judges; it was most desirable that jealousy and suspicion should be removed from the minds of the trade, who had served their country so well in the hour of need, by the manufacture of the rifles used at Inkerman and in the Russian war, when no arms were forthcoming from Enfield or foreign countries to which orders had been sent. They truly served their country in an emergency, and it was but just now when they compete with the Government establishment, that the fairest possible trial would be accorded to them.

MR. MONSELL remarked that the hon. Gentleman, who complained of the increased expenditure for the Enfield establishment in this year, would, if he had looked at the return on the table, have seen that the Enfield establishment, not having been finished until this year, manufactured between 52,000 and 60,000 muskets during the present year against 20,000 in the last year; and of course a larger amount of wages and material had to be provided for. The hon. Gentleman seemed to throw doubt on the success of the Enfield establishment, but the cost of the Enfield rifle was somewhere under £3, whereas the Birmingham rifle cost about £3 6*s*. He had been informed that trials made with respect to the two rifles had in every instance resulted to the advantage of the Enfield rifle as to shooting. Witnesses had been brought from Birmingham to state that it was utterly impossible that rifles could be so accurately made by machinery that the different parts would correspond with each other. That prophecy made by the Birmingham people experience had proved to be utterly erroneous, as the different parts of the rifles made at En-

field perfectly corresponded together; and it was impossible for the trade at Birmingham to manufacture bayonets similar to those made at Enfield for 4*s.* or 4*s.* 6*d.* a piece for less than 9*s.* or 10*s.* a piece. Therefore he considered that the experiment at Enfield had been entirely successful. He fully concurred in the praise that had been bestowed on the great exertions made by the Birmingham trade during the Crimean war, and he thought that on that account the country owed them a great deal of gratitude; but he did not conceive that the Enfield establishment would harm them in the slightest degree, and he understood that a company at Birmingham was making arrangements to imitate Enfield, and were preparing machinery to manufacture muskets.

General PEEL said, that he could not allow the observations of his hon. Friend behind him (Mr. Newdegate) to go unanswered. He was sure that his hon. Friend would do him the justice to say that he had done everything in his power to promote the interests of the Birmingham manufacturers since his accession to office. There was plenty of work both for Enfield and Birmingham, and he thought that the competition between them was of the greatest possible service. He hoped, therefore, that his hon. Friend would allow the dispute between those places to come to an end. On looking over the returns furnished to him he saw that the cost of the Enfield rifle was put down at £2 6*s.* 10½*d.*, but he remarked that that was not a fair calculation, for the interest of the money expended in plant had not been taken into account. The amount of capital expended in the establishment at Enfield was £352,580, and taking the interest at £10 per cent. he found that the cost of the Enfield rifles was only £2 11*s.* 6¾*d.*, while those produced by the trade cost £2 18*s.* 3½*d.* It was also alleged that the various parts of the rifles manufactured by the trade did not fit so well one with another as those which were made by the Government, and therefore they could not go into the stores and make up the rifles with such facility. He was informed, however, that the manufacturers of Birmingham had volunteered to set up machinery to effect that object, and he assured the hon. Member for Warwickshire that he should not have the slightest objection on the part of the Government to give them a trial, there being no less than 100,000 rifles on order for India at present.

Mr. NEWDEGATE said, that some of the muskets which were sent from Birmingham and tried at the Tower very nearly interchanged with each other, so excellent was the work, although they were not intended to do so. He also wished to explain that the evidence given by the best manufacturers with regard to the use of machinery in making rifles was, not that a system of interchangeability could not be established, but that they did not think that the work would be welded together so closely, or that it would be so durable, as that performed by hand labour. With regard to the difference of price, he could only say that the Americans, who made very cheap guns, had not succeeded in making guns so cheaply as the Enfield rifles were said to be made, and before acceding completely to the statement that the Enfield rifle could be made at so much cheaper a rate than the trade rifle, he must have the opportunity of examining the accounts thoroughly with the aid of the manufacturers, whose intellects would naturally be sharpened by self-interest. As to the merits of the two arms, what the manufacturers desired was that these should be tested by a comparison of two pieces taken indifferently out of the stock supplied by Enfield and the stock supplied by the trade. In previous trials there was a doubt that the samples from Enfield had been specially finished for the purposes of comparison.

Sir JOHN RAMSDEN said, that the Birmingham gun trade continued to make guns by hand, whereas at Enfield they were made by machinery, which had been obtained by a great outlay of capital, and this produced the difference in price. Every encouragement was given by the Government to the private trade, with a view to their erecting machinery, so as to keep the Enfield establishment up to the mark by competition.

Mr. NEWDEGATE said, that the manufacturers also use machinery. The only point in which there appeared to be a difference was the use of machinery for the cutting out of the stocks.

Mr. W. WILLIAMS was willing to assume that the difference between the cost of weapons made in the Government establishment and by private individuals was correct. That was not the usual result, but the hon. Gentleman who spoke last explained the reason. He regretted to see, however, that there were still items for muskets made at Leige, St. Etienne,

and other foreign places. He should like to know the cause of this.

General PEEL said, that these were contracts made during the war, which were not yet completed. In one instance 12,000 muskets had been delivered, and 10,000 in another, but all had not been yet delivered.

Colonel BOLDERO thought it would be more convenient to the Committee if the whole of the Estimate for small arms was placed before them at once, and not a single item for a particular establishment. Two years ago Mr. Whitworth, the first manufacturer in the kingdom, and Mr. Richards, a well-known gunmaker of Birmingham, were commissioned by the Government to see if they could construct rifles superior to the Enfield rifles. They set their wits to work and produced a rifle called the Whitworth rifle, which went down to Hythe to the school for teaching the soldiers the use of the rifle. It was said at one time, "old Brown Bess does her duty very well," but on trial it was found that at a range of 500 yards only one shot in 3000 struck the target; the proportion of balls thrown by the Enfield which struck was 25 per cent.; but the Whitworth rifle, at a range of 800 yards, beat the Enfield at 500. The range of the Whitworth rifle also was 2,000 yards, while that of the Enfield was 1,100 yards only. This rifle was afterwards sent to Woolwich to be tested, but although it was sent a year ago no report had yet been made. He thought it was very desirable that the question as to rifle superiority should be settled, because if it was afterwards found that this rifle was vastly superior to the Enfield, a great deal of money would have been wasted.

General CODRINGTON said, that he was the President of the Committee to whom the testing of small arms was entrusted. They agreed to make various experiments: but it was necessary to make them with great accuracy and minuteness, so as to decide various questions—such as the range, the amount of precision, and the applicability of the arm to a soldier's sight. Last year they had not time to do more in testing this rifle than to settle the question of range. It was a question whether this Committee should be reappointed this year; but on making a communication to the right hon. and gallant General he found that it was considered better that there should be a permanent Committee of officers, who should devote all their time and attention to these experiments. There could be no question whatever of the very great value of these experiments, and he might add that there was no question whatever of the very great value of the Whitworth rifle. They had, after repeated trials, fixed the range at such a distance that they could not obtain a sufficient number of successful shots to form an average at all with the Enfield rifle, whereas there was no difficulty at all in doing so with the Whitworth, which showed that, at all events, with respect to range, it possessed an undoubted superiority. The other essential qualities were now being tested, but he did not think that any disadvantage would result from the delay, inasmuch as it was impossible at the present moment to change the small arms of the whole of the service. He was fully impressed with the value of the Whitworth rifle, and hoped that the experiments would be proceeded with as rapidly as possible.

Colonel NORTH said, he wished to ask whether any alteration was in contemplation with reference to the amount allowed to officers on the staff in lieu of servants. Formerly they were allowed to take servants from the staff, but now that was done away with, and they were allowed only 1*s.* a day in lieu of them. He would put it to the Committee whether it was possible that they could get any kind of servant at the rate of 1*s.* a day.

Lord ELCHO inquired of General Codrington whether the superiority in point of range of the Whitworth rifle was not to be attributed to the fact that it had a smaller bore than the Enfield, and that a harder material was employed for the balls, which gave them a greater power of penetration.

General CODRINGTON said, that the experiments at Woolwich were carried on, not to try the absolute merits of Mr. Whitworth's gun, but to test it in comparison with the Enfield. They were, therefore, tried with the same weight and description of ball, and the same charges. Not only had the Whitworth a greater range than the Enfield, but the line taken by the ball was more direct, insuring greater accuracy. If the barrels of the Whitworth rifle, however, were formed of so hard a substance that they could propel bullets made of iron, that would be a still greater recommendation. One of the principal characteristics of the Whitworth rifle was that it contained more turns or grooves in the barrel.

General PEEL said, that so far as the

experiments had as yet gone there could be no question of the superiority of the Whitworth rifle. Moreover, every encouragement would be given by the Government to bringing out its merits, as a Board of officers would shortly be appointed to continue and complete the comparison between the two arms. In answer to the hon. and gallant Gentleman behind him (Colonel North), he had the satisfaction to inform him that the matter had been taken into consideration at the Horse Guards, and that the allowance to the officers in lieu of servants would be increased.

MR. CONINGHAM said, that from what he had gathered as the result of the present conversation it seemed to him very likely that in process of time the Enfield rifle would be superseded by the Whitworth. Under those circumstances he must express his conviction that it was highly imprudent for the Government to expend so enormous an amount of money upon machinery for the manufacture of small arms, when in consequence of the improvements which had been made, a large portion of the expenditure would become useless. He thought it impossible that the Government could continue for any length of time to manufacture cheaper and better small arms than private traders.

GENERAL CODRINGTON said, he thought the manufacture of arms was an exception to the general rule, and that the result justified the experiment which had been made. It was a matter of experience that articles manufactured by contract were not always to be trusted, and it was of vital importance that the army should have weapons in which they could trust. The House would remember the case of the mortars made by contract during the Crimean war. At the very moment those mortars were wanted they burst, and they could not then be replaced.

MR. NEWDEGATE said, whatever might be the superior merits of the Whitworth rifle over the Enfield rifle, there was one satisfactory fact to be remembered, that very recently the Enfield rifle picked off 1,000 men, silenced a battery, and saved an enormous loss of life. Consequently, up to that time, it was proved that there was no weapon its equal. He trusted, however, that the Whitworth principle would be soon adopted. The fact was that the plan of the Enfield rifle was introduced by Mr. Westley Richards, and it was an excellent move to associate the names of Whitworth and Richards together—the one being a celebrated gun-maker in Birmingham, and the other the largest manufacturer of small arms in the kingdom. The result was the production of the Whitworth rifle. Although there was great difficulty in changing the bore and stem of the musket throughout the army, the Whitworth principle could be adapted to cannon. The result of those improvements he believed to be this—that the six-pound artillery gun made on the Whitworth principle would be fully equal to the nine-pounder with increased range and without that improvement. He trusted that the Committee would not believe that because it might appear that the Government could manufacture those arms cheaper, that the trade would allow themselves to be beaten by a competition of that sort. Individual enterprise would ever prove the best source of production on all occasions, and the country would make a great mistake if it ever countenanced any other principle.

GENERAL CODRINGTON said, that he did not intend to find fault with the Enfield muskets made last year at Birmingham. On the contrary, nothing could be better. They were most efficient, very light, and beautifully made.

MR. W. WILLIAMS said, that in the Estimates the store-keepers and barrack masters were in columns. He thought the duties of these Departments could be performed by one staff of officers.

Vote *agreed to*; as was also

(3.) £358,317 to complete the sums for Wages of Artificers, &c.

(4.) £460,460 to complete the sum for Clothing and Necessaries.

MR. MONSELL asked how it was that the charge for the clothing of the infantry of the line had risen from £174,000 last year to £264,000 this.

GENERAL PEEL said, that £90,000 of the Vote went to supplying free kits to recruits. Therefore, as far as regarded the mere clothing of the army went, there was no increase over the Vote of last year; the increase being wholly accounted for by the determination come to, that henceforth recruits should not be charged with the price of their kits.

MR. WILLIAMS said, he also thought the amount very large. At the same time he begged to congratulate the hon. and gallant General upon his having abandoned the proposed building at Rotherhithe,

which would have cost £300,000, and he hoped that its erection would not be proposed in another year.

Colonel KNOX said, he thought the system now adopted would prove the most expensive system every tried in this country, and he had no hesitation in saying that the soldier of the present day cost very nearly double that which a soldier under the old system cost. There did not appear in the Estimate the amount that stores wasted and lost cost the country, but under the present system, when stores were rejected, they were thrown upon the hands of the Government and sold for a song as old stores. Under the old regulation the "colonel-tailors," as they were designated, made such contracts with the clothiers as enabled them to throw the goods upon their hands if they turned out inferior in quality, and in his opinion the men were by no means as well clad now as under the old system.

Colonel GILPIN said, he also must condemn the system adopted regarding the clothing of the army. He believed that the system adopted during the war with regard to the clothing of the militia was the most economical. Under that, patterns were sent down to the colonels, who could select what they most approved of, and the bill was not paid for some time after. Now, the clothing was purchased at once, and if afterwards found worthless, the whole loss fell upon the public.

Colonel BOLDERO complained that the Vote did not show the net cost of clothing each regiment, and that in it necessaries were mixed up with clothing. He estimated that the clothing under the new system cost about £3 10*s.* per man, while formerly the allowance, including accoutrements and other matters not now provided for, was only £2 6*s.* per man. It was difficult to gather from the Estimates what the precise cost was as compared with the former periods, but he was satisfied if all the details connected with clothing could be collected in one account, that it would be found that the expense under the new system had very nearly doubled that of the old.

Lord ELCHO suggested that the practice which had obtained in some cases of appropriating a great coat to each sentry-box in addition to the great coat which every soldier had should be universally adopted. He made this suggestion in consequence of having found, on a very cold day, that the sentries on duty at the Castle in Edinburgh not only wore no great coats in the daytime, but had not the advantage of a coat hanging up in their boxes.

General CODRINGTON said, that regiments might make arrangements of the nature referred to for themselves if they thought it necessary. All that they would have to do would be to obtain the permission of the Secretary for War to use up the old coats, instead of selling them for a mere trifle.

General PEEL admitted that the suggestion was very good, and he could not see any objection to its adoption. Great objection had been expressed in reference to the clothing system, and he felt sure hon. Gentlemen would learn with satisfaction that a new arrangement was about to be made in this respect. In reply to the hon. Member, he begged to say that the accounts were presented in the form in which they had been placed before the House upon former occasions.

Mr. KINNAIRD said, he was anxious, before the Vote was agreed to, to suggest whether it would not be better for the health of the Guards than providing greatcoats, to do away with some of the useless sentries who were kept on duty in various parts of London during the whole night. The police were paid for such duty, and he could not see the necessity for making soldiers perform it.

Colonel BOLDERO said, that the East India Company was responsible to the Government for 92,000 men; there was no provision in the Estimates for their clothing, although he had been informed that that responsibility fell upon the Government.

General PEEL said, a certain sum of money was paid every month by the East India Company into the Treasury, not to the War Department, on account of those matters. And accounts passed between the Company and the Treasury which did not appear in the Votes.

Lord ELCHO said, he thought it was a mere work of supererogation to have sentries at the Royal Academy and the British Institution.

Major WORTLEY said, those sentries were on duty only in the day time.

Mr. BLACKBURN remarked, that it would be better if the whole of the charge of the troops in India was borne on the Votes, and credit then given for the sum paid by the East India Company.

Vote *agreed to;* as was also

(5.) £690,624, to complete the sum for Provisions, &c.

(6.) £420,727, to complete the sum for Warlike Stores.

Mr. W. WILLIAMS complained of the large sum of £280,000 which appeared under this head, in the Votes for small arms, and also £510,964 for the purchase of miscellaneous stores, and both these without one word of explanation.

Sir JOHN RAMSDEN explained that he was responsible for putting the £510,964 item down in a single line, for the explanation filled a folio volume of 150 pages, which, with further details, might be swelled to any extent; but, even in the concise form, the explanation could not be placed in the Votes.

Vote *agreed to.*

(7.) £192,736, to complete the sum for Fortifications.

Sir CHARLES NAPIER said, he must take exception to the item in the Estimate for forts. The forts were small and useless, and, from their being spread over the whole of our coast, they would be quite inapplicable to repelling an invading force. It would be much better to bring down the gunboats, instead of building useless forts. He proposed, therefore, to move the reduction of the Vote by £50,000, the amount required for these intermediate forts.

Sir JOHN RAMSDEN observed, that the hon. and gallant Admiral was under a mistake in supposing that the forts extended over the whole of the coast. The charge to which he referred was for three forts between Gosport and the advanced lines.

Sir CHARLES NAPIER said, this explanation removed his objections to the Vote.

Sir JOHN TRELAWNY objected to the sum of £33,000 for the defences of Devonport. Hitherto Plymouth had never been defended, because it was possible to take it in reverse. Latterly, however, they had gone more seriously to work, and had laid out a large sum of money; but it was doubtful whether it would be attended with any good result. Behind Mount Edgcumbe a casemated edifice had been built, looking more like an ornamental Gothic villa than anything else, and he believed a ten-gun brig would knock it to pieces in five minutes, besides killing a number of soldiers by the splinters. It was at least questionable whether earthworks would not be better than these stone forts.

Mr. W. WILLIAMS said, he also must deprecate the outlay for this class of works.

Sir HENRY WILLOUGHBY said, he wished to know whether the £21,000 stated in this Estimate would finish the work?

General PEEL replied that he could not say; but, in answer to another question, said that any balance that might remain over the expenditure of the year would be paid back again into the Exchequer. The limestone forts had been erected on the recommendation of a scientific Commission.

Vote *agreed to.*

(8.) £72,780, to complete the sum for Civil Buildings.

Colonel KNOX said, he had to object to an Estimate for the powder magazine at Aldershot being taken separately, as he wondered how it could be considered a "civil" building.

Sir JOHN RAMSDEN said, it was placed in a separate head in accordance with the expressed wishes of the Committee last year; and he had classed it among civil buildings, as being neither a fortification nor a barrack.

Lord ELCHO said, that with reference to part of this Vote which related to North Britain, he observed it was the intention of the Government to make an armoury on the Castle-rock at Edinburgh. The people of Edinburgh, who had already seen the Castle-rock covered with a number of ordnance sheds, which were more or less serviceable, as he had been informed, for the purpose for which they were designed, were now still more alarmed to see that the rock itself had been scarped and carried away to make the foundation of a wall on which to build this armoury. He hoped the building would not be proceeded with until the people of Edinburgh had had an opportunity of seeing the plans of the Government, and that the utmost publicity would be given to the new alterations.

Mr. BLACKBURN complained of the large items in this Vote, and he hoped the Government would extend their principle of economy in this direction, and cut down some of these large and extravagant sums.

General PEEL said he had already cut down the item by £10,000.

Vote *agreed to.*

Motion made and Question proposed,—

"That a sum, not exceeding £397,091, be granted to Her Majesty, to complete the sum necessary to defray the Charge of Barracks at Home and Abroad, which will come in course of pay-

ment during the year ending on the 31st day of March, 1859."

Colonel NORTH said, that the House had lately voted large sums of money for the erection of barracks at home and abroad. He wished therefore to know whether any notice was to be taken of the prize plans, for which several of our architects had competed. He believed that his right hon. Friend had stated that barracks could be built more cheaply by the engineers than by architects, but the question was whether barracks so built would afford sufficient accommodation. He believed that the estimate given in for the prize plan was £140 a man for construction, and that the expense at Aldershot for construction had been £100 a man; and what he wanted to know was, whether the barracks built on the cheaper estimate contained the court-martial rooms, messrooms and all those other accommodations which had been pointed out by the Commissioners as being necessary. The illustrious Duke at the head of the army had a short time back referred to the question of barrack accommodation and to the general question of the comfort of the soldier, and every word which had fallen from his Royal Highness was perfectly true. That illustrious Duke stated that the Horse Guards were not at all accountable for the state of barrack accommodation throughout the country; that he had made constant representations upon the subject, but that he did not hold the purse strings of the nation; and that, although the truth of his representations might be admitted, he might be met with the answer. "All very true, but the Government has no money." The hon. and gallant Member for Bodmin (Captain Vivian) had moved for certain returns, which he believed would prove the truth of what was stated by his Royal Highness—a statement with which he believed all commanding officers concurred. It was equally true, as was stated on the same occasion by that illustrious personage, that in most cases the improvements which had been made in barracks of late years had curtailed the accommodation, so that what the soldier gained in one way he lost in another. Well, then, the noble Lord the late Secretary for War made a speech in "another place" on the same subject, and he mentioned certain improvements which had of late years been made in the condition of the soldier. The noble Lord said that at present the soldier could rely upon retiring at the end of a certain period with a pension; but that was nothing new, for in past times a soldier could always rely upon a pension after a certain period of service. The fact was that the Duke of Wellington had held, as every soldier knew, that every man who had served for twenty-one years was entitled to a pension. He might not, perhaps, be able to claim one legally, but no Secretary of State could have refused him one, without compromising the honour of the country. The noble Lord had also eulogised the liberality of Parliament and said that the system of stoppages for rations had been abolished. Well, that really was only a matter of strict justice, for previously the stoppages in certain colonies were actually higher than the sum expended by the Government. As to the present barrack accommodation, it was very deficient. At Chatham, the Engineers, which it must be remembered was a very superior corps, were worked harder than the Guards, and yet the men relieved from duty were obliged to occupy the beds which had just been left by the men who relieved them. That was a most disgraceful state of things; and, again, the Portman Street barracks, as regarded proper accommodation to the soldier, were in a most disgraceful condition. The noble Earl at the head of the cavalry (the Earl of Cardigan) had stated that it was seldom that soldiers did not get baked meat twice or thrice a week; that might be the case, but the soldiers were obliged to have the meat baked out of barracks and pay for it themselves. Our barracks did not afford our soldiers an opportunity of doing anything but boiling their meat. What is required is, that in every barrack accommodation should be found for roasting meat, so that the soldiers should not be obliged to pay for it. With respect to the question of the repair of those barracks, he might state that if the annual estimates for that purpose were found to be too large for the capabilities of the Exchequer, the consequence was they were returned to the military authorities for reduction, and in most cases notwithstanding the most urgent applications from the military authorities were left untouched. As an illustration of the way in which those repairs were managed he might mention a circumstance which had occurred in the case of the barracks occupied by one of the regiments of Life Guards. In the month of November last an iron grate had been found to be out of repair in those barracks, and a requisition had been sent to the proper quarter to obtain an order for its repair. It had been repaired and

brought back, but when the quartermaster had ordered it to be put in its place, the answer had been that the word "refix" was not to be found in the estimate. The consequence had been that the process of refixing had not been completed until the 14th of December, up to which time from the 20th of November, the clerks in the office had been obliged to sit without any fire and the stores had been allowed to become damp. With respect to the Report of the Sanitary Commission he would only say that, having carefully examined it, he could not find, notwithstanding the censure cast upon them in that report, that the military authorities were fairly open to censure. When in 1849, for instance, fever had prevailed, it was owing to the energetic remonstrances of the commanding officer that the troops had been removed from the old to the new barracks at the Tower. The real obstacle in those cases was, he could not help thinking, the House of Commons and the Chancellor of the Exchequer, and he felt assured that no regimental officer would even for a single hour be found to neglect his duty. The Horse Guards had been censured; but the Commander in Chief was merely the medium of communication between the regimental officers and the Secretary for War, and he trusted that the correspondence which had been moved for by his gallant Friend would prove all that was necessary upon that point.

General PEEL said, that the correspondence and returns which had been moved for by his hon. and gallant Friend the Member for Bodmin (Captain Vivian) would not give a just idea of the communication which had taken place between the War Department and the Horse Guards. They would, if given in the form originally asked for, have involved such a mass of detail that at the suggestion of his hon. and gallant Friend they had been altered. In their present shape, however, they would afford but a very meagre account of the urgent demands which had been made by the Horse Guards in respect to various improvements. Neither was there any want of requisitions upon the part of regimental officers upon the subject, but there was no sum taken in the Votes for those purposes, and therefore they were necessarily postponed.

Sir JOHN RAMSDEN said, he concurred with the hon. and gallant Gentleman opposite (Colonel North) in thinking that the military authorities were not responsible for any shortcomings which might exist in our barrack accommodation. His gallant Friend, however, in endeavouring to exculpate the Horse Guards, seemed to throw a considerable weight upon the shoulders of his (Sir John Ramsden's) noble Friend the late Secretary for War. Now, he thought he could show that his noble Friend was not open to blame in the matter. He had taken office in 1855, and within one or two months after he had appointed a Committee to inquire into the whole subject of barrack accommodation. That Committee had reported on it a short time since, and he (Sir John Ramsden) believed that the barracks which had been built since that report had been issued showed a marked improvement as compared with those which were in existence at the time. He might observe that the House of Commons appeared to him to be as equally free from blame as his noble Friend, inasmuch as it appeared, from a return which had been laid upon the table of the House, that no less a sum than £1,500,000 had, during the years 1855, 1856, and 1857, been expended on the enlargement and repair of barracks at home. The outlay upon barracks during a series of years had been enormous, but the barracks had fallen into such a state of disrepair that there were enormous arrears to make good. Even with a yearly Vote of £500,000, it would take a considerable time before the barrack accommodation was in a proper state.

Colonel NORTH: Who is to blame?

Sir JOHN RAMSDEN: The economists of preceding years.

Sir HENRY WILLOUGHBY protested that a more unfounded charge had never been made than the accusation of niggardly economy in regard to barracks upon the part of the House of Commons. He found that the sums voted for barracks during the last four years were—in 1854-5, £495,755; in 1855-6, £846,719; in 1856-7, £1,269,444; in 1857-8, £522,715; making a total, for the last four years, of £3,134,633. The fault was not in the House of Commons; it must lie somewhere else. He wished to call attention to the first item of the Vote. In the years 1855-6-7 the House of Commons voted £700,000 for huts, and the sum now asked for was in addition. The total estimate for Aldershot barracks was £400,000. The sum actually expended was £413,770. The amount proposed for the present year was £88,000, and it was said that £20,000 more would be required to complete those barracks. Thus £521,770 was wanted for works which had been estimated to cost £400,000. There must be somewhere a

fault in the expenditure of those enormous sums.

Sir HARRY VERNEY wished to know who was responsible for the selection of the site for barracks at Aldershot. The barracks were erected in such a position that hospitals could not be constructed without purchasing additional ground.

Colonel KNOX said, he had continually called attention to the subject of barrack accommodation. He regretted to find there was no vote this year for Portman Barracks. He wished to make an observation respecting the plans sent in by architects for barracks. The plans sent in were extremely creditable to the authors of them, and he wished to know whether those gentlemen would be employed to erect new barracks when any were required. If they were not to be employed he could not but think a great fraud had been practised upon them, and that the engineers who built the barracks would be picking the brains of those architects in a most unfair manner. He regretted the hon. and gallant Member for Chatham (Sir F. Smith) was not present, for he believed that gallant officer had laid out the ground at Aldershot barracks. The village which adjoined the camp was lighted with gas, while the soldiers in barracks, only separated from the village by the width of a road, were deprived of that convenience. The expenditure for barracks in the midst of that wild heath had been enormous, and still the want of barrack accommodation was enormous. He wanted to know what was to be done with the huts, which would speedily require large repairs at a great expense? Great mistakes had been made in barrack building, and he thought it was time that an improvement should be made in those of the metropolis, where it was so necessary to keep the men out of temptation.

Colonel BOLDERO thought that experience ought to have induced a much wiser expenditure of money than had been the case in respect of barracks. In the case of Aldershot, several thousand acres of land were bought at a price of £25 per acre, in order to form a summer encampment. At first tents were established, but soon huts were built, the contracts for which stated that they were to be built of sound timber, free of sap; but, instead of that, the timber was full of sap and as rotten as a pear. He wanted to know how it was that, having a large body of men quartered at Aldershot, the Government did not employ them during part of the day in making roads and drains for the use of the camp, which was part of military duty, instead of expending large sums of the public money for that purpose? Again, with respect to the site of the new hospital at Netley Abbey, the chief medical officer at Aldershot stated before the Commission that it was not at all a suitable one, being on the margin of a large tidal river, partly exposed at low water, and flanked on one side by a piece of marshy ground. Yet that was a place on which they were now expending a sum of nearly £300,000, or about £300 for each of the patients, of whom 1,000 were to be accommodated. He contended the Government might build an hospital on that scale for much less money, and on a much more eligible site.

Viscount EBRINGTON said, though he had no wish to anticipate the Motion of which he had given notice for the following day, with regard to the mortality of the army, he must make one or two remarks having a bearing on that subject. It was in vain now to indulge in crimination and recrimination in reference to the state of the barrack accommodation, and the consequent mortality in the army. The essential thing was to consider what line of policy the Committee was to adopt with regard to this important question. It was well known that enormous sums had been fooled away at Aldershot and elsewhere; but that money was spent, and the question now was, whether they ought not to go on spending more money until they lodged the soldier—he being a picked man—in a manner calculated to give him at least as good a chance of life and health as an ordinary civilian? The Portman Street barracks had been referred to, and they were certainly very bad, but they were far from being the worst he had seen. The barracks at Woolwich were in so dilapidated a condition that the authorities had been obliged to have them shored up to prevent accidents and loss of life. Besides, under the very dormitories were lavatories, latrines, and the like, enough to breed a pestilence in the place; yet the state of these barracks had been represented to the authorities for no less than nine consecutive years. It was vain to think of bringing up the arrears of mismanagement without expense. But no economy could be worse than that of enlisting recruits and paying a bounty for them in order to kill them off prematurely twice as fast as the rest of the population. On every principle of justice, humanity, and true economy, Parliament ought not to rest until the bar-

racks of the country were put into a reasonably healthy, decent, and creditable state.

Mr. TITE said, it appeared to him that the Government and the country had been liberal in the outlay with respect to barracks, but the great defect had been that they had not proceeded on any distinct and well understood plan. They did not want a Commission to inquire into these things, but an intelligent practical man who would tell them, at little or no expense, what the real defects were and how they were to be remedied. It was not red-tapeism that was required, but a simple and intelligible plan of procedure. A few years ago architects were invited to send in plans for barracks, and a promise was given that the successful competitors should be employed, the premiums being made very small on that account; and the architects who happened to be successful now complained, and he thought justly, that the promise made had not been fulfilled. He had been in communication on the subject with the Secretary at War, who had promised to give the subject his best consideration. He could not but think that architects who were accustomed to erect civil buildings were the most suitable persons to erect barracks. He would appeal to the Secretary for War to postpone the Vote for Netley Hospital, on the ground that a gentleman of great intelligence had distinctly reported against the suitability of the site, as he (Mr. Tite) believed almost every other person who was an authority on the subject had done, including Mr. Stafford, whose death they all deplored. It was said that the building had been contracted for, and that we must therefore go on with it. He thought, however, it would be much the wisest course to compensate the contractor for any loss which he might have incurred, instead of going on spending thousands upon thousands foolishly and unprofitably. When the proper time came he should certainly press for the postponement of the £73,000 asked for on account of this vote until the papers which had been promised on the subject were forthcoming.

General PEEL said, of course if the architects alluded to by the hon. Gentleman were promised employment, they had a just ground of complaint. Their plans, however, did not seem at all economical. The estimate for infantry barracks was £140 per head, for cavalry barracks £300 per head, and for artillery £330 per head, whereas the cost actually incurred at Aldershot was £45 for the infantry, £150 for the cavalry, and £157 for the artillery. He thought that, although Aldershot had been so much abused, the barracks there were, on the whole, very good. The only fault which he had to find was, that they were situated at the extremity of the property. With respect to the remarks of the noble Lord (Viscount Ebrington), he thought his wisest course was to deal with matters as he found them. It was of no use to talk about the money which had been spent in vain; what the Government would do was, to endeavour, as far as possible, to apply a remedy to existing evils.

Mr. SIDNEY HERBERT said, he cordially concurred with the right hon. and gallant Gentleman the Secretary of State in thinking that but very little advantage would result from hunting back into the archives of the War Department to find out who refused to carry out barrack works which were considered necessary. The point they had now to consider was, the best mode of setting the matter right. He recollected the time when very little was thought of the army, when there was a dream of perpetual peace, and when economical questions occupied the minds of the English people. Very little was at that time done in this direction; but in defence of the House of Commons he must say that when a case was fairly put before them he saw no signs of illiberality. During the last three years a large sum of money had been voted by the House for these purposes—voted to compensate for the penury of previous years—and it had been said that that money must have been fooled away. When, however, hon. Gentlemen compared the amount per man spent upon barracks and compared that with the sum required for building a cottage, he thought they did not look upon the question in its proper aspect. In the one case there was a cottage and nothing more. In the other case it must be remembered that a barrack was not a house but a town. There were at this moment more men living in the Wellington barracks than existed in certain towns which were represented in that House. In connection with a barrack there must be a chapel, parade ground, ball court, prison, a library and reading-room, which corresponded with the literary institutions of the town; and quarters corresponding to the neighbouring squires' houses to accommodate the officers. A barrack was not merely a soldiers' habitation; it must be built to accommodate a complete society; and the deficiencies now existing in this respect

would not, he feared, be remedied without a very considerable outlay. He observed that Lord Panmure, "in another place," had quoted the Portman barracks in contradiction to the assumed assertion of the Commission that the greater mortality in the Guards resulted from their more crowded condition in comparison with those occupied by the line. Now, the Commission had made no such assertion. He had cautiously avoided giving anything but a bare statement of the facts, and knew better than to attempt to account for them. Lord Panmure, however, had quoted the Portman barracks to show that the Commission was wrong in an assertion they had never made. But as to the facts, his Lordship was entirely in error, though led away by a very natural supposition. Lord Panmure found that there were fewer admissions to the hospital in connection with Portman Street barracks than any other; but if he had looked at the nature of the admissions he would have found that, tested by the serious character of the diseases and by the mortality, they were the most unhealthy barracks next to the Tower. He had every confidence that his right hon. and gallant Friend (General Peel) would, when the whole facts were before him, deal with the question of barrack accommodation in a proper spirit. With regard to Netley Hospital he (Mr. S. Herbert) still held the opinion that the site was an unfortunate one. It was not, however, the fault of Lord Panmure that such selection was made, for he had referred the subject to the Army Medical Board, who did that which civil medical boards would also have done—showed that they had given but slight attention to the construction of hospitals. If they went through London and conversed with medical men they would be surprised to find how few of them had paid the slightest attention to the subject of construction, the quarters of administration and treatment.

General PEEL said, with regard to Netley Hospital, the Vote for which some hon. Gentlemen wished to postpone, the works had been contracted for and were in progress, and he did not see how it was possible to postpone the Vote.

Mr. TITE said, it was usual to take power in contracts to stop works when necessary, and he could see no difficulty in doing so in this case.

Sir HARRY VERNEY said, there was one fact that was decisive against Netley Hospital. No patient in it could see the sun from the hospital windows. He had had great experience in hospitals, and he knew how important a cheerful situation was for the patients, which was altogether denied them in this hospital. But he had great confidence in the fairness and candour of the right hon. and gallant Gentleman and of his anxiety to promote to the utmost the comforts of the sick soldiers.

Major WORTLEY said, that he should take this year the same course as he did last, and move for the reduction of the Vote by the sum of £88,000, the estimate for completing the works at Aldershot. He had formerly expressed the opinion, and he repeated it now, that the officers and soldiers did not learn the art of war at Aldershot, and that the soldiers were not taught cooking. He had also warned the House of the rotten state of the huts, and against the wild expenditure into which they were led at Aldershot — an expenditure of which there seemed to be no end. He moved the omission of £88,000, being the Vote for Aldershot.

Colonel GILPIN said, the camp at Aldershot was essentially a camp of instruction, and that the soldiers there were accustomed to dress their own dinners. The militia regiment he had commanded there had more than once had their breakfast and dinner in the field. He wished to know from the hon. Baronet opposite (Sir John Ramsden) why the allowances granted to officers under the Royal Warrant of July, 1848, and which was understood to apply to the troops encamped at home, had been discontinued at Aldershot? With regard to huts erected at Aldershot, it would be recollected that the noble Lord, lately at the head of the Government, stated that they were quite unfit for troops during the winter, and that they would only be used in summer; but a large body of troops had, nevertheless, been in those huts all the winter. He could assure hon. Gentlemen who were anxious about economy, that that virtue was severely practised at Aldershot, for in the course of one month last winter he was informed he had drawn half a scuttleful of coals more than his allowance, which must be deducted in the course of the next month.

Sir JOHN RAMSDEN said, the allowances to which the hon. and gallant officer referred were field allowances given to troops when in camp, but they were not issuable to troops in permanent encampments in this country. The allowances were only intended to provide officers with

accoutrements for the field, and to meet other expenses which they were not put to in permanent encampments.

CAPTAIN ANNESLEY said, he had no hesitation in stating, as the result of his own knowledge, that Portman Street Barracks were perfectly unfit for the habitation of any troops in Her Majesty's service. He begged to know whether there was any probability of their being rebuilt.

GENERAL PEEL replied, that the condition of those barracks would be reported on in due time, and he hoped they might be able to replace them by new barracks.

GENERAL CODRINGTON thought the field allowances referred to by the gallant Officer (Colonel Gilpin) should be given at Aldershot.

Whereupon Motion made and Question, "That the Item of £88,000, towards completing the permanent Barracks at Aldershot, be omitted from the proposed Vote," put, and *negatived.*

Original Question again proposed.

Whereupon Motion made and Question, "That the Item of £73,000, for the erection of a new Hospital at Netley, be omitted from the proposed Vote," put, and *agreed to.*

Original Question, as amended, put, and *agreed to;* as was also,

(9.) £324,091, to complete the sum for Barracks.

House resumed.

Resolutions to be reported *To-morrow.*

WAYS AND MEANS.—COMMITTEE.

Order for Committee read.

House in Committee of Ways and Means.

THE CHANCELLOR OF THE EXCHEQUER moved, that towards making good the supplies a sum of £11,000,000, should be granted out of the Consolidated Fund of Great Britain and Ireland.

Resolved,

That, towards making good the Supply granted to Her Majesty, the sum of £11,000,000 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

House *resumed.*

Resolution to be reported *To-morrow.*

PRINCE EDWARD'S ISLAND LOAN—COMMITTEE.

Order for Committee read.

Papers relating to Prince Edward's Island [presented 16th April] *referred.*

House in Committee,

LORD STANLEY said, he rose to move a Resolution, to the effect that Her Majesty be authorized to guarantee the payment of a loan, not exceeding £100,000, for the service of the colony of Prince Edward's Island. He did not intend to detain the Committee further than to assure them, that although it was necessary to ask them to assent to this Resolution in order that he might be enabled to introduce a Bill on the subject, they did not thereby pledge themselves either to the principle or to the details of the measure. He believed from what had taken place at an early period of the evening, and also from the proceedings last year with reference to the New Zealand Loan guarantee, that a general opinion was entertained in the House that Imperial guarantees of loans raised for colonial purposes were objectionable in principle, and in that view he fully concurred. He regarded any system of such guarantees as not only dangerous and embarrassing to the Imperial finances, but as contrary to the true interests of the colonies themselves, for these communities ought to understand that co-extensive with the right of self-government was the duty of self-support. If he were asked why, having laid down a rule of that kind he proposed to depart from it in this instance, his justification was that the present was a special and exceptional case, and one which was not likely to recur. His justification was that in assisting the colony of Prince Edward's Island to relieve itself from the embarrassment in which it was placed they were not granting any favour or conferring any boon, but were simply, in some degree, repairing a wrong, which had been caused by an act of the Government of this country, and for which, therefore, they were in justice bound to provide a remedy. He could show to what an extent the growth of that colony had been retarded by an act of the Imperial Legislature passed nearly ninety years ago. In 1767, the greater part of the land in the colony, amounting to nearly 1,500,000 acres, was disposed of, he could hardly say by sale, but by public lottery in London, in the course of a single day. No less than 1,340,000 acres were disposed of in sixty-seven lots of 20,000 acres each. These grants were made subject to the condition of introducing a certain number of settlers, at the rate of one for every 100 acres, and also subject to a quitrent varying from 2*s.* to 6*s.* per 100 acres, to be paid to the Government. These conditions were in themselves sufficiently improvident, but the Government did not even

interfere rigidly to enforce them on behalf of the colony. Soon after the settlement of the colony the American war broke out, and it was then alleged that the introduction of settlers according to the terms of the agreement had become impossible. Settlers were not introduced, and the Government tacitly, if not in express words dispensed with that part of the obligation. The payments fell into arrear, and were not pressed. The result was that almost the whole soil of the colony was alienated, and that the greater part of the proprietors were absentees, or speculators with very little capital, who from the conditions of their tenure were necessarily placed in a position of antagonism to the great mass of the population. It was well known to all who were acquainted with the feelings of colonial communities that the great desire of every colonist was to become the possessor of land; and from the period he had mentioned the history of Prince Edward's Island presented a record of one long quarrel between the proprietary thus imposed by the Imperial Government upon the colony and the population who were their tenants. Various attempts were made to have the land declared forfeited on account of the non-fulfilment of the original conditions. It would seem, looking back at this distance of time, that such a proceeding was founded in reason, but it was not encouraged by the Government of the day, who adopted a directly opposite course. A large amount of arrears was forgiven in 1818, and at the same time the amount of the very moderate quitrent originally imposed was reduced. In 1830 a further change was made, the quitrent was abandoned, and a land-tax was substituted. About that time the policy of the great mass of the colonists, who had all along been opposed to the proprietary tenure, appeared to have changed, and, instead of seeking to obtain the forfeiture of the estates on the ground of non-compliance with the original conditions, they attempted to drive out the proprietors by imposing upon them excessive and unfair taxation. At the same time a reduction in the value of the colonial currency took place to such an extent that 18*d.* currency became only worth 1*s.*, a proceeding which reduced in that proportion the rents payable to the proprietors. In 1851 representative government was introduced into the colony, but no attempt was made to settle the land question. On the one hand the colonists complained that the land was alienated, and on the other the proprietary felt aggrieved at being first placed, in consequence of the former acts of the government, in a position antagonistic to the colonists, and then handed over to a legislative body, which was not very likely to do them justice. In 1855 the matter was brought to a crisis. The Governor sent home two Acts, one imposing a rate or duty on the rent-rolls of the proprietors for military expenses, and for the further encouragement of education, and the other giving compensation to tenants for improvements. The Imperial Government seldom interposed in the internal affairs of a colony to which representative institutions had been granted, but those Acts were found to be so bad in principle and defective in machinery that the then Colonial Secretary (Sir G. Grey) felt himself bound in November, 1855, to disallow them both. It was to be remarked, too, that the Governor, in sanctioning them, spoke quite as strongly as the right hon. Baronet of the danger of the principle thereby established, and said he only gave his assent to these measures, in the hope of averting still greater evils which might arise from their rejection. The right hon. Gentleman (Mr. Labouchere) who succeeded the right hon. Baronet wrote to the Governor in December, 1855, to express his intention to resist all measures of a similar character which were aimed at the spoliation of the proprietors. The right hon. Gentleman, feeling, however, the danger of leaving the matter open, suggested that an amicable settlement might be effected by these lands being bought up. The suggestion was acted upon in April 1856, both Houses agreed in proposing a loan of £100,000, to buy up these lands, and asked for the guarantee of the Imperial Legislature, promising to repay the loan in twenty years. The right hon. Gentleman (Mr. Labouchere) assented to this request. From some cause the Bill was postponed last year, but a promise was given that it should be brought in early in the present Session. The revenue of the colony, which was £12,000 in 1848, was now between £28,000 and £30,000, being an increase in the proportion of five to two in eight years. The colony was free from debt, and though the expenditure nearly kept pace with the income there was a small available surplus. He would not enter into the details. Suffice it to say, that the net rental of the lands proposed for pur-

chase was £7,000 per annum, that their value was taken at twenty years rental, that a sinking fund was to be provided, and that the debt to be created would not extend over more than twenty years. The proposal now made would relieve the island from an embarrassment which it did not create for itself, and which had indeed been the direct work of the Imperial Government. The noble Lord concluded by moving that Her Majesty be authorized to guarantee the payment of a loan to an amount not exceeding £100,000 for the service of Prince Edward's Island, with interest not exceeding 4 per cent., and that provision be made out of the Consolidated Fund for the sum payable under this guarantee.

Mr. BLACKBURN said, this was one of the legacies left to the present, by the late Government, and was one which he supposed they would rather not have received. He trusted that the Committee would not agree to this Resolution. No reason had been given why, if the tenants of these lands wished to buy up the fee-simple, they should not do it individually; but it was proposed that it should be done by a guaranteed loan of £100,000. Now Parliament had objected entirely to the principle, and he thought the most simple way would be to negative this Resolution.

Resolution *agreed to*.

Resolved,

That Her Majesty be authorized to guarantee the repayment of a Loan, to an amount not exceeding £100,000, for the Service of the Colony of Prince Edward Island, together with the interest thereon, not exceeding 4 per centum per annum; and that provision be made, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the payment from time to time of such sums of money as may become payable by Her Majesty under such guarantee.

House *resumed*.

Resolution to be reported *To-morrow*.

House adjourned at a Quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, May 11, 1858.

Minutes.] Public Bills.—2ª Chief Justice of Bombay; Loan Societies.

3ª Transfer of Land.

Royal Assent.—Exchequer Bills (£20,911,500); Exchequer Bonds (£2,000,000); Customs Duties (No. 2); Excise Duties; Customs Duties; General Board of Health (Skipton, &c.); Cambridge University Matriculation and Degrees.

Lord Stanley

SECRET LETTER.
LORD CANNING'S PROCLAMATION.
EXPLANATION.
RESIGNATION OF THE EARL OF ELLENBOROUGH.

The Marquess of LANSDOWNE: (who was very imperfectly heard). My Lords, I wish to claim your indulgence for a few minutes, while I correct an accidental error, whether material or immaterial, in a statement I made last night, into which I was led by circumstances which it is easy to explain. When I came down to the House yesterday, I was not at all aware that it was likely there would be any conversation with respect to that particular subject which was brought under the notice of your Lordships. I was, however, induced, in consequence of the discussion which was raised, to state to my noble Friend near me (Earl Granville) the substance of some information which I had received in the course of a conversation which I had had that morning with my right hon. Friend the late President of the Board of Control. I was quite correct in saying that my right hon. Friend has received a private Letter from Lord Canning, in which that noble Lord expresses great anxiety to furnish an explanation of the grounds on which he had issued the Proclamation which has since been the subject of so much consideration and discussion. I certainly was under the impression, from the casual conversation I had had with my right hon. Friend, that the Letter had not been received before both Houses of Parliament had been made acquainted with the Proclamation of Lord Canning, as well as with the censure of that Proclamation which had been sent out by Her Majesty's Government. That, however, I find to be inaccurate. I was led into the error by supposing that what my right hon. Friend said in reference to that point was that he had not communicated to the Government the private Letter he had received from Lord Canning, because he had thought there could be no use in his doing so after the announcement which had been made to the two Houses of Parliament. But I have since found that what my right hon. Friend said was that there would be no use in communicating the Letter after that censure of Lord Canning's policy had gone out to India. I do not myself see any material difference between these two statements, but I have thought it right to put your Lordships in possession of the precise facts of the case.

I wish to add, in anticipation of any question which might naturally be put to me upon this subject, that no private communication whatever relating to public business received from Lord Canning by my right hon. Friend the late President of the Board of Control since he left office with the exception of this Letter, which, in the midst of a few sentences relating to private matters, contains that single sentence of a public character, expressing the regret which he felt that the extreme pressure of business prevented him from giving the explanation which he was anxious to afford of the grounds on which his Proclamation was issued. Owing to the change of Government my right hon. Friend received that Letter without the Proclamation; and that was all the information which reached him upon the subject.

THE EARL OF DERBY: I am sure no one in the House or out of it ever suspected for a single moment that the noble Marquess would make a statement which he did not believe to be entirely correct. But the noble Marquess has now clearly pointed out the amount of inaccuracy in the statement which he made. I must, however, take the liberty of remarking that he has now made a considerable difference in the state of the case; because his statement last night was, that the private note promising an explanation on the part of Lord Canning was not received until after the communication had been made to Parliament of the answer to the Proclamation; but the noble Marquess has now admitted that he was in error; but he has stopped short in his revelations, for he has not told us what was the precise date at which the private note was received from Mr. Vernon Smith.

THE MARQUESS OF LANSDOWNE: Yes, I have. I have stated that it was not received until after the censure of the Earl of Ellenborough had been sent out—namely, on the 19th of April; and, consequently, if it were of any importance, it could have had no effect upon the sending out of that censure.

THE EARL OF DERBY: I am very glad that the noble Marquess has at last given us the precise date, because if a communication had been made to my noble Friend the President of the Board of Control on the 19th of April, it would have been in ample time to produce any effect on his mind which might naturally be produced by the knowledge of that note—and for this reason, for although that which the noble Marquess called a censure—and it certainly was a censure upon the Proclamation—was dated on the 19th of April, it was not sent out until the 26th of April; and consequently, if Mr. Vernon Smith had intimated to the Board of Control, at the time that he received that private note—Lord Canning having written that private note to Mr. Vernon Smith under the impression that he was the person who would receive it at the same time with the Proclamation—that the Governor General intended to give those explanations with regard to the Proclamation which he felt it expedient should be given, the effect intended by Lord Canning in writing the Letter would have been produced, and my noble Friend would not have been led to give a premature condemnation of the Proclamation, when the Governor General himself, in a private Letter, asked for time for consideration ["No, no!"] As I understood, certainly, Lord Canning stated in that note he would take the opportunity of forwarding an explanation by the next mail. My noble Friend near me (the Earl of Malmesbury) remarked with great truth last night that the conduct of my noble Friend (the late Secretary for Foreign Affairs) presented a very marked contrast to the course of proceeding taken by the late President of the Board of Control. My noble Friend the late Secretary for Foreign Affairs knows well that in all matters of great importance there are sent over frequently, by persons in the confidence of the Crown employed abroad, private letters, which accompany the public despatches, and that those private letters are of the utmost importance to understanding the real meaning and intention of those despatches. My noble Friend opposite received many such letters; and I venture to say—at least, I believe—there is not one which he has not in the frankest and fairest manner communicated to my noble Friend (the Earl of Malmesbury) with a view to put him in possession of the whole state of the case. I am unwilling to impute to Mr. Vernon Smith any other reason for his conduct than that he was not aware of the ordinary course of proceeding; but I may be permitted to say that such a departure from the ordinary course is neither fair for the Government at home, nor for the interest of those employed by Her Majesty's Government abroad. I say it was the bounden duty of Mr. Vernon Smith, if he received a private letter addressed to him

on the supposition that he still filled the office of President of the Board of Control, and that letter contained an expression by the Governor General of his regret that he was unable by that mail to forward an explanation of the Proclamation—I say it was his bounden duty not to have permitted his successor at the Board of Control to remain in ignorance of that Letter —and I say further, on the statement of the noble Marquess himself, that if he had so communicated it, one week would have been given to Her Majesty's Government to decide what effect the receipt of that note would have upon the reply which was to be sent out to the Governor General.

EARL GRANVILLE: My Lords, I am not going to argue in any way against the principle which has just been laid down by my noble Friend. It is manifestly most important—and more particularly at a period when changes of Government take place more rapidly than they did in former times —that one who lately quitted office should afford to his successor every explanation in his power with respect to the course of public affairs; and I am glad to find that an ample acknowledgment has been made of the mode in which such explanations have been given by my noble Friend who lately presided over the Foreign Office (the Earl of Clarendon.) I think I can also feel assured that I shall receive for myself the testimony of my noble Friend opposite (the Earl of Hardwicke), that I have given him all the information which I could furnish upon the much less important subjects which came within my province; and I am bound to add also that no one ever more fairly discharged that duty than my noble Friend the present President of the Board of Control, who at all times afforded to the late Government valuable information upon matters of great public importance. I was quite prepared to follow his example, although I was unable to do so as completely as I wished. The noble Earl will remember that I communicated to him the contents of a letter which had reached me about the same time Mr. Vernon Smith received his communication from Lord Canning.

THE EARL OF ELLENBOROUGH: It was after the despatch to Lord Canning had gone out.

EARL GRANVILLE: It was a private letter, containing three or four passages of public interest, which I sought to communicate to him by reading them to him in the lobby of the House. I am bound, however, to add that I did not read to the noble Earl all that I had intended to read; because after I had gone through a portion of the communication the noble Earl entered into so interesting but at the same time so long an account of his view of the state of affairs in India at that moment, that after having made one or two ineffectual attempts to obtain a hearing for the purpose of finishing the information I had to offer I put the letter in my pocket and gave the matter up in despair. As I understand the present case, the letter addressed to Mr. Vernon Smith reached his residence while he was engaged in Ireland in a matter very interesting to himself and to the Lord Lieutenant of that country. He received it on his return to London, where it had been waiting for him. In the middle of that letter there was a paragraph—I do not profess to give the exact words—to the effect that the writer, Lord Canning, had sent home the draft of a Proclamation—not a Proclamation which he had issued, but the draft of a Proclamation which he meant to issue, and that he should have liked to be able to send an explanation with it by that mail, but that he was prevented by a pressure of business from carrying that wish into effect. Now, could Mr. Vernon Smith imagine, that within an hour of the receipt of this intended Proclamation there was to be written one of the strongest censures that had ever been pronounced on the policy of a public man? I admit that I think it would have been better to have given even that meagre information to the Government; but we must not wonder if Mr. Vernon Smith did not think it necessary to make to his successor in office a communication in which he could have stated nothing more than this: "I understand you have received a copy of an intended Proclamation from Lord Canning; he would have sent an explanatory statement with respect to it if he had time, but he was obliged, from pressure of business, to reserve his explanation until the next mail. I have learnt these facts from a private letter from him which reached my residence while I was absent from London." What has happened is, that Lord Canning, not having had time to send that explanation with the draught of his Proclamation, has deferred it until he was able to send the modified Proclamation which he actually issued; and I have no doubt but that both these documents will be received by the noble Earl opposite in the course of time.

The Earl of Derby

THE EARL OF ELLENBOROUGH: The Letter to which the noble Earl alludes, enclosing the Proclamation, was received on the 12th of April—the answer was not written until the 18th of April—it was dated April 19, and was not sent until the 26th of April. Therefore, my Lords, it cannot be said there was not ample time for consideration as to what the Letter reflecting on the Proclamation should contain, and also for further deliberation after it was written, as has been shown by my noble Friend near me. I say, my Lords, that the more I reflect, the more strongly am I convinced, that it was absolutely necessary that the Letter should be sent as it was originally written. But what I am accused of is not the writing of that Letter—I have heard no one find fault with the Letter—no one has attempted to defend the confiscation of the proprietary rights of the Native landholders in Oude—the only question raised is, was it or was it not right to publish that Letter which was written. I say no one attempts to defend the confiscation of the rights of the Native proprietors of Oude; that I repeat, because as I understand the Resolution to be moved on Friday it relates to the publication of the Letter, and to that question alone. Now, my Lords, the publication of that Letter is an act as wholly mine as the writing was. I take upon myself the whole responsibility, and I will tell your Lordships how it it happened that that publication took place. My Lords, some time before I had written a Letter, which was subsequently laid upon the table—a Secret Letter, written in anticipation of the capture of Lucknow, and to be published as soon as we were in possession of Lucknow—in which I directed that the Government of India, having exhibited their strength, and being in possession of the place, should temper justice with generosity, should proclaim an amnesty, disarm the people, and, wherever the amnesty was proclaimed, should establish as soon as possible the ordinary administration of the laws. My Lords, I apprehended that there would be obstruction to the Government in the execution of these orders from subordinate officers, maddened, as I expressed it, by the scenes which they had recently witnessed, and I desired the Government to persevere in doing what they thought right; and I said that acting in that spirit they would have the unqualified support of the Government. Soon after, my Lords, I received this Proclamation, of which the only important point to notice is the confiscation—

[Earl GRANVILLE interposed a remark which was not heard.] How was it possible to communicate by electric telegraph? The fact is, that soon after the Letter to which I have referred was published here, I received the Proclamation, which is in direct contradiction to the principles laid down in the Letter, of which the noble Earl opposite approves. Surely the confiscation of the whole proprietary rights of the landholders of Oude is in direct opposition to the spirit of clemency, and inconsistent with an amnesty; it is persecution after defeat—it is subversive of the principles which had been laid down in our first Letter—it was contrary to the feelings of the Government, and contrary to the principles upon which they were determined to act. When I read that Proclamation, I felt it to be my duty at once to express, as I did express, my own sentiments, and these were adopted by my noble Friends. I think I should have been unworthy of a seat in your Lordships' House if I acted otherwise. But I felt, at the same time, that if that Proclamation were really published as it stood before me, it was quite impossible that my Letter with regard to it could be withheld from the public. I knew that the moment that Proclamation became known questions would be put in Parliament, both in this and in the other House, to which answers must be given, which answers could not be satisfactory without the production of this Letter, which therefore we could not resist. My Lords, I desired its publication—and I will tell you upon what grounds. Having told the Government of India that in order to remove all obstructions that might be raised against a merciful policy by subordinate officers, I was determined to support it in carrying out the principle of clemency—I felt that it was necessary—that it should be known to the governors as well as the governed that the Cabinet were resolved to enforce that system against all persons, be they whom they might. I felt, and I still feel, that this letter was a message of peace to the people of India. I knew I was laying down a principle which, if it were not so laid down, never would be generally adopted in that country. I knew that it would offer conciliation to those who were living in dread of retribution from our power. I was determined to compel all those in office in India to act in the spirit in which that letter was written; and it was for the sake of the public peace and welfare

of India that I desired that Letter should go forth. But as regards the giving of publicity to that Letter, I take upon myself the whole responsibility. My Lords, I knew what it was right to do, and I did it—I did it at once. Perhaps I ought to have taken that Letter to the Cabinet and asked the opinion of all my colleagues before I decided on making it public; that might have been the right course; but that course I did not adopt, and therefore to accuse my colleagues of any misconduct with regard to its publication would be unfair and unjust, since I and I alone am responsible. The act of publication was mine alone, and let me alone bear whatever censure may be attributed to the act of publication. I say this, because I think it is an explanation due to my colleagues in this and in the other House of Parliament. But now I have to consider, under these circumstances, what is my duty, not only to my colleagues, but what is due to the people of India. My Lords, I have endeavoured to serve the people of India as much out of office as in office for nearly thirty years. My most earnest and anxious exertions in public life have been used with a view to their welfare and happiness, and I will not do any act towards the close of my public life which may possibly injure their interests. My Lords, this question will be viewed differently in this country and in India. Here it is a question between one party and another—a question whether my noble Friends near me are to remain in office—or whether we are to submit to that to which we have an intuitive dislike—the Restoration. That, my Lords, is practically and really the question to be discussed before this and before the other House of Parliament. But I beg leave to remind your Lordships that the question which will be considered in India is a very different one. The question there will be understood to be between the conflicting principles of confiscation and of clemency; and, my Lords, I feel satisfied that, according as the decision of this and of the other House of Parliament may appear to be inclined towards the one or the other of these principles, there will be sown broadcast throughout India the seeds of permanent warfare, or the hope will be given of lasting reconciliation and peace. My Lords, I know well—however great the importance of the public question—no matter how great the interests involved—personal considerations will but too much sway the decisions of both Houses of Parliament. I have determined, so far as I can, to remove those personal considerations. I am resolved, so far as I can effect it, that this question shall be considered on its own merits; and determined as I am that to the last moment of my life everything I do shall be to promote the peace and welfare of India, I have to-day tendered to Her Majesty my resignation, and it has been accepted.

EARL GREY: The question whether it was proper or not to publish the despatch which the noble Earl sent out to India will come regularly before the House on a subsequent day, and it would be inconvenient for me now to anticipate the discussion which will then arise; but I must protest against the fairness of discussing at this moment the question whether the Proclamation of Lord Canning was right or wrong, and I protest against it going out to the country that this is a question between the principle of confiscation and the principle of clemency. I deny that that is an accurate version of Lord Canning's Proclamation; but I will not be dragged into a course so unfair towards Lord Canning as to discuss the grounds on which he issued the Proclamation, and the policy and justice of it, when we are still totally ignorant of the reasons which he himself is prepared to assign for the isssue of it. It is this, and this only, I wish to impress on your Lordships, namely, that we are bound to reserve our judgment altogether on the question of the Proclamation. As far as I can at present judge, I might be inclined to disapprove the Proclamation; but I know that men, far more intimately acquainted than I am with the state of India, have arrived at a different conclusion, and believe the Proclamation, even with the present information they possess respecting it, to be right. That being the case, it is fair for us, on the commonest principles of justice, to suspend our judgment till we know Lord Canning's reasons for it. I only wish to add one word more. I cannot help thinking that a great deal more is made of the non-communication by Mr. Vernon Smith of a private letter than it deserves. Because, what really is the fact? My right hon. Friend received a letter announcing that the Governor General had not had time to write an explanation on the subject of his Proclamation. Mr. Vernon Smith did not know that Proclamation or its importance; and, though it is greatly to be regretted that he did not communicate the letter to the Government, yet it was quite natural that

he should not have done so, and in point of fact the Government would have learned nothing from its communication but what they ought to have known without. The Government received the draught of an intended Proclamation, but they had not received the Proclamation as issued. Now we know that the most important State papers frequently undergo alteration between the time of their preparation and issue. We also know that the proper occasion for sending a full explanation of the views of the Indian Government in issuing so important a document is when they transmitted to England the Proclamation as issued, and informed the Home Government that it had been issued. Until the Home Government received a despatch informing them that the Proclamation had been actually issued, I say that, in the absence of any private letter, we are bound to presume that in due time some explanation will arrive. Therefore, in point of fact, the non-communication of the private letter which has been referred to left the Government in ignorance of nothing which they were not bound to know without seeing that private letter.

THE EARL OF DERBY: I will not enter into any discussion of the merits of the Proclamation either as drawn up in the first instance or as subsequently published; but I must say, in answer to the statement that the Government were bound, after receiving the Proclamation as intended to be issued, to wait before making any explanation of their opinions until it was actually received as published, that I altogether dissent from that doctrine.

EARL GREY: I never made any statement that Government might not express their opinions; but I said that they had a right to anticipate that an explanation of the circumstances under which the Proclamation was published was on its way and would in due time be received by them.

THE EARL OF DERBY: The fault which, I apprehend, is found with the Government is that, on receiving the Proclamation intended to be published, they expressed in a Secret Letter to the Governor General their disapproval of it; and, without intending to discuss the Proclamation, I must say that the Government were undoubtedly of opinion that the issue of a proclamation in which confiscation was made the general rule would produce the most dangerous consequences, driving many to despair and inducing others to combine.

EARL GRANVILLE rose to order: When the noble Earl rose, after the important declaration made by his noble Colleague, I thought he was going to give some explanation of a personal character, which I am sure your Lordships would have listened to with attention; but when the noble Earl proceeds to discuss a matter which we have already said we do not intend to argue at this time, and to make a speech applicable to a Motion which is to come on towards the end of the week, I have a right to say the nobe Earl is not in order—especially as he has already spoken.

THE MARQUESS OF SALISBURY rose to move the adjournment of the House, in order to allow the Earl of Derby to address their Lordships.

THE EARL OF ELLENBOROUGH said, he would save the necessity for a Motion of adjournment by moving that the order of the day for the second reading of the Chief Justice of Bombay Bill be discharged.

Moved, That the Order of the Day for the Second Reading of the Chief Justice Bombay Bill be *discharged*.

THE EARL OF DERBY: I certainly was anxious after the statement made by my noble Friend (the Earl of Ellenborough) to take an opportunity of expressing the coincidence of my concurrence, as far as I could concur with him, in the course he has adopted, and of explaining that point on which I am unable wholly to agree with him. I wish also to bear testimony to the manly and generous manner in which my noble Friend, if he has committed any indiscretion, has more than atoned for that indiscretion, and done himself infinite honour. I was proceeding to answer some observations which had been made on the other side. I thought it was made a matter of complaint against us that, without waiting for explanations from the Governor General, we hastened to express our disapproval of the Proclamation about to be issued. I say, my Lords, that if we did disapprove, as was certainly the case, the tenour of that Proclamation, and feared the effect it would have upon the population of India, it was our bounden duty not to lose a single mail in expressing to the Governor General our apprehensions as to the consequences which might ensue. Such was the object of the despatch sent out by my noble Friend the President of the Board of Control, on the 26th of April; and I still think it is deeply to be regretted that between the 19th and the 26th of

April, my noble Friend was not informed that explanations of the intended Proclamation might be expected to arrive by an early mail. But your Lordships must bear in mind that the despatch sent out on the 26th was intended to be, and was, a Secret Despatch. It communicated the opinion of the Government to the Governor General, and we hoped it would be in time to alter the determination to which he had come; but, after all, it did not contain a distinct injunction to Lord Canning to recall or revoke his Proclamation. Far from it. It simply expressed our anxious hope, that in carrying into effect the doctrines put forth in his Proclamation, he would find it necessary and proper to mitigate their strictness and rigour. Although the Proclamation, as we have since received it, does not go the length which I might desire in that sense, yet undoubtedly one paragraph, which has been inserted since the receipt of the copy to which the despatch of my noble Friend the President of the Board of Control applied, does materially modify the terms of the original Proclamation.

THE EARL OF ELLENBOROUGH: Not with respect to the principle of confiscation.

THE EARL OF DERBY: My noble Friend says, not with regard to confiscation, but I hope and believe it must be the intention of the Governor General, although unfortunately he lays down confiscation as a rule, to make large exceptions, for the purpose not only of freeing further penalties, but of restoring lands and property to those who may have forfeited them by their recent conduct. The despatch sent out on the 26th of April, as I said before, was a Secret Despatch. When the Proclamation finally came home and was made known through the public journals, it excited considerable attention and animadversion. It was certain that some Questions would be put respecting it in Parliament, and it was necessary that some step should be decided on. I will now, my Lords—although it is not strictly regular to refer to the precise course taken in "another place"—call to your attention what occurred. My right hon. Friend the Chancellor of the Exchequer arrived late in the House that day. A Question, of which no notice had been given, was immediately asked as to whether the Proclamation had been received, whether any despatch had been written in answer to it, and whether we were prepared to lay that despatch upon the table of the House. Without any communication with the Chancellor of the Exchequer, or with any other person in either House of Parliament, unfortunately, as I think, the Secretary to the Board of Control (Mr. Baillie) rose, and at once stated that a despatch had been sent out, and would be laid on the table. Now, I concur with my noble Friend the President of the Board of Control, in thinking that sooner or later it was indispensable that that despatch should be produced. Questions must have been asked as to whether such a despatch had been sent, and whether we approved the policy indicated in the Proclamation; and if the subject had given rise to discussions, we should have been expected to show the terms in which we had written to the Governor General. But I regret—and I expressed my regret on the following day—that that premature announcement should have been made; and I recollect that upon that occasion a noble Earl opposite drew attention to the fact that, instead of defending the publication of the despatch, I confined my observations to the policy expressed in it. That is perfectly true. I felt then, as I feel now, that that hasty and immediate announcement that the Government were prepared to publish the despatch—an announcement made without communication with any Member of the Government—was an act of imprudence, and that the results of the publication of the despatch would be unfortunate. I was of that opinion then; I am of that opinion now; and my noble Friend near me, (the Earl of Ellenborough) with that candour, frankness, and honesty which so eminently upon all occasions characterize his conduct, comes forward and states that that act was his and his alone, and that he and he only ought to be responsible for the consequences. There is nothing, my Lords, so painful to my feelings as the possibility of being suspected for any purposes of sacrificing a colleague; and I know not that I have ever in my life felt deeper pain than when I received from my noble Friend, not a tender of his resignation, but a copy of a letter in which he had already submitted his resignation to Her Majesty. I was bound to consider not private and personal feelings only, but what was due to the great interests of the country. I was bound to consider whether it was desirable that the Government should stake their existence as a Government upon their liability for an act of

which they were not in the slightest degree cognizant—whether they should take upon themselves the defence of that which they felt they could not wholly defend; or whether they should accept the noble self-sacrifice of my noble Friend, and thereby through his generosity allow his colleagues to have justice done to them. The conclusion to which I came,—and I never felt greater pain than when I arrived at that determination,—was that, in justice to the public interests, it was my bounden duty to accept the self-sacrifice of my noble Friend; and, painful as I felt it to be to separate from one for whom personally I entertain the highest respect, whose knowledge of Indian subjects, whose long experience, whose devotedness to the cause of India, and whose entire abnegation of all selfish feelings for the promotion of the public welfare render him an invaluable colleague, and whose counsel on Indian affairs is of inestimable value, and whose withdrawal could not but be regarded as a great loss to the Cabinet of Her Majesty, I yet felt bound by still stronger considerations, though with the deepest pain, to concur in the suggestion of my noble Friend that his resignation should be received. I have now made all the observations which I think it necessary to address to your Lordships upon the present occasion. I will admit to the noble Earl opposite that this is not the time to discuss the policy of the Proclamation of Lord Canning, either as it was intended to be issued, or as it may hereafter be proved to have been issued. I regret with him the premature publication of a document which, I think, ought not to have been so soon laid before the public, though sooner or later it must have been submitted to Parliament. Still, feeling myself unable to defend the hasty promulgation of that despatch, I have been, with the greatest reluctance, compelled to accept the resignation of my noble Friend near me; but in doing so I feel it due to myself, and due to my colleagues, and due to him to say, that we separate from him as colleagues,—I trust we shall never separate from him as friends,—with the deepest and sincerest regret for his loss, and with an earnest hope that we may still have the benefit of his disinterested and impartial advice in our efforts to settle the great problem of the government of India.

The Motion for discharging the Order of the Day for the Second Reading of the Chief Justice of Bombay Bill was then *withdrawn*, and the Bill was read 2ª and *committed*.

EARL GRANVILLE: I shall trouble your Lordships with only a few observations. I was certainly not prepared for the important announcement made by the President of the Board of Control in a statement which, as truly remarked by the noble Earl who has just spoken, was most honourable and straightforward; and, however widely we may differ upon points of policy, I cannot but feel that a large portion of the eulogy to which your Lordships have listened is well deserved. How far the resignation of the President of the Board of Control may affect the position of his colleagues I am not prepared to say. My object in rising is simply to call attention to a small matter of fact upon which some doubt still seems to rest. The noble Earl at the head of the Government has stated that the question as to the Proclamation in the House of Commons was asked without any notice having been given, and that it was answered by the Secretary to the Board of Control without previous communication with any other Member of the Government. Now, what I want to ask is—and the fact must surely be known to the noble Earl—whether Mr. Baillie was really not aware that a question would be put to him, and whether he gave his answer without knowing what were the wishes of his chief and his colleagues as to dealing with the subject of the question?

THE EARL OF DERBY: My noble Friend (the Earl of Ellenborough) has stated distinctly that Mr. Baillie gave the answer by his authority and on his responsibility, without the knowledge of any other Member of the Cabinet. For myself, I had not the slightest idea that that question, or any other question upon that subject, was going to be put.

EARL GRANVILLE: It has been stated that the question was put without previous notice. Mr. Baillie must have had notice of it, or how could he have communicated with the noble Earl upon the subject?

TRANSFER OF LAND BILL.

THIRD READING.

Order of the Day for the Third Reading read.

LORD CRANWORTH, in moving the third reading of this Bill, referred briefly to the history of the question, and stated that, after the Report of the Royal Commission which inquired into the subject,

he felt it to be his duty to introduce a measure the object of which should be to give a Parliamentary title to purchasers of land, but which should at the same time be of such a character as not to lead to the creation of expensive offices, or to prevent the possibility of retreat in case it should not work satisfactorily. He then had to consider to what Court, whether a new or an existing one, he should give the power of conferring such titles; and, after much consideration, he came to the conclusion that the most satisfactory and efficient tribunal would be the Court of Chancery. In that course he thought he was well warranted by the facts that it would cause no additional expense, and that the commission which two or three years ago inquired into the Irish Encumbered Estates Courts recommended that its powers and functions should be transferred to the Court of Chancery. The noble and learned Lord on the Woolsack concurred in thinking that this would be a very beneficial Bill, and the Secretary of State for the Home Department was also of the same opinion, though he wished to accompany it with another measure bearing on the same subject. The Bill would establish a safe system of Parliamentary title, and would materially facilitate the sale and transfer of land, without risk to the interests of any third party. He trusted, therefore, that their Lordships would have no difficulty in giving the measure a third reading.

Moved, that the Bill be now read 3ª

LORD ST. LEONARDS said, he regretted that he was obliged to oppose the Bill. It would, in his opinion, be worse than useless to impose this new business on the Court of Chancery which already had as much business before it as it could transact; and if this Bill were passed that Court would not only be unable to exercise the new powers proposed to be conferred upon it, but the throwing of such an additional burden upon it must have the effect of producing obstruction and delay in the discharge of its proper functions. He knew it for a fact that the Court of Chancery had not the means of disposing of a greater amount of business than now was before it. The Bill proposed to give the Court of Chancery the power of granting Parliamentary titles to every estate in England. No doubt such titles would be very eagerly sought for, and therefore such a power, supposing it were desirable, would afford ample employment for a new court. Already in Ireland £18,000,000 worth of property had been sold under the Incumbered Estates Act; and the establishment of a similar jurisdiction in England would require and ought to have an entirely new Court to work it, with a competent staff of Judges, clerks, and officers. It would be a delusion to throw these duties on the Court of Chancery, and then to create a new Court, because the present Court could not perform those duties. There could, besides, be no greater mistake than to suppose that the proposed arrangement would offer any facility for procuring a Parliamentary title, for without a good title already it would be of no use going to the Court. The Bill had been attempted to be justified by the Incumbered Estates Court in Ireland; but their Lordships ought to remember the desperate circumstances in which Ireland was at that time placed, which could alone justify the measure. Those circumstances did not apply to England. It was said that the late Sir Robert Peel was the author of the Incumbered Estates Act; but he could state that Sir Robert corresponded with him (Lord St. Leonards), and sent him what he thought would be a good measure for Ireland. In reply he (Lord St. Leonards) informed him that his plan would be found impracticable, and at the same time he sketched out a plan which in its main features was afterwards carried into practice; at the same time adding that, though the peculiar circumstances of Ireland, as they then existed, would justify the measure, yet he considered that it would bear the same relation to the security of property that the suspension of the Habeas Corpus Act did to the security of personal liberty; and that, if such an exceptional measure were to be carried, it ought to be on the understanding that it should be repealed as soon as the exceptional circumstances came to an end. His great objection to the present measure was that it afforded no security for the proper investigation of titles. At present a purchaser took great pains to examine the title before he accepted it, because he was responsible for any defect; but if a Parliamentary title were to be conferred by the sale, then no one had an interest in the investigation: it would be left to the examination of one of the Chief Clerks in the Chancery Court, and the Parliamentary title would cover all defects. He could only consider the measure as one for the abolition of the Statute of Limita-

tions, and for establishing the Court of Chancery as the great auction mart for the whole land of England. The House refused recently to shorten the time of limitation on his proposition in favour of purchasers, yet was now asked to supersede the statute of limitations altogether, although on private sales the interests of absent parties would be carefully ascertained, whilst in sales under this Bill, there would be no one interested in protecting their rights. There was, he thought, no probability of this Bill passing in the other House. He was further informed that the staff of officers in Chancery was altogether inadequate to the new duties that were sought to be imposed upon them, as the clerks had informed him that they were quite incapable of undertaking more business than they already had. He was sorry to find himself in opposition to his noble and learned Friend on this Bill; but he could not assent to it, and would move that it be read a second time this day six months.

Amendment *moved* to leave out ("now") and insert ("this Day Six Months.")

The Earl of DONOUGHMORE said the Incumbered Estates Court in Ireland had a complete staff of officers for the investigation of titles, which made it certain that any flaw which might exist would be discovered. He believed that if this Bill were passed the difficulties thrown upon the Court of Chancery would be very great.

Lord WENSLEYDALE was sorry to oppose the Motion of his noble and learned Friend, but he had the most serious objections to it. He had stated his objections on the second reading of the Bill, namely, that it was a bad substitute for a system of registering titles, that it would effect a complete alteration in the system of conveyancing, and that, by a sale in the Court of Chancery, the title of an estate would be investigated by persons who had no interest in discovering a flaw, so that the investigation would be a mere matter of routine, and that the Parliamentary title being indefeasible, the person who had the real title might have a chance of losing his estate. He stated these objections before the Bill went into Committee; and though some valuable improvements had been effected there, he was bound to add those objections had not been removed. The effect of the measure would be greatly to shorten the period of limitation, or rather to destroy it altogether. It appeared to him that the measure was so full of danger that the House ought to pause before passing it into a law, and that all the more because there was really no necessity for it. He asked his noble and learned Friend why he did not propose, at once, that a man with a doubtful title should go into the Court of Chancery and get his title confirmed? His noble and learned Friend he knew would say no; a Parliamentary title could be given only by a sale. But what was there in this Bill to prevent any man from having a pretended sale—from getting a friend to buy the estate from him with a Parliamentary title, and when that was once effected to have the estate reconveyed back to himself. The more he thought of the measure the more he objected to it, and he should therefore cordially support the Amendment.

The LORD CHANCELLOR said, he could not help thinking that the course pursued with regard to the Bill was very inconvenient and unusual, The time at which the principle of a Bill ought to be discussed was on the second reading, and when his noble and learned Friend moved the second reading of this Bill, he (the Lord Chancellor) was not aware that any objection was made to its principle. [Lord St. Leonards observed that from the first introduction of it he particularly dissented from the principle of the measure.] He was quite aware that the noble and learned Lord said he objected to the Bill, but did not know that he made any statement whatever in opposition to its principle. It was agreed generally by their Lordships that questions of this dry and technical description could not be usefully discussed in the House, and ought always to be submitted to a Select Committee; and accordingly this, among other legal Bills, was sent to a Committee upstairs. He attended that Committee, and they had the benefit of the assistance and advice of his noble and learned Friend who last addressed their Lordships. The noble and learned Lord assisted in improving the Bill, and in amending several clauses; but he certainly did not hear from him that he was prepared to oppose the third reading. On the contrary, he thought he was endeavouring to make the Bill as perfect as possible. He (the Lord Chancellor), upon the second reading, said he approved of the Bill to a certain extent. His approbation was not very warmly expressed, but still he thought it was a step in the right direction; he thought his noble and learned Friend who proposed the Bill was touching

only on a single point, a very large subject; but it seemed to him that the Measure was leading up to that which was a matter of considerable interest, namely, the general registration of titles throughout the country—and he was as extremely desirous, as far as his opinion went on the subject, to do anything which would advance that object. His noble and learned Friend (Lord St. Leonards) objected to confide these powers to the Court of Chancery; but under the circumstances he (the Lord Chancellor) thought it would be infinitely better than in the first place these questions should go to that Court. His reason for saying so was this—that he considered the whole Bill to be an experiment, and he thought it was an experiment which ought to be tried in the way least objectionable to the country. It would be impossible to begin with a large establishment. That would be a most objectionable course. The Bill did not compel persons to take a Parliamentary title, but gave them the advantage of obtaining it, if they chose, through the Court of Chancery. It was said by his noble and learned Friend that they would choke the Court of Chancery if they sent it all this business. Why his noble and learned Friend seemed to anticipate that the measure would be so popular that persons would flock to the Court of Chancery in order to obtain Parliamentary titles. Now if that were so, it was the strongest argument which could be used in favour of the Bill. His noble and learned Friend said the Court of Chancery was not popular in "another place;" he (the Lord Chancellor) wished he would tell where it was popular. He pointed that out to his noble and learned Friend (Lord Cranworth) in the second reading, and told him that if he passed the Bill in that House it would very likely meet with considerable opposition in the other House, on account of the objections entertained there—he did not know why—to the Court of Chancery. Now, the Court of Chancery had dealt with titles, and it had done so in a most satisfactory manner. [Lord St. LEONARDS: between the parties.] He meant, of course, between parties. The title was fully investigated, and the interests of parties carefully watched and guarded by that Court. But his noble and learned Friend thought there would not be that careful investigation where there were no opposing parties, if he might use that expression, who had an interest in having the title fully and thoroughly investigated. But they were not without experience in these matters. The Incumbered Estates Court had dealt with properties to an enormous extent, and only one instance could be found in which a title had been improperly obtained from that Court. He was extremely anxious that the Bill should pass by way of experiment; he believed it would be an experiment which would be eminently successful; and if it turned out that persons found the advantage of having a Parliamentary title, it would then be time to establish a Board or Court, or whatever else they pleased to call it, for the purpose of investigating and transferring titles. He thought this would lead on to that which he believed was the ultimate wish of the public, namely, that they should have a general registration of estates throughout the country. Under these circumstances he was disposed to support the third reading of the Bill.

Upon Lord WENSLEYDALE's Amendment,

LORD ST. LEONARDS at first objected to the clause, as an attempt by a side wind to introduce a system of registration which never would succeed; but ultimately withdrew his objection, for if the Bill should not sink by its own gravity, his noble Friend's Amendment would surely swamp it.

LORD REDESDALE said, it appeared to him to be a fallacy to compare the working of the measure now under discussion with the Incumbered Estates Court in Ireland. When an estate was incumbered, of course the mortgagee took care before he advanced his money to investigate thoroughly all the previous burdens as well as the title, and therefore it did not much matter whether the Court investigated the title or no. But the case was very different here. When you allowed the owner in fee to come before the Court of Chancery with an unincumbered estate, and ask for a Parliamentary title for the purchaser, there would be no one interested in narrowly investigating the title. The burden of doing so would rest entirely on the Court, for both the purchaser's and the vendor's object would be to smooth over difficulties, and cover all defects, till they were made good by a Parliamentary title. This objection induced him to think that the Bill would be attended with considerable danger.

LORD ABINGER, who was almost wholly inaudible in the gallery, was understood to oppose the Bill on the ground that

it would subject sellers of landed estates to considerable expense, and that there were many persons who would be unwilling to submit their titles to the proposed scrutiny.

LORD CRANWORTH, in reply, said, he was rather unfortunate in having fixed the third reading of this Bill for that day, in consequence of the exciting nature of the subject that had engrossed their Lordships' attention at the opening of the House. He agreed in the conclusion that the measure would ultimately become popular. If it became popular, it would be desirable to extend the machinery; but if not popular, it would at any rate have done no harm. He thought, however, that eventually it would become popular, but probably not for some time, owing, in the first place, to the prejudices that prevailed against the Court of Chancery, and next to the number of persons who would be selling estates who would not wish to have their titles scrutinised or investigated by that Court. There were few titles that would bear a strict investigation, and in order to effect a sale there must be a Parliamentary title, subject to the approbation of the Court of Chancery; for the circumstance of an individual being absolutely seised in fee simple without any qualified interest affecting the estate was very rare. If a man sold his estate, he generally disposed of it by auction, and the Bill provided machinery for that purpose. When it was said that there was no one adverse to the investigation of title, it was a fallacy, for the purchaser was adverse to the vendor. In ordinary cases he put the matter into the hands of counsel, and this would be the case under the proposed Bill. He did not deal in theory on this subject, but with the practical facts that had been effected by the Incumbered Estates Court in Ireland. Whether it could be done safely or not was a matter on which he would not reason, but, *a priori*, he would point to what had been effected in Ireland under the instrumentality of the Incumbered Estates Court, where only £2,000,000 of property remained unsold out of £20,000,000, in which case *exceptio non probat regulam*, and showed that these sales could be effected without any real difficulty. He would, however, leave the matter in their Lordship's hands, earnestly believing that this measure would greatly improve the value by facilitating the transfer of land, and that it would put the system of the conveyance of land on a safe and satisfactory foundation.

On Question that ("now") stand Part of the Motion? their Lordships *divided*: Contents 13; Non-contents 12: Majority 1.

CTENTS.

Chelmsford, L. (*L. Chancellor.*)	Hutchinson, V. (*E. Donoughmore.*)
Carnarvon, E.	Bagot, L.
Derby, E.	Colville of Culross, L.
Hardwicke, E.	Cranworth, L. [*Teller.*]
Sandwich, E.	Monteagle of Brandon, L. [*Teller.*]
Eversley, .	Stanley of Alderley, L.
Hardinge, V.	

NOT-CONTENTS.

Glengall, E.	Abinger, L.
Powis, E.	Crofton, L.
Romney, E.	Denman, L.
Talbot, E.	Redesdale, L.
	Saint Leonards, L.
Clancarty, V. (*E. Clancarty.*)	Wensleydale, L. [*Teller.*]
	Wynford, L. [*Teller.*]

Resolved in the *affirmative.*

Bill read 3ª accordingly.

Amendments made.

Bill *passed*, and sent to the Commons.

House adjourned at a quarter to Eight o'clock, to Friday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 11, 1858.

MINUTES.] PUBLIC BILLS.—1° Election Committees Scrutiny.
3° Stamp Duty on Drafts.

GOVERNOR GENERAL OF INDIA.

NOTICE.

LORD ADOLPHUS VANE-TEMPEST said, he wished to give notice that when the Right hon. Gentleman the Member for the City of Oxford brought forward the Resolution of which he had given notice, he should move, by way of Amendment—

"That this House, in its present state of information, abstains from expressing an opinion on the Policy of any Proclamation which may have been pursued by the Governor General of India in relation to Oude, or on the course pursued by the Government with reference to such Proclamation"

MR. CARDWELL said, he thought it probable that it might be the wish of Her Majesty's Government that the Motion of which he had given notice for Thursday next should come on the first thing on that day, and he should, therefore, beg to make an appeal to the hon. and learned Member for Newcastle (Mr. Headlam), and also to

the hon. Member for Lymington (Mr. Mackinnon), whom he did not see in his place, but to whom he had written—although the Motion of which he had given notice would not occupy much time—and lastly, to his hon. Friend the Member for Tavistock (Sir J. Trelawny) and ask their leave that his Motion might be allowed to take precedence on Thursday next.

MR. HEADLAM said, he felt considerable reluctance to give way; but, as he well knew that it was impossible to get any measure discussed against the general feeling of the House, he would not stand in the way though his consent must be contingent upon the circumstance that the other Orders of the Day be given up in the same manner.

SIR JOHN TRELAWNY said, he did not wish to delay the discussion of the Motion of the right hon. Member for the City of Oxford, but, as he was beholden to the Government for giving him Thursday for the resumption of the debate in Committee upon Church Rates, he could not give way unless some other day was given to him.

MR. CARDWELL: In the event of hon. Members not allowing my Resolution to take precedence on Thursday, will the right hon. Gentleman the Chancellor of the Exchequer allow the discussion to be taken on Friday?

THE CHANCELLOR OF THE EXCHEQUER: Friday is quite at the right hon. Gentleman's service.

MR. CARDWELL: Then I give notice that on Friday next I will move the Resolution which stands upon the Paper in my name.

EUROPEAN INFANTRY REGIMENTS IN OUDE.—QUESTION.

MR. VANSITTART said, he wished to ask the Secretary of the Board of Control, whether it is true that the three new European Infantry Regiments, already authorised for the Bengal Establishment, are to be officered by a simple transfer of European Officers borne on the rolls of the first six Native Sepoy corps of the line; if so, what peculiar claim the officers of the first six Native regiments, no longer existing, have over the other extinct Native regiments?

MR. BAILLIE said, that it was quite true that three new European regiments were to be raised for the Bengal service. The officers of two of the Sepoy regiments were to be taken bodily for two of the new Regiments, and the other was to be officered by the officers of the first six Sepoy Regiments, but the two regiments from which the officers were to be taken bodily were left to the selection of the Governor General of India.

ENDOWED SCHOOLS (IRELAND). QUESTION.

MR. BAGWELL said, he wished to ask the Chief Secretary for Ireland if Her Majesty's Government intend to legislate this Session upon the Report of the Endowed Schools (Ireland) Commission, with a view to the improvement of Endowed Schools in Ireland, for the better management of their Endowments, and for the better regulating, managing, and governing of such Schools, and for the general promotion in connection with them of Academical Education in Ireland?

LORD NAAS said, it was not the intention of the Government to propose any measure to Parliament during the present Session.

THE "CAGLIARI."—QUESTION.

MR. KINNAIRD said, he rose pursuant to notice to ask the Under Secretary for Foreign Affairs whether the Government have settled the amount that ought to be claimed as compensation from the Neapolitan Government for the Engineers of the *Cagliari*, Watt and Park; and, if so, whether the demand has been actually made, or whether it has been left to arbitration under the arrangements suggested at the meeting of the Congress of Paris?

MR. CRAUFURD said, that before the Under Secretary for Foreign Affairs answered the question of the hon. Member for Perth, he wished to put another question of which he had given notice. He wished to know whether his attention has been called to the report of a speech of Count Cavour in the Chamber of Deputies at Turin on the 6th instant, in which the Count states that in Lord Malmesbury's despatch no precise mode of solution was pointed out, but that it was the Sardinian Government that had proposed the modes of action; and, if so, whether he desires in any way to modify the statement made by him on the 4th instant, to the effect that the Sardinian Government had cordially accepted the proposals made to them by Lord Malmesbury? He also wished to know whether any reply has been sent to the despatch of the Marquess d'Azeglio, dated the 24th of March last?

MR. SEYMOUR FITZGERALD said, in reply to the last question which had been

put to him, he would appeal to the House whether anything could be more inconvenient or more unfair than to ask questions of such a nature without previous notice. In answer to the question put by the hon. Member for Perth (Mr. Kinnaird), he was in a position to state that the Government had instructed Mr. Lyons as to the definite amount of compensation to be claimed from the Neapolitan Government for the Engineers of the *Cagliari*, Watt and Park.

MR. CRAUFURD said, he would repeat his question on Thursday.

CAPTAIN KING, OF THE DEPOT BATTALION.—QUESTION.

MR. BRADY said, he would beg to ask the Secretary for War why Captain King, of the Depôt Battalion Department, was promoted to a Majority, he not being the Senior Adjutant or Senior Captain of that Branch of the Service; and is not such appointment contrary to the rules of the Service?

GENERAL PEEL said, he must really appeal to the House whether he ought to be called on to state the circumstances under which individual officers were promoted. The only answer he felt it his duty to give was, that he considered that he was fully competent to make those promotions, and that he was responsible for them.

CAPE OF GOOD HOPE MAILS.

QUESTION.

MR. MACARTNEY said, he wished to ask the late Secretary to the Treasury the cause for altering the Port of arrival and departure for the Cape of Good Hope Mails in England to Devonport in place of Southampton, as set out in the Copy of the accepted Tender of the Union Steam Shipping Company, bearing date the 27th day of August, 1857, laid on the table of this House (No. 119), whether at the desire of the Postmaster General, the Board of Admiralty, or the inhabitants of Devonport; and also, why the additional sum inserted in the contract should be £3,000, in place of £1,200, as named in the 8th column of the Tender, for such change of the port of departure.

MR. WILSON said, he could inform the hon. Gentleman that no alterations had been made in the contract since the acceptance of the tender. The tenders were received from various persons—some from Southampton, some from Liverpool, and some from other places. They were accepted on the condition that the ships should go from Plymouth Sound, that being the first port which was reached by railway. Those conditions being accepted, no additional charge was made by the contractors. The £3,000 referred to had been given for the performance of additional services not included in the contract. With respect to the insinuation in the question, he could inform the House that no person from Devonport, either directly or indirectly, had attempted to influence the Government in this matter.

OATHS BILL.—COMMITTEE.

ADJOURNED DEBATE.—SECOND NIGHT.

Order read, for resuming Adjourned Debate on Question [10th May]—

"That Baron Lionel Nathan de Rothschild be one other Member of the Committee appointed to draw up Reasons to be assigned to the Lords for disagreeing to the Amendments to which this House hath disagreed."

Question again proposed.

Debated *resumed*.

THE SOLICITOR GENERAL said, that the course taken by the House, in adjourning the debate on a question which, if not altogether new, had not been raised for upwards of 100 years, was, he thought, a safe and convenient course; but, at the same time, he was bound to say that he could not conceive that any reasonable doubt could be entertained on the question before the House. The Motion that had been proposed by the hon. Member for Finsbury (Mr. T. Duncombe) was that Baron Lionel Nathan de Rothschild be added to the Committee nominated, on the Motion of the noble Lord the Member for London for the purpose of settling the reasons for disagreeing from the Lords' Amendments to the Oaths Bill. In the discussion on the preceding day, he (the Solicitor General) thought two questions, which were essentially distinct, were in some degree mixed up together. One of those questions was, the right of this House to call on every individual who had been elected a Member of it to perform the duties which, as a Member, he had to discharge; and the second was, as to the obligation imposed on every Member of the House to observe the necessary formalities before he took on himself the discharge of those duties. The first and, as it appeared to him, the only question then to be determined was the right of the House to call on its Members to perform their services. On that he thought no doubt whatever could be entertained. He apprehended it was perfectly clear that

the moment the name of any person was returned to this House as a Member to serve in Parliament the House had a right to call on that Member to do that which every Member of Parliament was bound to do in the shape of service to the House. Of that a familiar instance was afforded by a call of the House. Suppose a call of the House was made after a general election, that call was virtually an order on every Member who had been returned to the House to attend in his place; and when a Member presented himself in obedience to that summons, it was the business of the House to see that he did not take his seat without observing the necessary formalities. Then, with regard to Committees, the House had a full right to call upon any Member to serve on a Committee. The House had a right to require that; but, having done so, it left it to the Member himself to determine what steps he ought to take to place himself legally in the position of a Member performing any of the acts pertaining to a Member of Parliament. In fact, the first question was as to the right of the House to order the attendance of its Members; and he (the Solicitor General) would ask the House to consider, as a fair and legitimate test, what would be the consequence of holding a different doctrine. The consequence, he apprehended, would be this. A number of Members of the House, after their election, might neglect to take the proper oaths appointed to be taken; and, in that case, the arm of the House would be virtually powerless to compel them to perform their duties as Members of the House. The case of Sir Joseph Jekyll had been referred to, and it was an authority very much in point. It was to be found reported in the sixth volume of *Chandler's Parliamentary Debates.* It appeared that in 1715 the House assembled after an election in the month of March. The Speaker was chosen on the 23rd of that month, and on the 9th of April, General Stanhope moved that certain papers which related to the negotiation of a peace that had been concluded shortly before, and which papers were too numerous and voluminous to be perused by all the Members of the House, should be referred to a Select Committee of twenty Members, who should make a digest of them, and then report to the House. A discussion took place; one Member moved that the Committee should consist of twenty-one Members, instead of twenty, which was agreed to, and the House resolved itself into a Committee of the whole House, to choose the twenty-one Members by ballot. A report was made of the twenty-one Members so chosen, and among the number was Sir Joseph Jekyll. An objection being made to Sir Joseph Jekyll, on the ground that he had not then taken the oaths, he being at that time on circuit as Chief Justice of the county palatine of Chester, the answer was that that was not a voluntary neglect on his part; and it was resolved that Sir Joseph Jekyll, being a Member of that House, was capable of being chosen a Member of the Committee of Secrecy, although he had not been sworn at the table. It did not appear whether Sir Joseph Jekyll in fact sat on that Committee without taking the oaths; but if he (the Solicitor General) might be permitted to conjecture, he apprehended that the first thing Sir Joseph Jekyll would naturally do on returning from circuit would be to present himself at the table and take the oaths. What he was anxious to show was, that the two questions were perfectly distinct from each other—the one implying the right of the House to come to a Resolution nominating any one of its Members a member of a particular Committee; the other, whether it would be proper and expedient for Baron Rothschild, if so appointed, to sit and serve on that Committee. He was perfectly ready to admit that there was nothing, so far as he could see, in the Act of Parliament to prevent the House nominating Baron Rothschild to sit on this Committee, but another question might arise which the House was not called on to entertain, and which it would be wise not to entertain, — namely, how far it would be necessary for Baron Rothschild, if he should desire to sit on that Committee, to take the oaths which were required of the Members of that House. The precedent of Sir Joseph Jekyll, to which the hon. Member for Finsbury (Mr. T. Duncombe) had referred, was perfectly silent on this question, and he did not pretend to say that according to the words of the Act of Parliament it would be necessary for Baron Rothschild to take the oaths. The Act was the 1st of George III., and it set forth that no person who was a Member of the House should presume to vote not having taken and subscribed the oath, and that every Member so offending should be subjected to penalties. It then went on to enact that no one who was a Peer of the

The Solicitor General

realm or a Member of the other House should have a seat in the House of Commons, and that no one who should now or hereafter claim to be a Member of that House should be entitled to sit and vote without taking the oaths after the Speaker was chosen. He did not say there was anything in these words that could be applied to a Committee of the House, but he wished to press on the House that that was really not the question now before them. The question was whether, if the House should choose to nominate Baron Rothschild to a seat in this Committee, there was anything in Parliamentary practice or precedent to prevent their doing so? He thought there was not. It would be wrong in him to express an opinion on the other point. It would be for Baron Rothschild to inform himself, and act on such advice as he might think it proper to take, as to whether the oaths should or should not be taken by him, and whether he could serve on that Committee without taking such oaths. He might be allowed to state that his right hon. Friend the Secretary for the Home Department who spoke yesterday, and could not again address the House on this subject, entirely concurred with him in the conclusion at which he had arrived. The House was aware that he (the Solicitor General) had not voted with the noble Lord the Member for London in disagreeing from the Lords' Amendments on this Bill; but the question now before the House was one quite distinct from the main question of the admission of the Jews. This was a question which might become a precedent hereafter, and it was the duty of both sides of the House to endeavour to arrive at a sound conclusion regarding it, not in reference to their individual opinions on the subject of the admission of the Jews, but on what might appear to them to be a sound and legitimate construction of the Act of Parliament, and by bringing to the case such Parliamentary precedents as they were in possession of.

MR. WHITBREAD said, he wished to give the House a brief explanation of the reasons which urged him to vote against the Motion of the hon. Member for Finsbury. It should be observed what the question really was, and what would probably be its result. The House was asked to nominate Baron Rothschild a member of a Committee to draw up Resolutions with a view to a conference with the Lords without his having taken the oaths. He did not find that there would be any limit to his power if he was appointed, and therefore it must be the intention of the hon. Member for Finsbury that Baron Rothschild should take the same part and have the same privileges in the Committee. as any other Member. He (Mr. Whitbread) should like to learn whether there was any real distinction between a vote in Committee and a vote in the House. He could not see any difference. He believed that Committees were to all intents and purposes parts of the House, and he thought if anything could be more safely asserted than another on the subject, it was that Parliament had been extraordinarily careful in the appointment of Committees, and that in delegating its powers to a small number of its Members it had been extremely careful in their selection. He thought that the result of appointing Baron Rothschild on the Committee would be that the House would place itself in a position from which it might have to retreat with no great dignity. Suppose Resolutions drawn up by the Committee; there might be a conference with the other House. Who would naturally be the managers of the conference? Why the Members of the Committee. Was the House sure that in "another place" there would not be some objection to receiving reasons from a body which contained a Member of the House who had not been sworn? What was the object of the conference? Was it not to conciliate a difference of opinion that existed between the two Houses, and would that be taking the right way to conciliate? Those were grave questions, and required consideration. If Baron Rothschild was appointed on this Committee he could be appointed on an election or any other Committee. Suppose Baron Rothschild was appointed to a Committee, he might be chosen Chairman, and it would be his duty to report to the Speaker. Was the House prepared to see him come to the bar with a report? He might sit on an Election Committee, for there was no oath which he would be required to take for that purpose which he could not take on the Old Testament. The House prevented any Member sitting on an Election Committee who had any charge hanging over him which might disqualify him from sitting in the House, even after he had taken his seat and the oaths; and yet it was proposed to appoint Baron Rothschild. The case of Sir Joseph Jekyll occurred some 140 years ago: he had looked into that case, and he could see nothing in it applicable to this.

Did hon. Members suppose that the House would have allowed Sir Joseph Jekyll to have been chosen on a Committee if he had been in the position of Baron Rothschild? He was chosen by ballot for the Committee, and he had not taken the oaths, merely because he happened to have been absent on business, and it might readily be assumed that being a Judge on circuit, and not having taken the oaths, he probably took them before he sat on the Committee; for soon after he was named on another Committee, and would not some Member have said on that occasion that they had allowed the excuse that was given for his not having taken the oaths, but that they would not allow it a second time. It seemed to him (Mr. Whitbread) that the present proceeding was very like trying to find a right precedent for that which was manifestly wrong. Whilst expressing an opinion adverse to the Motion of the hon. Member for Finsbury he might say that he thought that the conduct of Baron Rothschild throughout this long Parliamentary struggle reflected great credit upon him, for he waited at the doors of the House to be admitted as soon as the Legislature thought fit, and did not attempt to enter it himself, although he might have done so if he pleased on the meeting of the new Parliament, before the election of the Speaker. He had done nothing that was in the slightest degree undignified or distasteful to the House, and he (Mr. Whitbread) only hoped that those who were so ardent in his cause would follow his example; and if they did so it was not improbable that before the end of the present Session they would see Baron Rothschild at the table taking the oaths. They might be anxious to admit Jews to Parliament, and to pass the Bill which had met so many galling refusals; but it was more important that the customs and laws of the House should be kept inviolate, and as they were about to take a step which might become a precedent for the future, they should be well sure that they stood on reason and justice.

Mr. HEADLAM said, he entirely agreed with the hon. and learned Gentleman the Solicitor General in his remarks, which he apprehended were quite sufficient to justify the House in agreeing to the Resolution under discussion. In his opinion, the hon. Gentleman the Member for Bedford (Mr. Whitbread) had pictured imaginary difficulties, to which a sufficient answer could be given. The hon. Gentleman asked what difference there was between the vote of a Member in the House, and in a Committee of the House. The answer was short and simple—that the Act of Parliament referred to a vote in the House, but was altogether silent as to a vote in Committee. In one case the letter of the bond would apply, and he for one was not prepared to go one jot beyond it. The hon. Gentleman then said, that if Baron Rothschild were appointed on one Committee, he might also be appointed upon another, and that he might possibly be chosen one of the managers at the conference with the Lords. But he (Mr. Headlam) could see no reason why Baron Rothschild should not be chosen upon another Committee, or why he should not be chosen as one of the managers at a conference. He admitted that it would be absurd to appoint him one of the managers, but the whole question of his exclusion was an absurdity, and the best course the House could adopt would be to do away with the absurdity as soon as possible.

Mr. MACAULAY said, he felt it impossible to listen to the speech of the hon. and learned Member for Newcastle (Mr. Headlam) without offering a reply. He agreed in every word that had fallen from the hon. Member opposite (Mr. Whitbread); and he would add another consideration that weighed much with himself — that there was no precedent—for the only one that had been cited was not to the purpose —to show that the House had ever appointed a Member to perform a service for the House, knowing and intending that the Member should never be called in question for the manner in which he had performed his duty. He agreed with the hon. and learned Solicitor General as to the dry question of the power of the House to appoint Baron Rothschild upon a Committee; but had the House in its discretion ever exercised that power in the case of a Member who they knew was never going to qualify himself to appear in that House? The case of Sir Joseph Jekyll proved that the Member so appointed must show that it was through no fault, omission, or intention of his own that he had not taken the oaths. If it had appeared that Sir Joseph Jekyll had either conscientiously or contumaciously absented himself from taking the oaths, it was clear that his nomination to act upon the Committee would have been revoked. The question was not whether the House had power to appoint a person, who had not taken the oaths, on a Committee, but whether, in the

Mr. Whitbread

exercise of their discretion, they would be guilty of the mockery of appointing a Member to perform a duty for the House when the Member was not going to appear in the House, and when the House did not mean to question his conduct, supposing that he refused to obey its orders. To appoint Baron Rothschild a Member of the Committee under such circumstances would be, in his opinion, highly derogatory to the dignity of the House.

MR. COLLIER said, he was surprised to hear his hon. and learned Friend (Mr. Macaulay) deny that the case of Sir Joseph Jekyll was one in point, when it was so treated by the Solicitor General and by all the authorities. In *Hatsell's Precedents* the House would find the following passage:—

"Notwithstanding all these laws which are introductory to a Member's taking his seat in the House, a person when returned, is, though he should not have taken his seat, to all intents a Member, except as to the right of voting, and is entitled to the same privileges as every other Member of the House."

The absence of Sir Joseph Jekyll then, could not have been the only ground on which the House proceeded. His hon. and learned Friend had spoken as if the House was about to visit Baron Rothschild with penalties for contumacy. But the case really stood on this footing—Baron Rothschild being duly elected a Member of that House, and being anxious to perform his Parliamentary duties, had been prevented from taking his seat by a statute which was never intended to apply to his case. But, because by sheer accident he was prevented from performing a portion of his duties and debarred from a portion of his privileges, was that a reason for depriving him of the rest? If there were any duty which Baron Rothschild was interested in performing, it was in conferring with the other House upon a matter which so nearly concerned himself and the members of the same faith, and the letter of the Act ought not to be allowed to stand in his way. The hon. Member for Bedford (Mr. Whitbread) thought that the other House might object to the nomination of Baron Rothschild upon the Committee. But the House of Commons and not the House of Lords were the judges of those whom they elected to serve upon their Committees, and the other House would not be so ill-advised as to raise an objection to his appointment. He trusted, therefore, that the House would by a large and overwhelming majority elect Baron Rothschild to serve upon the Committee.

MR. DRUMMOND said, he thought that the argument of the hon. Member for Bedford had been misstated. He had supposed that the House wanted to conciliate the other House, and he had thereupon asked whether it was wise to employ a person who was known not to be a conciliator? But did Gentlemen opposite want to employ conciliation? Did they want to bully and overbear, or did they wish to use the *mollia fandi*? Hon. Members opposite argued that a person might be a part of a thing when he was not a member of the whole. There was so much profound law in such an assertion that he could not understand it.

MR. MALINS said, he quite agreed with the Solicitor General that the present question had nothing to do with that of the admission of the Jews to Parliament; it was a distinct question affecting the regularity of the proceedings of the House. His hon. and learned Friend the Member for Newcastle (Mr. Headlam) had stated, as a reason why it was competent to the House to appoint Baron Rothschild on this Committee that the Act of Parliament applicable to his case mentioned voting in the House, but did not mention voting in Committee. He (Mr. Malins) thought that the observations of the hon. Gentleman who had just sat down disposed of that view of the case. It was certainly new to him (Mr. Malins), to hear that a Committee was not a part of the House. Certain business was so minute in its details that it could not be done by the House, and the House deputed it to Select Committees, and the votes of Select Committees became the votes of the House. ["No!"] He would prove it. What he was going to say was, that there was a particular Act of Parliament. [MR. ROEBUCK: Hear, hear!] He would take it with or without the Act. The question whether a Member was duly selected to serve in Parliament was referred to a Select Committee appointed under an Act of Parliament, the vote of which Committee was conclusive; and if it reported to the House that such Member was not duly returned he was no longer a Member of the House. It was not attempted by those who sought to appoint Baron Rothschild to this Committee to draw a distinction between one Committee and another; but could any one say that Baron Rothschild could sit on a Select Committee, of which he might be appoint-

ed Chairman, and have to appear at the bar to report whether a Member had been duly returned or not? They were told that that was a case which arose under a particular Act of Parliament; but there might be other cases referred to a Select Committee in which the report of the Committee would be conclusive, and could there be a greater absurdity than to appoint Baron Rothschild to sit on such Committees, for his case was not like that of Sir Joseph Jekyll, who had not taken his seat in the House merely because he was absent on his circuit, who did not contumaciously refuse to take, and had no reason for not taking the oaths, and who must be inferred to have taken them. The present case was one involving a question of the highest importance—namely, whether a Jew returned to that House, who did not comply with the law by taking the oaths, was competent to take part in the proceedings of that House? The proposition was—and it was an insult to common sense—that a man who could not take any part in the proceedings of the House, or sit in the House, could sit and take part in the proceedings of a portion of the House; for he would assert that a Committee was the House—that Members sitting in a Committee-room were sitting in the House, and giving a vote in Committee was giving a vote in the House. Independently, therefore, of the main question—of the admission of Jews to Parliament—it was necessary to decide the important question whether the House was to have any part of its proceedings conducted by those who, for all practical purposes, were not Members.

Mr. PULLER said, he would accept fully the arguments of the two hon. Gentlemen, that a man could not be part of a whole, without belonging to the whole also. They drew from it the inference that Baron Rothschild could not be a Member of a Committee of the House, because the Committee was a part of the House. He drew an opposite inference, and, as it was admitted by the Solicitor General and almost every lawyer in the House, that Baron Rothschild could be a Member of a Committee, why, it followed that he might be a Member of the House. When the hon. Member for Finsbury made his Motion on the previous evening he (Mr. Puller) asked himself the question, "Cui bono?"—what good could come of it? But the speeches of the hon. Members for Bedford and Wallingford had shown that the hon. Member for Finsbury was right in making his Motion; for, by showing that Baron Rothschild could be a Member of a Committee, it would show the House of Lords that he was not only in name, but, in substance, a Member of the House, and that would dispose of a favourite argument against the admission of Jews to Parliament—namely, that if the House was not exclusively composed of Christians, it would lose its Christian character. If Baron Rothschild could sit on a Committee and become the Chairman of an Election Committee, it was impossible to say that he was not, *bonâ fide* and substantially, and not merely in name, a Member of the House; and, that being so, what became of the Christian character of the House?

Question put.

The House *divided:* — Ayes 251; Noes 196: Majority 55.

List of the Ayes.

Agnew, Sir A.	Clive, G.
Akroyd, E.	Codrington, Gen.
Alcock, T.	Collier, R. P.
Anderson, Sir J.	Colvile, C. R.
Antrobus, E.	Coningham, W.
Ashley, Lord	Coote, Sir C. H.
Atherton, W.	Cowan, C.
Ayrton, A. S.	Cox, W.
Bagshaw, J.	Craufurd, E. H. J.
Bagshaw, R. J.	Crawford, R. W.
Bagwell, J.	Crossley, F.
Bailey, Sir J.	Cubitt, Mr. Alderman
Bailey, C.	Dalglish, R.
Baines, rt. hon. M. T.	Davey, R.
Ball, E.	Davie, Sir H. R. F.
Barnard, T.	Deasy, R.
Bass, M. T.	Dent, J. D.
Baxter, W. E.	Dillwyn, L. L.
Beale, S.	Disraeli, right hon. B.
Beaumont. W. B.	Duff, M. E. G.
Beecroft, G. S.	Duff, Major L. D. G.
Bethell, Sir R.	Duke, Sir J.
Black, A.	Dunbar, Sir W.
Bland, L. H.	Duncan, Visct.
Botfield, B.	Dundas, F.
Bouverie, Rt. Hn. E. P.	Dunkellin, Lord
Bouverie, hon. P. P.	Ebrington, Viscount
Bowyer, G.	Ellice, rt. hon. E.
Brady, J.	Ellice, E.
Brand, hon. H.	Elliot, hon. J. E.
Briscoe, J. I.	Ennis, J.
Brocklehurst, J.	Esmonde, J.
Brown, W.	Evans, Sir De L.
Browne, Lord J. T.	Evans, T. W.
Buckley, Gen.	Ewart, J. C.
Bulkeley, Sir R.	Ewing, H. E. C.
Buller, J. W.	Fenwick, H.
Bury, Viscount	Finlay, A. S.
Butler, C. S.	FitzGerald, rt. hon. J. D.
Buxton, C.	FitzRoy, rt. hon. H.
Byng, hon. G.	Foley, J. H.
Caird, J.	Foley, H. W.
Campbell, R. J. R.	Forster, C.
Cardwell, rt. hon. E.	Foster, W. O.
Clay, J.	Fortescue, hon. F. D.
Clifford, C. C.	Fox, W. J.
Clifford, Col.	Freestun, Col.

French, Colonel.
Glyn, G. C.
Glyn, G. G.
Goderich, Visct.
Greene, J.
Greer, S. M'C.
Grenfell, C. W.
Greville, Col. F.
Grey, R. W.
Griffith, C. D.
Gurdon, B.
Gurney, S.
Hadfield, G.
Hamilton, Lord C.
Hamilton, Captain
Hanbury, R.
Hankey, T.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marq.
Hatchell, J.
Hay, L. J.
Hayter, rt. hn. Sir W. G.
Heneage, G. F.
Herbert, rt. hon. H. A.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hutt, W.
Ingham, R.
Ingram, H.
Jervoise, Sir J. C.
Kelly, Sir F.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E
Labouchere, rt. hon. H.
Langton, H. G.
Lennox, Lord H. G.
Lewis, rt. hn. Sir G. C.
Lindsay, W. S.
Locke, John
Lowe, rt. hon. R.
Luce, T.
Macarthy, A.
M'Cann, J.
Mackinnon, W. A.
Mackinnon, W. A.
Maguire, J. F.
Mangles, C. E.
Marjoribanks, D. C.
Marsh, M. H.
Martin, C. W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Melgund, Visct.
Mellor, J.
Mills, T.
Milnes, R. M.
Moffatt, G.
Monsell, rt. hon. W.
Morris, D.
Napier, Sir C.
Nicoll, D.
Norreys, Sir D. J.
Norris, J. T.
North, F.
O'Brien, P.
O'Donaghoe, The
Ogilvy, Sir J.
Osborne, R.
Paget, C.
Paget, Lord C.
Pakington, rt. hn. Sir J.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Perry, Sir T. E.
Pigott, F.
Pilkington, J.
Potter, Sir J.
Power, N.
Price, W. P.
Proby, hon. G. L.
Puller, C. W.
Ramsay, Sir A.
Rawlinson, Sir H. C.
Rebow, J. G.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Ridley, G.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Scrope, G. P.
Seymour, H. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Smith, J. A.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Smyth, Col.
Somerville, rt. hn. Sir W.
Stanley, Lord
Stapleton, J.
Steel, J.
Stuart, Lord J.
Sullivan, M.
Sykes, Col. W. H.
Tancred, H. W.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tite, W.
Traill, G.
Trelawny, Sir J. S.
Tynte, Col. K.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Waldron, L.
Watkins, Col. L.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Whatman, J.
White, J.
White, H.
Willcox, B. M'Ghie.
Williams, W.
Williams, Sir W. F.
Willyams, E. W. B.
Wilson, J.
Wingfield, R. B.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.
Wyld, J.
Wyvill, M.
Young, A. W.

TELLERS.

Duncombe, T. S.
Headlam, T. E.

List of the NOES.

Adderley, rt. hn. C. B.
Annesley, hon. H.
Archdall, Capt. M.
Baillie, H. J.
Baring, H. B.
Baring, T.
Bernard, T. T.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Beetive, Earl of
Bennet, P.
Bentinck, G. W. P.
Blackburn, P.
Boldero, Col.
Booth, Sir R. G.
Bovill, W.
Boyd, J.
Bramley-Moore, J.
Bramston, T. W.
Bridges, Sir B. W.
Bruce, Major C.
Bruce, H. A.
Bruen, H.
Buchanan, W.
Buller, Sir J. Y.
Bunbury, W. B. M'C.
Burghley, Lord
Burrell, Sir C. M.
Cairns, Sir H. M'C.
Carden, Sir R. W.
Cartwright, Col.
Cavendish, hon. G.
Cecil, Lord R.
Child, S.
Christy, S.
Clark, J. J.
Close, M. C.
Cobbett, J. M.
Cole, hon. H. A.
Conolly, T.
Cooper, E. J.
Corry, rt. hon. H. L.
Cross, R. A.
Dalkeith, Earl of
Davison, R.
Deedes, W.
Dobbs, W. C.
Drummond, H.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. Col.
Dundas, G.
Dunlop, A. M.
Du Pre, C. G.
Dutton, hon. R. H.
East, Sir J. B.
Edwards, H.
Egerton, Sir P. G.
Egerton, W. T.
Egerton, E. C.
Elcho, Lord
Elphinstone, Sir J.
Farquhar, Sir M.
Ferguson, Sir R.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
Fraser, Sir W. A.
Gallwey, Sir W. P.
Gard, R. S.
Garnett, W. J.
Gladstone, rt. hon. W.
Goddard, A. L.
Graham, rt. hon. Sir J.
Greaves, E.
Greenwood, J.
Gray, Captain
Grogan, E.
Grosvenor, Earl
Gurney, J. H.
Haddo, Lord
Hamilton, J. H.
Hanmer, Sir J.
Hassard, M.
Hayes, Sir E.
Heard, J. I.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Henniker, Lord
Hodgson, W. N.
Holford, R. S.
Hope, A. J. B. B.
Hornby, W. H.
Hotham, Lord
Hudson, G.
Hume, W. W.
Hunt, G. W.
Ingestre, Visct.
Inglis, J.
Jermyn, Earl
Johnstone, hon. H. B.
Jolliffe, H. H.
Kendall, N.
King, J. K.
Knox, Col.
Langton, W. G.
Laurie, J.
Lefroy, A.
Lennox, Lord A. F.
Liddell, hon. H. G.
Lisburne, Earl of
Lockhart, A. E.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Captain
Lyall, G.
Lygon, hon. F.
Macartney, G.
Mackie, J.
M'Clintock, J.
Mainwaring, T.
Malins, R.
Manners, Lord J.
March, Earl of

Maxwell, hon. Col.	Spooner, R.
Miles, W.	Stanhope, J. B.
Miller, T. J.	Stanley, hon. W. O.
Miller, S. B.	Stirling, W.
Mills, A.	Steuart, A.
Montgomery Sir G.	Stewart, Sir M. R. S.
Moody, C. A.	Sturt, N.
Morgan, O.	Taylor, Col.
Mowbray, rt. hon. J. R.	Tollemache, J.
Neeld, J.	Trefusis, hon. C. H. R.
Newdegate, C. N.	Trollope, rt. hon. Sir J.
Nisbet, R. P.	Vance, J.
Noel, hon. G. J.	Vansittart, G. H.
North, Col.	Vansittart, W.
Ossulston, Lord	Verner, Sir W.
Packe, C. W.	Walcott, Adm.
Pakenham, Col.	Walpole, rt. hon. S. H.
Palmer, R.	Walsh, Sir J.
Patten, Col. W.	Warre, J. A.
Paull, H.	Warren, S.
Peel, rt. hon. Gen.	Whiteside, rt. hon. J.
Pennant, hon. Col.	Whitmore, H.
Philipps, J. H.	Wickham, H. W.
Portman, hon. W. H. B.	Williams, Col.
Powell, F. S.	Willoughby, Sir H.
Pugh, D.	Willoughby, J. P.
Pugh, D.	Wortley, Major S.
Richardson, J.	Wrightson, W. B.
Rushout, G.	Wyndham, Gen.
Rust, J.	Wynn, Colonel
Salisbury, E. G.	Wynne, rt. hon. J. A.
Sandon, Visct.	Wynne, W. W. E.
Sclater-Booth, G.	York, hon. E. T.
Scott, hon. F.	
Shirley, E. P.	TELLERS.
Sibthorp, Major	Whitbread, S.
Smollett, A.	Macaulay, K.

Committee to withdraw immediately; three to be the quorum.

MINING OPERATIONS (DUCHY OF LANCASTER).

COMMITTEE MOVED FOR.

THE CHANCELLOR OF THE EXCHEQUER said, he wished to appeal to the hon. Member for Stoke (Mr. Ricardo), who had a Motion on the paper to move for a Committee to inquire into the allegations of a petition presented from the town of Hanley complaining of the mining operations of the Duchy of Lancaster, to postpone his Motion, for the purpose of enabling the Government to proceed with the Indian Resolutions.

MR. J. L. RICARDO said, he could not comply with the right hon. Gentleman's request, for if he were to postpone his Motion until the Indian Resolutions were disposed of there was very little chance of his ever being able to bring it on. His Motion referred to the conduct of the Duchy of Lancaster—a department which had always been to him a puzzle and an enigma. It was a department for the administration of certain property to the amount of £36,000. And yet for the administration of that amount of property there was a Chancellor, a Vice-Chancellor, two Chief Justices, two puisne Judges, a whole host of counsel, and an army of stewards, collectors, bailiffs, receivers-general, and clerks and other functionaries quite sufficient to ruin any property. There were no less than sixty-four persons employed in the management of that estate, and the sum paid for salaries and retiring allowances amounted to no less than £9,476. He did not see why it was necessary that the Chancellor of the Duchy should be a Member of the Cabinet, and take part in the performance of the duties of the Government of the day; but that being so, he held the Government responsible for the proceedings of that functionary. His present charge against them was, therefore, that for the sake of a revenue of some £2,000 or £3,000, the Duchy of Lancaster had carried on operations which had imperilled the lives and destroyed the property of many of Her Majesty's subjects, and which now threatened ruin and devastation to a town of 30,000 inhabitants and 7,000 houses. The town of Hanley was founded by the celebrated Wedgewood about 100 years ago, with the view of establishing there the manufactory of earthenware, which had since become one of the staple products of the country. One of the conditions of the success of this manufacture was, the presence of an abundance of coal and of a peculiar description of coarse clay near the spot where it was carried on, and this condition was amply fulfilled in the neighbourhood of Hanley. The town, therefore, was built with the knowledge that the coal would be taken from beneath it, and that the clay would be taken from the surrounding neighbourhood. In 1838 it was discovered that ironstone, which was also to be found there in abundance, bore a great value, and the Duchy of Lancaster, taking advantage of that circumstance, immediately countenanced mining operations for the purpose of obtaining ironstone. That mineral formed the prop of the surface of the ground, and immediately it was removed, the surface began to fall in, and great destruction of property, accompanied by terror and alarm, resulted. Upon representations being made to the Duchy of Lancaster they undertook that no extension of the lease which had been granted for obtaining the ironstone should be made without notice to the inhabitants, so as to give them an opportunity of redeeming the surface. The Duchy, however,

did not observe their promise; for twelve years before the expiry of the lease it was surreptitiously and mysteriously renewed, and from that moment devastation, havoc, and ruin reigned in Hanley. Shafts were sunk in all directions, galleries were carried under the town, houses fell in, and the appearance presented was that which would follow upon the shock of a violent earthquake. Indeed, there could be no doubt, if these operations should be continued for a few years longer, that the whole town of Hanley, with its 30,000 inhabitants, its numerous institutions, and its industrious population, would disappear from the face of the earth. (The hon. Gentleman then read copies of several letters from individuals corroborative of his general statement, which had been addressed from time to time to the Duchy of Lancaster.) The only answer which these complaints elicited was the stereotyped one of the Duchy, which ran something in this style:—"Sir, I have received your letter complaining of your manufactory being utterly destroyed by mining operations carried on under the Duchy of Lancaster, and I have communicated your complaint to the lessee," which was very much as if a magistrate, on being informed that somebody was going to set a man's House on fire, wrote back and said, "Sir, I have received your letter, and have forwarded it to the gentleman who is going to commit the act of incendiarism referred to." He might be told in answer to the statement which he had just made that some of the facts which he had advanced were unfounded; but if that were so, it would, he thought, be scarcely consistent with fairness that the Government should refuse to him the means of proving the truth of his statements before the Select Committee which he asked to have appointed. It might also be said on behalf of the Government that the Crown was entitled to commit the depredations to which he now called the attention of the House, and that in the exercise of that right it was determined to persevere, whatever might be the consequences. Such an answer as that might suit the despotic Government of Naples or Russia, but in England, where millions were expended to promote the health and comfort of the humbler classes, he believed it was impossible that it could find expression. If, however, such a declaration were to emanate from the lips of a Minister, it would, he felt assured, find no support in the House of Commons. At all events, he was convinced that the refusal to take the subject into consideration would involve a heavy responsibility, inasmuch as it was more than probable that if things were permitted to go on as they were, some fatal day a grievous casualty would occur.

Motion made and Question proposed,—

"That a Select Committee be appointed to inquire into the allegations of the Petitions of Manufacturers, Traders, and Inhabitants, and the Mayor and Corporation, of the Borough of Hanley, and to report whether any and what remedy can be afforded to them, should the grievance of which they complain be proved to exist."

Alderman COPELAND seconded the Motion.

Mr. BAINES said, that having lately had the honour to fill the office of Chancellor of the Duchy of Lancaster, and as there was no hon. Member connected with the Duchy then in the House, he hoped the House would permit him to state a few facts which he thought it material should be borne in mind. If the House, in the result to which it should arrive, should be of opinion that any inquiry ought to be instituted into the conduct of the Duchy of Lancaster during the time that he (Mr. Baines) was Chancellor, so far from deprecating such an inquiry, he would willingly accede to such a proposal. But it was a question whether a Committee of the House or an application to the courts of law was the proper remedy in this case, to which he wished to address himself. It was very material that the House should bear in mind what were the circumstances of these mining districts. The manor of Newcastle-under-Line, in which the town of Hanley was situated, had belonged to the Duchy of Lancaster ever since the origin of the Duchy. So far from its being the fact that the practice of getting iron-stone from these mines was only of recent date, he could assure the hon. Member for Stoke that the records of the Duchy clearly showed that mines of coal and ironstone were worked in this manor as far back as in the reign of Richard II., nearly five centuries ago. The present was a complaint on the part of the copyholders of the manor. Now, nothing was more certain than that any person who held or took a copyhold took it upon the condition that it was to be held subject to the customs of the particular manor in which it was situated. That was an elementary principle of law. It had been found by a jury that there was an immemorial custom affecting the copyholders

of this manor, where the minerals are of far greater value than the surface, that the owner or lessee of the minerals had a right of getting the minerals free from any liability on account of injury done to the buildings on the surface. This custom was so notorious that in consequence of this liability to disturbance, all the copyholders purchased their copyholds at a very much smaller price than they would otherwise do. This difference in price was always observed in every transaction between buyer and seller, and for the last forty years, when any person was about to build, distinct notice was served upon him by the lessee of the minerals, that if he was about to raise any heavy building, he would be liable to disturbance in consequence of the right to get the minerals from below. There were two points, therefore—one, that there was an immemorial custom established by the clearest evidence, and affecting all the copyholders; the other, that upon every transaction between vendor and purchaser, the existence of this custom was regularly acknowledged. Having stated the custom of the manor, he would now direct the attention of the House to the mining operations which had been going on, which were not the operations of the Duchy of Lancaster. As far back as the year 1731 the whole of the mines within the manor were leased to the ancestor of the present Earl Granville, and by renewals had remained in that family ever since. The mining operations which had taken place in this district had not been undertaken by the Duchy but by the lessee. In the year 1844,a person named Hilton, brought an action against Earl Granville to try his right of prosecuting mining operations without being liable to damages for the injuries he might cause to the buildings on the surface of the copyholds. This was the commencement of lengthy proceedings, both at law and equity. Upon the application for an injunction in Chancery to stay the working of the mines, the Lord Chancellor Cottenham said, he would not grant the injunction, so as to interfere with mining transactions of such importance, but would give the parties leave to try the question at law. He further said, that if a custom such as that which was asserted to exist in the manor of Newcastle were an immemorial custom, in fact, it would not in itself be bad in law. It was true that the Court of Queen's Bench, in the time of Lord Denman, on certain pleas which did not raise the question of copyhold, expressed an opinion that such a custom would be invalid in point of law; but the Court had since virtually reversed that decision. A special jury found that this custom had existed from time immemorial, in the manor. It was shown when the trial took place that the plaintiff was a person who had occupied a house which had been built by a building society. This society had run up a complete street, on one of the copyholds, taking the risk, which they knew perfectly well; and when the house gave way the plaintiff brought his action, and the result was what he had stated. It was also proved, that more than half the wages earned by the labouring population of the district were earned in Lord Granville's mines. The hon. Member for Stoke had given no notion of the existence of these facts in his opening address, and he (Mr. Baines) had therefore thought it his duty to bring them before the House. Towards Christmas last year some fifty or sixty letters claiming compensation for damage were addressed to the Duchy of Lancaster. Many of those letters were in the same handwriting, and gave evidence of having proceeded from the same quarter. The Duchy immediately referred to the agent of the lessee, Earl Granville, to consult him with regard to these letters. A Report was received from him; but as it was received only a day before he (Mr. Baines) left the office, he had no opportunity of doing anything in the matter. But he saw enough in the Report to satisfy him that, although undoubtedly there were some cases in which injury had occurred from the falling of houses built in places where no right of building existed, yet, on the whole, there had been great exaggeration. In nineteen cases it was ascertained that no mines had ever been worked at or near the spot where the alleged injuries occurred; and it was shown with reference to some of these nineteen cases that the parties had been excavating marl and clay, that they had filled up the cavities with rubbish and built upon it, and the foundations gave way. [Mr. J. L. RICARDO: From whom did that information come?] From Mr. Wragg, the mineral agent of the lessee. [*A laugh.*] The hon. Member had stated what the complaint was, and surely he had a right to state what the answer was. He most sincerely commiserated the sufferings of these men, if they had been misled by others to build on those places that were

not fit for buildings; but it was his duty to ascertain what the facts were, and he sent the letters to Mr. Wragg, who was a gentleman of high respectability, and told him to ascertain what the facts were. And Mr. Wragg sent him the Report to which he had alluded. He had stated that nineteen of the cases had reference to buildings where there were no mines, eleven of the cases happened twelve or sixteen years ago, and no complaint was made at the time. Then there were two cases in which it appeared the damage, such as it was, took place thirty years ago; and there was one case in which it was proved that the party was distinctly warned that coal had been excavated; but he proceeded to build, and was now one of the complainants. Then the hon. Gentleman said that applications had been made to Earl Granville. He was afraid it was believed that Earl Granville would pay any money. One of the persons who had complained was a Mr. Hamlet Wood. This person, in the year 1857, had told him (Mr. Baines) that he had laid out a sum of £220 on his property, whereas, in 1854, his statement to Earl Granville on applying to him for a gratuity was, that the sum which he had expended was about £100. This only showed the character of the exaggerations which had been made, and which he (Mr. Baines) feared were extended to more important matters. At the same time, there was no doubt that if the custom in question were invalid in point of law, or if the lessee of the minerals had been careless in the mode of working the mines, then he would be liable to any action that might be brought against him. It was for the House to say how far this case was distinguished from other cases which could be tried at law, and whether that was not the proper remedy. He could only say that if he had remained at the head of the Duchy he would have given every assistance, and rendered every information, to put the matter in a train for being tried in the simplest and least expensive manner, and no doubt the noble Duke now at the head of that Department would do the same. His (Mr. Baines's) duty had been to bring these facts before the House, because he believed they were material in the determination of the question whether a Select Committee should be appointed or not.

MR. ALDERMAN COPELAND said, he did not wish to argue the point of law laid down by the right hon. Gentleman, but would ask the House whether it would show its sympathy with the copyholders by driving them into courts of law for redress, a process which had already ruined one person who had been referred to by the right hon. Gentleman? He had been astonished to hear that the complaints made to the Duchy had been sent to the agent of the lessee for verification. Mr. Wragg was undoubtedly a most honourable and upright gentleman, but he had only been there about three or four years, and it would have been fairer to refer the matter to some independent judgment. If the noble Earl would himself inspect the dilapidations and ruin which had been produced in the district he would be convinced that an end must be put to the present mode of proceeding. He had yet to learn whether it came within any right possessed by the Duchy of Lancaster that land should be so spoilt and deteriorated by the calcining of ironstone. He knew properties of great value, erected long before the mining operations in question began, which had been thereby almost entirely ruined. He held in his hand a photographic sketch of the present state of a property consisting of buildings, which were erected a few years ago at an expense of upwards of £6,000, and formed one of the most complete earthenware manufactories in that district of the Potteries, but which was now utterly destroyed by these mining operations. The place looked as if it had been ravaged by an earthquake. It was built long before any of these mining operations commenced; as a manufactory it was totally valueless, and yet not the least compensation had been given to the tenant. Connected as he (Mr. Alderman Copeland) was with some of the mining interests of the country, and particularly with those in the parts of the country in question, he did not hesitate to say that he never in his life saw such a reckless mode of working mines, or such an apparent determination to destroy if possible that part of the borough of Stoke-upon-Trent in which thousands of people depended on the making of earthenware for their daily bread. He asked, would the Crown or the advisers of the Crown, for the paltry rental of some £3,000 a year, derived from this lease, suffer a whole district of country to be destroyed, and the lives of a great number of Her Majesty's subjects to be endangered by those operations? He feared the Duchy of Lancaster would not be induced to do what was

right in this matter until some dire and dreadful calamity befell that district, and in his conscience he believed that day was not remote. It was easy to say try the question at law; and no doubt as there were some men of property amongst those persons who had suffered from these operations the question would be tried; but then it must be remembered that the Crown would come to the aid of its lessee; the Attorney General and the Solicitor General would be employed, and the Crown paid no costs. He would put it to the House therefore whether this was not a subject for inquiry by a Committee, as well in the interest of the local population as for the honour of the Crown.

Mr. WALPOLE said, if he thought it possible that any advantage could be derived from the proposed inquiry he should not object to it; but he was convinced that no good could come from it, and, besides, the House was asked to delegate to a Committee the decision of a purely legal question, to which he could not consent. He thought the case had not been put quite fairly as regarded the Crown in reference to the damage alleged to have been done and the peril said to be incurred. The truth was that the Crown had no interest whatever in the property in question until the expiration of the existing lease. Therefore all the arguments which had been brought forward in respect of the expense to the country of the Duchy of Lancaster, and the number of officers employed under it, did not bear upon the point which the House of Commons had to decide, and they had been introduced with a view of raising a prejudice with respect to the case. His hon. Friend (Mr. Alderman Copeland) had talked of the ruinous expense of fighting a battle of this kind in a court of law with the Crown, inasmuch as the Crown paid no costs. His hon. Friend knew, however, that when this question was first brought under his (Mr. Walpole's) notice, and after he had given it his consideration, he arrived at the conclusion that for the sake of the people who had been represented as poor copyholders there was a course by which it could be tried and determined with but little expense; that he should be prepared to recommend the Crown to adopt that course, and that he had reason to believe the lessee would also adopt it. He (Mr. Walpole) recommended that a special case should be prepared and submitted to a court of law, subject to a right of appeal either to the Exchequer Chamber or to the House of Lords, if either of the parties felt themselves aggrieved, and that that decision taken on behalf of one should bind all the parties and put an end to all litigation on the matter. He believed that was the proper course to adopt, and the best for all parties; but he put it to the House whether they thought it desirable in a case of private property, such as this was, to appoint a Committee to make inquiries which would lead to no result, and to decide a question of law. As far as he could ascertain, the total number of cases which had formed the subject of complaint was fifty-seven; that of the great bulk of the — more than one-half—there was no ground whatever for saying the damage was occasioned by the mining operations; that in others some little damage might have been caused by those operations, but certainly not the whole damage alleged to have been done; that in others, suitable props had been placed in the mines so as to support the roofs; and that in all those cases there was previous notice given to the parties that if they built contrary to the custom they would build at their own peril. In addition to that, these gentlemen had been selling the property to others knowing that it was liable to be undermined, and consequently to be depreciated in value. They had been purchasing and selling, kowing that in consequence of the mining operations the surface of the land was twenty per cent less in value than otherwise it would have been. If, as he was informed, that was the case, these copyholders, not having a right to build on the surface of the land, were not entitled to complain of hardship or to lay claim to property which they had neither paid for nor inherited. These were the simple facts of the case as they had come to his knowledge, and he hoped that the suggestions which he had thrown out would be accepted as the best means of putting an end to litigation and settling the question for the benefit of all parties.

The Marquess of HARTINGTON observed, that when Earl Granville took possession of the property, he changed the direction of the mines so as to avoid, if possible, the most populous parts of the town. He could also state that the Earl Granville approved of the course taken by Her Majesty's Government in this case; and would give every facility for having

the decision of a court of law obtained on the legal question. He (the Marquess of Hartington) was altogether opposed to making a Committee of the House the sole judge of the law. In his opinion, no case for inquiry had been made out, although Earl Granville would have challenged investigation but for the bad precedent which such a course would have set.

VISCOUNT INGESTRE said, he conscientiously believed that this was a fair case for inquiry, and he hoped the House would grant a Select Committee.

SIR RICHARD BETHELL said, he would ask for what purpose a Committee was required? If a Committee were appointed, and reported that all the grievances of which they had heard existed in the duchy, what good would thereby be effected? He would ask the hon. Member for Stoke (Mr. Ricardo) to tell him whether the things of which he complained were legal or illegal. If they were legal the House would be establishing a most dangerous precedent by assenting to the Motion. If they were illegal why did not the parties seek a remedy in a court of law? The answer to his question had been given in a manner which he rejoiced to hear by his right hon. Friend the Home Secretary, who had declared that if they desired to have a speedy termination of the matter in a court of law, every thing should be done to facilitate the accomplishment of that object. That offer was perfectly fair, and as the facts were ascertained, the case might be decided by the courts of law within four or five months from the present time, and at very inconsiderable cost. The fact was, that the qustion was easily resolvable by common sense. There was a great disposition on the part of the inhabitants of this district to run up houses and shops, and let them to people who were employed in the mines. These buildings were raised with the greatest amount of improvidence, want of forethought and care; and if the House of Commons were to interfere in this instance the result would be, that every case of thoughtlessness, inattention to law, and want of prudence and foresight would be brought before them and discussed here. In his opinion, there was no earthly ground whatever, either in a moral or legal point of view, for the interference of the House; and if an inquiry were directed it would only lead to this conclusion, that it would be utterly impossible to determine anything until the legal question had been decided.

MR. WISE said, he thought that the proposition of the Home Secretary was a reasonable one, and he wished that it had been acceded to by his hon. Friend on the part of his constituents. It was said that the copyholders had no right to build, but four Judges had decided that these persons had an unalterable right to the foundations of their buildings.

MR. ATHERTON said, he agreed with his hon. and learned Friend (Sir Richard Bethell) that even if the Committee sat and reported it would literally have done nothing. That of itself, therefore, ought to be a cogent and conclusive reason enough for refusing the Motion of the hon. Gentleman. It would not conduce to the dignity, power, or reputation of any assembly that its forms should be used, or rather abused, for the purpose of obtaining results which were unattainable, and effecting that for which proper tribunals and authorities were provided, and which it was better, therefore, on every consideration, to leave to the decision of those tribunals. If the matter was reagitated, however, a court of law would hold with Lord Cottenham, that if a custom could be established in point of fact, it would be valid in point of law. If a Committee were appointed the witnesses who would be called to make out an *ex parte* case would have to be paid for by the country, and to this, as a Member of the House of Commons, he must object, especially as there were proper tribunals in existence, before which the parties could proceed at their own expense and peril. The fact was, that this was an attempt to constitute a new, inoperative, inefficacious, and utterly idle tribunal for the purpose, and to get out of the coffers of the State the means of setting on foot an inquiry which must be altogether useless, and so thinking, he should vote against the Motion.

MR. J. L. RICARDO, in reply said, that perhaps he had been a little unwise in bringing forward the question before the Motion of the noble Lord the Member for Yorkshire (Lord R. Cecil) had been disposed of; because, amongst the array of officers who were employed in the Duchy he found the name of the hon. and learned Member who had just spoken figuring in the capacity of a Queen's counsel. True, his emoluments were not very extravagant, being only £2 a year; and this the hon. and learned Gentleman had well earned by his speech that evening. The only answer which had been given to his case

was, that the facts were not as he had described them; and he held that it was not fair or just to refuse an investigation where the facts were denied. It was not true, as had been represented by so many legal Gentlemen, that he asked for a decision of the House of Commons upon matters which ought to be decided by a legal tribunal. He asked for nothing of the kind. All he required was an investigation, and that a Committee should report whether they saw any means of redress for an evil which had been universally acknowledged by every hon. Gentleman who had spoken to-night.

Question put.

The House *divided :* — Ayes 63; Noes 128 : Majority 65.

PRIVATE BILLS—RESOLUTION.

Lord ROBERT CECIL, in moving the following Resolution—

"That in the opinion of this House it is expedient that the investigation into the merits of Private Bills, at present conducted by Select Committees of this House, should in future, as soon as the necessary arrangements can be made, be conducted by a paid and permanent Tribunal."

—said, that it could hardly be denied that Select Committees were both costly and inefficient, and yet they wielded enormous powers in relation to the commercial interests of the country. It had been calculated that within the recollection of the present generation upwards of £300,000,000 had been invested in railway enterprise, the whole of which had been expended in accordance with the decisions and under the superintendence of Select Committees of the House. But railway enterprise was not all, or anything like all, the business that had been entrusted to them, for besides matters of railway enterprise, they exercised the same duties with regard to the internal administration of most of the principal towns, and the commercial communications of the country, so that he did not think he should be far wrong in saying that something like two-thirds of the amount of the National Debt would represent the capital of which these Committees had within the period referred to, directed and superintended the application. This money they had disposed of by the exercise of power of the most unlimited description; for, with the exception of the Committees of the other House of Parliament, there was no appeal from their decisions, which must be taken as absolutely final. Now, with such enormous powers as were vested in their hands, and with such important interests as were at stake, one would suppose that those tribunals would consist of men who had been very carefully selected for the arduous duties they had to perform. How was that consistent with the fact? So far from its being the case the fact was that they were chosen by their constituents without the slightest reference to their intellectual fitness for the official duties which they were called upon to exercise. One man was liked because he was favourable to the ballot, another because he was opposed to Maynooth, and a third because he held particular views respecting the franchise; but throughout the whole of the United Kingdom not a single person was elected on account of his proficiency in the management of private business or his fitness for the discharge of those judicial duties, which the custom of the House imposed upon him. Still, it might be said, that such an assembly as this which contained the collective wisdom of the country would be sure to furnish sagacity and talent enough for all purposes. But unfortunately all the intellect of the House of Commons was carefully weeded out before it entered upon the private business of the House. It was the House of Commons—brained—that did all the work of the Select Committees. It had become the practice of the Committee of Selection, before proceeding to name the Committees, entirely to omit from the list of Members all persons of great political distinction in the House, and others of high intellectual character, whose public duties would be interfered with by their being called on to sit on private Committees of the House. It was no doubt a very proper and necessary practice, and the business of the House must very soon come to a standstill if it were not adopted. At the close of last year he (Lord R. Cecil) moved for and obtained a list of those Members, who during the late Parliament were not appointed upon Select Committees; and that list was exceedingly instructive, inasmuch as it showed how carefully the Committee of Selection had weeded out the large majority of those to whom hon. Members were accustomed to look as maintaining the intellectual character of the House. It might be safely said, that almost every man who had been in a Cabinet, or who happened to be in a Cabinet, and all the distinguished merchants, bankers and lawyers were taken out of the list of those

from whom the Committee of Selection considered themselves at liberty to select judges before whom those private enterprises were decided. Speaking of the last Parliament he found amongst those who were excluded from the list, the names of such men as Mr. Baines, Sir Richard Bethell, Mr. Bonham-Carter, Mr. Bright, Mr. Cairnes, Sir Alexander Cockburn, Mr. Collyer, Mr. Cowper, Mr. Corry, Mr. Deedes, Mr. Denison, Mr. Disraeli, Mr. Duncombe, Mr. Milnes Gaskell, Mr. Gibson, Mr. Gladstone, Mr. Goulburn, Sir James Graham, Sir Bulwer Lytton, Sir Fitzroy Kelly, Mr. Horsman, and so on ; he might, if he chose, increase the number. The noble Lord the Member for King's Lynn (Lord Stanley) was an exception, and there were some others ; but the general rule was as he had stated it. He might add that he (Lord R. Cecil) was himself one of those who served on the Committees, and he should therefore be acquitted of anything like invidiousness when he spoke of the utter incapacity of those Committees. As if that were not enough to ensure the incapacity of these tribunals, it also happened that a Bill was never tried before the same Committee a second time. It was a constantly varying tribunal. The men who tried the matter at issue one year did not try it the next ; and what was the result? Why, that this tribunal differed from all others in this respect—that it had no consistent collected body of precedents by which its decision could be guided. Hence had arisen such an amount of confusion, as to have become quite a proverb. Our railway system was a conspicuous instance of this. At one time competition of lines had been forbidden, at another time encouraged ; at one time a line would be prevented from supplying a particular district, next year the privilege would be granted. One year a railway would be encouraged to encroach on a neighbour's territory, another year encroachment would be summarily forbidden, and so on. Many towns were debarred from undertaking ordinary sanitary improvements because of the expense which must be incurred in obtaining the necessary assent of Parliament. In many cases, too, towns had been put to the greatest inconvenience by the contradictory proceedings of the Private Bill Committees. The noble Lord then mentioned two or three cases by way of illustrating how the system of thus employing judges who were not trained to their duties, and were constantly changing, had practically worked in the social and internal administration of towns. Amongst them he might mention the case of the town of Liverpool, where the local government was conducted under no less than sixty Acts of Parliament. Two of these Acts were brilliant specimens of Private Bill legislation ; so much so, indeed, that he would take the liberty of mentioning them to the House. Both were passed in the Session of 1842 ; and whilst one of them enacted that the Commissioners of Highways might prosecute a person who erected any obstruction on the footway, the other—passed, be it remembered, at the same time—provided that any person might erect an obstruction on the footpath with the consent of the corporation. The result it was not difficult to predict. A person did, under the authority of one of these Acts, erect an obstruction ; that was to say, he built a house. He was at once taken up by the Commissioners of Highways under the other Act ; and the magistrates had the duty imposed upon them of deciding between two private Bills which were passed with two contrary objects, and in the same Session of Parliament. Another Act was passed in reference to Liverpool, which gave the Commissioners of Sewers power —not to compel persons to drain their houses into the main sewers—but absolutely to prevent them from doing that. He also begged to call the attention of the House to the opinion expressed by a Select Committee, appointed twelve years ago, with regard to the mode in which Private Bill legislation was conducted, and the effects arising therefrom. That Committee stated that under the present system, the expense of obtaining the most necessary or desirable Private Bill was needlessly heavy, whilst the great mass of those so-called "Private Bills" materially affected public interests, and, though local, were essentially public Bills ; that the public at large were often greatly prejudiced by local Acts ; that, besides this, there were often introduced into local Bills, provisions of the most objectionable nature—some varying or interfering with the general statute or common law of the country ; some, though ordinary in their nature, perplexing and difficult to understand ; and, finally, some so contradictory and mutually discordant as to render their enforcement impossible. Very often the Committees were called upon to decide important questions of a legal character relating to the conveyance of land : and he would ask the House whether they thought that a Select Committee

was a tribunal calculated to inspire public confidence in that respect. A case which occurred last year well illustrated the difficulty of the questions of this class, which were sometimes submitted to Committees. Land, it was well known, was only conveyed to railway companies in trust; and a question arose whether the land was thus conveyed downwards beyond the depth required for the purposes of the railway. How the question was decided he did not know. The next objection to the present system was the enormous expense it entailed upon all persons engaged in Parliamentary contests and in Private Bill legislation. Not only were the fees extremely high, but witnesses were obliged to be kept in London at an enormous expense, sometimes for weeks together. The Committees were seldom able to sit much more than three hours and a half a day, especially when the business before the House was heavy, on accouut of the enormous physical labour it imposed upon them, whereas a Judge was able to sit six or seven hours in trying cases, and consequently the services of counsel and solicitors had to be retained for a much longer period than would be necessary in the case of an investigation before an ordinary legal tribunal. Select Committees not being trained in the law were exposed to all the tricks of the counsel, and could not check them when they introduced irrelevant evidence or observations. Solicitors had a direct interest in keeping up the present system, because Parliamentary fees were larger than even those in Chancery. Hence, when solicitors condemned the system, their evidence was conclusive against it. On this point he had the evidence of Mr. Baxter, the solicitor to the Great Northern Railway, and much engaged in private bill legislation. Mr. Baxter said, "Supposing the opponents to a Bill went before a Committee, and that the Committee did not consist of thorough business men accustomed to sit on Committees and despatch the matter in hand with decision, the counsel became irregular, and confusion, delay, and expense resulted." As an example, he instanced the Great Western Railway, which had been fifty-seven days before a Select Committee, at an expense of £40,000; and they had to abandon the Bill for the Session, owing to the length of time that was occupied. [Colonel W. PATTEN observed, that that evidence had been given several years ago.] That made no difference—Members were just the same now as they were then. Another cause of expense was, that a peculiar class of counsel had to be employed. The great majority of Members who sat on Committees were not experienced in judicial inquiries, and the counsel who could apply their tricks with the greatest energy and skill were worth their weight in gold. Mr. Scott, a barrister, himself engaged in Parliamentary business, had published a guide to counsel employed in Committees and to Parliamentary agents, and the advice he gave the latter was always, if possible, to select as a leader some lawyer who was acquainted and on speaking terms with the members of the Committee. The result was, that expert counsel required enormous fees. One case had been mentioned to him in which a learned Gentleman asked, and readily obtained, 100 guineas for a single day's work. The Great Northern Company, before it put a spade in the ground, spent £432,000, of which a large proportion—£103,500—was expended in opposing other lines. Liverpool spent £80,000 in ten years in private Bill legislation. The waterworks of St. Helen's cost altogether about £3,000, of which £1,000 was expended in getting the Bill, and he believed that the expense of constructing waterworks in small towns was about equal to the Parliamentary expenses. These facts afforded sufficient grounds for dissatisfaction with the existing system. Private Committees united all the evils, except venality, which could disgrace a tribunal; the judges were inefficient, and the proceedings costly. But there was another disadvantage connected with them, and that was the enormous amount of labour which they imposed upon hon. Members whenever Parliamentary work was heavy. It was impossible for any hon. Member to keep up with the progress of public legislation if he were compelled to spend his mornings in a private Committee. The remedy rested with hon. Members themselves. He had no doubt that his Motion would be opposed by all those distinguished statesmen who were excused, on account of their eminence, from sitting on private Committees. They did not feel the chain, but those hon. Members who were liable to serve were in a majority, and he hoped they would stand up against the great authorities. The Chairman of the Committee of Selection (Colonel W. Patten), having held the office twenty-five years, well knew the evils of the system, and ought to lend his aid in redressing them. But he might be asked what he would put in the place of the ex-

isting system. He had no plan of his own, but would refer the House to one recommended by a thoroughly practical man (Mr. Blamire), the Copyhold Commissioner. It was analogous to that employed in enclosures. The proposal was to establish a permanent and paid tribunal, the members of which should, if necessary, go circuit; that they should decide upon every scheme brought before them as rapidly and cheaply as possible; that they should make their report *in extenso* to the House, and then the Government should introduce and pass Bills in accordance with their recommendations, and in ninety-nine cases out of one hundred the Bills so framed would pass with perfect unanimity. This was done every year with enclosure Bills. Formerly those Bills cost an enormous amount; now the average expense was £20, and the Bills were passed without opposition. But it was said that the functions of these Committees were not judicial but legislative. Even if the business was one of legislation, it did not follow that any five Members appointed on a Committee had the requisite qualifications for the duty of legislation, which was properly vested in the House. Thirty years ago Select Committees were really legislative bodies, consisting of eighty or one hundred Members, and "whips" went round, towards the close of the case, to secure a decision on one side or the other. At that time ten or twelve Members made the investigation, and then a large number who had not heard a word of it came in at the end and gave the decision. That was a disgraceful system, because the duties of the Committees were really judicial, and not legislative, and it was put an end to. A Resolution was proposed by Mr. Green and Mr. Shaw Lefevre—

"That the business of Committees in private Bills is of so judicial a character, and so frequently involves the decision of rights and pecuniary interests of so vast an amount, that it is expedient to assimilate them as much as possible, in functions and practice, to judicial tribunals."

That was what he was now asking—that they should make the judges competent and justice cheap and accessible. Another argument was, that if there was a preliminary examination, the subject would always be reopened in that House. This had been the case where a Committee was appointed after a preliminary investigation had taken place, and very often the decision had been reversed. But if the system of Select Committees were done away with, this could not occur. At one time all the Members for the towns interested in any Bill were allowed, most improperly, to sit on the Committee, and this system had been upheld by the late Sir Robert Peel. He imagined that interested Members, if excluded from Committees, would re-open the question in the House; but his fears had been proved to be groundless, and he had no doubt that those now expressed would be shown to be equally idle. Finally, he was told that the course he proposed would be unconstitutional, and would surrender the privileges of the House. There might have been some weight in such an argument in the time of the Stuarts; but now that that House was supreme in the State, he hoped that it would, by amending its own tribunals, complete the work which had commenced with the reform of the Courts, and would disregard all fears which arose out of a barren love of privilege and power. The noble Lord concluded by moving the Resolution.

MR. WHITE seconded the Motion.

Motion made and Question proposed—

"That, in the opinion of this House, it is expedient that the investigation into the merits of private Bills, at present conducted by Select Committees of this House, should in future, as soon as the necessary arrangements can be made, be conducted by a paid and permanent tribunal."

COLONEL WILSON PATTEN said, that the House was deeply indebted to the noble Lord for calling attention to a subject the importance of which was hardly sufficiently appreciated either within or without that House, and he could assure him that it was not among Members who took an active part in the transaction of the private business of the House that he would find opponents to any amelioration of the present system. He had himself been so engaged for the last twenty years, and during that time had proposed remedies for several abuses which he believed to exist in the present system of dealing with private business. Before he approached the general question he was anxious, in reply to the remarks of the noble Lord on the way the Committee of Selection discharged its duties, to explain to the House some of the difficulties under which it laboured. Every description of Private Bill was referred to them, and it was their duty to select such Members as they thought most suitable to examine the merits of the Bill, while the number from which they had to select was extremely limited. From a return which the noble Lord had obtained it appeared that during the last Parliament 280 Mem-

bers did not serve upon Private Bill Committees. The average number serving upon public Committees was 250; 57 Members were excused on account of age. There were 30 Members of Her Majesty's Government, or connected with it, who could not attend on such Committees; 13 Members were unseated at the commencement of the last Parliament; 10 or 12 Members had died; 4 or 5 had been made Peers, and 20 others had been excused on account of ill health. If all these were struck off the list, it would be seen that there were not a great many left who would be eligible to serve on Private Committees. The noble Lord complained that the Committee of Selection had "brained" the House. As a proof of the contrary, he would refer to two or three names: Sir James Graham, Lord J. Russell, Lord Stanley, Mr. Henley, Mr. Labouchere, and other Members of distinction, who on several occasions had acted as Chairmen of Committees. There was, certainly, an arrangement by which the leaders of circuits were, to a certain extent, relieved from serving on Committees, they consenting to render their services on special occasions. The noble Lord, moreover, in referring to those who were exempt, had overlooked the fact that many of them were on the Committee of Selection. The Committee of Petitions, and other permanent Committees. His (Colonel Patten's) own name was included in the noble Lord's list, yet he sat from the beginning to the end of the Session upon private Committees. In short he could assure the noble Lord that the names from which the Committee of Selection had to appoint private Committees were for many reasons very limited, but it had always been his endeavour to make the selection in the way most calculated to meet the convenience of Members, and with a view to the efficient discharge of the business which would come before them. He entirely agreed with the noble Lord in his observations respecting the excessive expenses attendant upon Private Bill legislation before Select Committees. Almost every Member of great experience in the House had endeavoured to devise some scheme for diminishing that expense, and he (Colonel Patten) himself proposed before the end of the Session to ask for a Committee to inquire into the subject. No doubt the expense was an evil which ought to be remedied, but he feared that that would not be accomplished by referring the whole Private Bill legislation to another tribunal. Some years ago the experiment was tried, and a kind of preliminary inquiry under the Board of Trade was instituted in the hope that appeals would not be made from it to the House. That preliminary inquiry was founded somewhat upon the model of the Enclosure Commission, which the noble Lord appeared to approve; but after several years of trial he (Colonel Patten), who had been the first to propose its appointment, found it necessary to move that the whole plan should be abandoned. One of the principal reasons of the failure of the preliminary inquiry was that, after it had decided, an appeal to the whole House was almost invariably resorted to. In the Liverpool case, to which the noble Lord had adverted, the greater part of the expense was incurred, he believed, in the preliminary inquiry, and then the matter had all to be discussed again in the House itself. Every attempt which had been made to provide a substitute for the present system hitherto had failed, and the House had been compelled to recur to it again. He (Colonel Patten) had a strong opinion with regard to the system of railway legislation which had prevailed in this country, but he was satisfied that while nothing could be worse for railway proprietors, the system was generally advantageous for the public. In France and other countries, where the railway legislation was conducted upon some such system as the noble Lord proposed, railways were, no doubt, constructed upon more economical principles than they were here, and the shareholders were proportionately benefited; but the public could not get branch lines and facilities of that description, which were enjoyed to a greater extent in this country than in any country in the world. He was glad that the noble Lord had brought his mind to bear upon this subject, and he hoped that he would propound some practical means of remedying the inconveniences of the present system. The noble Lord had spoken with some degree of laudation of the plan which prevailed some years ago, when there were 30 or 40 Members upon a Committee; but he was sure that if the noble Lord had ever served upon such a Committee he would not have a word to say in its praise. The merits of the case were not thoroughly looked into by the majority of the Members on each Committee, and "whips" were as general and were conducted with as much energy and anxiety as when an impo-

Colonel Wilson Patten

tant division was about to take place in the House. His own opinion was that many improvements had been effected within the last twenty years, and that Select Committees in the present day were admirable tribunals as compared with those which preceded them. He could mention the names of Members who had come voluntarily during the last ten or twelve years to serve upon the same class of Committees, and by this means an uniformity of legislation had been introduced which the House never could have attained to but for the services of those hon. Gentlemen. If he might be excused for mentioning the name of one hon. Member who had given his valuable assistance in this way, and to whom the House and the country ought to be infinitely indebted, he should mention the hon. and gallant Member for Carnarvonshire (Colonel Pennant). The noble Lord opposite had conferred an obligation on the House by bringing forward this subject, but he thought that he had drawn a rather unfavourable picture of Select Committees. He was sure if the noble Lord would permit him to improve his knowledge of them by placing him upon one or two more of those Committees that he would see that they were not obnoxious to all those charges which he had brought against them. For these reasons he recommended the House not to commit themselves to a Resolution the consequences of which they could not clearly foresee; and he hoped that the noble Lord, in his reply, would endeavour somewhat to fill up the outline of the proposition which in his opening speech he had but sketched.

Lord STANLEY said, he apprehended that there were very few persons who would profess themselves entirely satisfied with the system of private Bill legislation as administered in that House. Probably it was a subject which at one time or another had occupied the attention of almost every working Member, and he believed, if the opinions of all those who had considered it could be collected, that it would be found that there was a general agreement upon two points — first, that some amendment in the system was desirable; and, secondly, that the difficulties in the way of such amendment were of such magnitude as to be almost insuperable. His noble Friend, notwithstanding the ability with which he had treated the whole subject, had mixed up some grievances that were imaginary with others that were undoubtedly real and grave. He had complained of that which no one denied, namely, the costly mode of procedure before these tribunals. But it should be remembered that all litigation before any tribunal in this country, where great companies were concerned, and important interests were at stake, had a tendency to run into enormous expense. The waste of money which had taken place in the contests between opposing railway companies had been in no appreciable degree due to the peculiar composition of the tribunals to which they appealed. Their litigation had been, indeed, more expensive than that which occurred between private individuals, but that was because, when private individuals went to law, in ninety-nine cases out of a hundred they were spending their own money; whereas the proceedings taken by great companies were often instituted by a secretary, a solicitor, and a Board of Directors, who, at comparatively little loss to themselves, could squander the money of the shareholders. No one acquainted with the history of the struggles occurring of late years between the great railway companies, could fail to see that there had existed on the part of those charged with their management a too eager desire to gain possession of small districts, regardless both of the expenditure incurred in securing them and of their value when obtained. His noble Friend said that these tribunals acted without responsibility. He (Lord Stanley) denied it, but even if they did act without responsibility that would be nothing more than what happened in every court of the last resort. But in fact those tribunals were responsible to that House for their decisions, which had been, and might be, revised by that House. His noble Friend also complained of those tribunals being courts from which there was no appeal. Now, that was not exactly the case, for though he (Lord Stanley) admitted the examples were rare, nevertheless they had sometimes seen the decision of a Committee reversed by the House; and there was always a second hearing before a Committee of the Lords. It should be recollected, too, that in proportion as they extended the right of appeal, they increased the liability to expenditure, which the noble Lord very properly deprecated. His noble Friend also complained of the amount of labour imposed upon the Members of those private Committees. Considering the number of Members available

to serve on those Committees, and the share of labour that fell upon each individual, he did not think there was anything to justify that complaint. There might have been reason to complain at the time when the general railway system of England was under discussion, but that was an exceptional period, which could not recur. The Committees sat nominally four hours a day, but really only three and a half hours; whereas a Judge of the land, who was generally a man advanced in years, sat often eight or nine hours a day. Chairmen of quarter sessions, or magistrates who paid much attention to their duties, went through a larger amount of labour in the course of the year than the Members of these private Committees were called upon to endure. As to the question of exemptions to which his noble Friend referred, that had been so ably handled by the hon. and gallant Gentleman opposite, that he (Lord Stanley) did not think it necessary to comment upon it. His noble Friend had argued that the Members of that House were from their habits and position unfit to sit on what he called a judicial tribunal. The same reasoning, if sound, would prove that the Members of that House were unfit to serve on a jury. As to the simplicity of laymen, the ingenuity of lawyers, the tricks practised on Committees, and the varying and even contradictory decisions to which they were apt to come, precisely the same allegations might be made in regard to every class of cases tried before a judge and jury. But the truth was, these Committees were not judicial tribunals. His noble Friend contended that they were so, because, he said, parties having private interests in the question at issue were alone admitted to a hearing, and nobody appeared as counsel on behalf of the public. But it was the duty of the Committee, and especially of the Chairman, to consider not what were the interests of the parties who came before them, but what was for the general advantage of the public. Take the case of a railway as an illustration. It was not a question whether A or B had a right to make a particular line, but whether the line proposed by the one or the other would best meet the wants of the district through which it would pass. And whenever the Committees had to deal with questions at all judicial in their nature, it was a rule invariably enforced by them, or ought to be so, not to interfere in any matter of which a legal tribunal could take cognizance. The legislative remedy only began where the judicial remedy ended. But, granting it to be objectionable to intrust these functions to Committees of that House, what was the alternative open to them? In what hands would they place this power and patronage? Remembering what was the state of things when all the great arterial lines of communication were being laid down, let them ask themselves whether the power of deciding in what direction those great lines should run, what towns should be supplied with direct railway communication, and what towns should be placed upon branch lines or be altogether excluded, was a power which, consistently with the independence and purity of the administration of this country, could be safely vested in any Minister under our system of government? It was said, indeed, that the Government might delegate its functions. But delegate them to whom? This was not a case of judicial procedure. The decision of questions involving the very largest interests was intrusted to the Judges of the land; but those Judges were fettered and tied down by the law, which it was their business to declare—not to make; whereas, in the great majority of cases which came before Committees of that House, there was no law to administer and no fixed rule for their guidance, except that widest rule of all—namely, the duty of considering what was for the advantage of the general public. Such functions, then, affecting such vast and varied interests could not, without great abuse—certainly not without great suspicion of abuse and consequent discontent—be confided to any administrative Board which they could create. But though the endeavour to do away with the system of private Bill Committees would neither succeed nor deserve to do so, still a great deal might be done for the amendment of that system. The attempts made in the course of the last few years with that object had not, he must admit, been successful. The suggestion had been made, but never tried, that they should dispense with the necessity of an appearance before separate Committees of each House, and that a single Committee should be substituted composed of Members of both Houses jointly. The preliminary inquiry to which his hon. and gallant Friend had adverted was also proposed as a means of lessening expense, and his hon. and gallant Friend had borne his testimony as to the manner in which it operated. In 1853 the then President of the Board of Trade established a general board of chairmen

of Committees, the object being to bring their varying decisions into unison, and to lay down something like a code of rules by which all Committees should be guided. That experiment promised well, but it was afterwards found that the understanding come to in the general Committee had no power to bind the Members of the several Committees there represented by their chairmen; and not being so bound, they could not be relieved from the responsibility of deciding according to their own judgment. The attempt to enforce uniformity of decision lasted but for a short time, actually ceasing to exist, he believed, at the end of the very Session in which it was first established. No doubt diversity and even contrariety of decision was a great evil requiring a remedy. But while frankly acknowledging the defects of the existing system, they ought not to overlook its merits. Nobody would assert that these Committees, as now constituted, were influenced either by personal interest, local bias, or political predilections; nor, on the other hand, could they be fairly accused of negligence or carelessness in the discharge of their duties. There might in some cases be a want of special knowledge, but, having for eight or nine years taken part in Committees of that House, he could not call to mind a single instance in which it had appeared to him that there had been neglect of duty or want of attention on the part of those Members with whom he had served. He believed that those Committees were free from all imputation of partiality or neglect, and he thought that the objections which had been taken on the ground of diversity of opinion were not to be attributed to the constitution of the tribunal, but to the fact that in many cases both that House and the public were without experience of the subjects with which they had to deal; those subjects were equally new to all, the legislation upon them was experimental only; and under such circumstances it was impossible that conflicting judgments should not be occasionally aimed at, before they settled down into a uniform course of procedure.

Mr. INGRAM said, he had no wish to occupy the time of the House by entering at length into the question. The subject, however, was one of importance, and involved interests of the greatest magnitude to the country at large. He had listened with the deepest attention to the arguments of the noble Lord who introduced the question to the attention of the House; and, while admitting the possibility of improving the present system, under which the private Committees of that House were constituted, he confessed his inability to discover the superior advantages of the noble Lord's proposition. Doubtless the labours of the Members constituting those tribunals were at times exceedingly severe; nevertheless, as the delegated custodians of the many important interests intrusted to them, they were bound to accept the responsibilities cast upon them, and conscientiously to fulfil those duties that were imposed upon them. He for one would resist every attempt to transfer those duties to any other body than that appointed by the great council of the nation—the chosen representatives of the people. What was the noble Lord's proposition? Why, it was one that would involve the necessity of employing some two or three hundred individuals, and of adding a considerable amount to the charges on the Consolidated Fund. He should at once say that he could not acquiesce in the proposal made by the noble Lord, and he hoped, until some more effectual remedy was proposed, that the House would not be induced to depart from the present system.

Mr. GRIFFITHS said, that the expenses attendant on the present system were enormous. He more particularly alluded to the large fees which were at present paid to professional men practising before Parliamentary Committees. So great were the costs arising from these and other causes, that they practically amounted to a denial of justice. He thought therefore that some remedy ought to be provided.

Viscount EBRINGTON said, he thought that the noble Lord was entitled to gratitude for having brought the subject before the House, but he thought that the better way of dealing with the question would be by general legislation for local bodies. An objectionable form of centralization was produced by bringing all sorts of petty questions up to London to be decided, and such a course was only beneficial to the lawyers. At the same time, many questions arose which required to be legislated for, and that might best be done by referring the subject to a Committee, as at present.

Mr. HEADLAM said, he did not see why lawyers should not make their market as well as any one else; but he thought that, in many cases, the machinery of Parliament was unnecessarily set in motion,

and at the same time there were questions involving large and complicated interests which were best dealt with by bringing them before Parliament in the form at present in operation.

Mr. W. EWART observed, that while agreeing in some degree with the observations of his noble Friend, he considered that it must always be necessary as a last resort that those matters should be brought before the Legislature of the country. He thought that the noble Lord had done good service to the public generally by bringing the question before the House. If the noble Lord would move for the appointment of a Committee, he (Mr. Ewart) would certainly support him; but at present, he confessed, he could not see his way towards the removal of the evils complained of in the proposition he had made.

Mr. SLANEY suggested that it would be advisable to follow the precedent of the Enclosure Act, and to legislate for local bodies as regarded water rates, paving rates, lighting rates, &c., giving them power, in any such matters, to act upon their own authority, after giving proof to an established tribunal that they had fulfilled all the requirements of the Act. He thought that the attention of Government ought to be turned to the establishment of a system of this character.

Mr. TATTON EGERTON said, he would deprecate a hasty adoption of the principle of local legislation. Such a proposal was especially dangerous when it included such works as waterworks for instance, for the water was usually brought from a great distance over the property of others, and might in some cases be seriously detrimental. For instance, Manchester brought their water a distance of thirty miles, and Liverpool a distance of twenty-six miles. He might also remind the House that there was scarcely a town in which local boards of health had been established, that had not petitioned for their abolition. He was ready to admit that the expensiveness of the present system might very properly be considered by a Committee, with a view to its remedy; but he feared that, so long as counsel and agents were employed before Committees upon private Bills, the expense of such Bills would be very large; and he must, by way of suggestion, say from his own experience that the mode adopted in the case of Turnpike Trust Acts, which were promoted before the Commissioners by solicitors, worked satisfactorily and with less expense. On the whole, however, he did not think that any better tribunal could be adopted, for the decision of private Bills, than the one which now existed. At all events, till a better one was pointed out, they ought to adhere to the present one.

Mr. P. O'BRIEN said, that he had sat six years in the House, and he did not know upon what principle Select Committees of the House were chosen.

Colonel WILSON PATTEN said, a Committee had been appointed by the House to select the Members of Committees upon private Bills. That Committee of Selection endeavoured to place at the head of a Committee such Members of the House as were most experienced in private legislation, and also to place on it two or three other hon. Gentlemen peculiarly qualified to deal with the matters intrusted to it.

Lord ROBERT CECIL, in reply, said, that he had had no intention whatever of making any personal attack upon the Members of the Committee of Selection, who were entitled to the gratitude of the House for their disinterested labours. The hon. and gallant Member opposite (Colonel W. Patten) had alluded to the proposal of preliminary examinations, which he had himself suggested. But, in the cases to which he (Lord R. Cecil) alluded, Select Committees were allowed to re-open questions which had already been thoroughly examined. The noble Lord the Member for King's Lynn (Lord Stanley), it appeared to him, had treated with some contempt the labours of the private Bill Committees. When the Judges of the land were engaged in their labours from six to seven hours a day, the noble Lord said the Committee should not object to sitting for three hours and a half. But the noble Lord must remember that these three hours and a half were over and above the nine or ten hours which were usually occupied in the regular business of the House. His noble Friend had also dwelt very strongly upon the legislative functions of these Committees, which, he said, were conducted in a purer manner than they would be elsewhere. But the answer to this was, that legislative functions, if exercised at all, ought to be conducted by the whole House collectively, and not by any small sections of it. Another point was the unjust state of the existing regulations with respect to fees. As the practice at present existed, if a man had occasion to resist any application to Parliament—as, for instance, for a railway Bill which was to

take his land from him compulsorily—though his right might be well established, and his resistance perfectly legitimate, he was compelled no less than the other party to pay heavy fees. This was a state of things which ought not to continue. At the same time, after the general expression of opposition on the part of the House to his Motion, he (Lord R. Cecil) would not press it.

Motion by leave *withdrawn*.

SANITARY CONDITION OF THE ARMY.

RESOLUTIONS.

VISCOUNT EBRINGTON then rose to propose the following Resolutions :—

"That the long continued excessive mortality of the British Army has been mainly caused by the bad sanitary condition of their barrack accommodation. That this House has viewed with satisfaction the efforts of successive Governments, aided by Parliamentary Grants, to improve the moral, intellectual, and physical condition of the British soldier, and is encouraged by the happy results of such efforts and grants to hope much from a continuance and further extension of the same. That much still remains to be done with regard to barrack accommodation; firstly, for its increase, with a view to the discontinuance, as far as may be, of the present practice of billeting, as being alike oppressive to the civilian and demoralising to the soldier; and, secondly, for its improvement, both with a view to the healthy accommodation of the troops in general, and to the decent accommodation of the married soldier. That, in the opinion of this House, such increase and improvement are imperatively called for, not less by good policy and true economy than by justice and humanity."

That in moving the Resolutions of which he had given notice, in the very words in which they had stood upon the notice Paper just two years ago, he must ask for a double portion of the indulgence of the House. He was always painfully conscious of his inability to address the House in a manner worthy of the first deliberative assembly in the world. But if he had been permitted to bring the question before them two years ago, he could at least have promised that he should have spared no pains in collecting information or verifying facts. The misfortune, however, with which he had been visited had rendered it impossible for him ever to turn fully to account the mass of documents, English and foreign, he had already collected with a view to this Motion; and had sadly crippled his efficiency as an advocate, though the recollection of his own sufferings, notwithstanding the many alleviations he had enjoyed, had intensified a hundred fold his desire to see the sickness among our soldiers diminished, and a treatment very different from that hitherto bestowed upon them when sick, adopted for the future. But previous to entering on the main question he would earnestly disavow being actuated in this matter by any party motive, and he as earnestly deprecated the indulgence of any feeling of crimination or of recrimination in connection with the great evils he lamented and deplored, and which he earnestly prayed the House and Her Majesty's Government to endeavour to remedy. The state of the case was this. The mortality in the British army had been long continued and excessive, and it would not require many figures in order to prove that position. The mortality in the Guards was upwards of 20 per thousand; that of the Line was but 18 per thousand; that of the Cavalry 11 per thousand; and in the general population of England and Wales, of the same ages as the soldier, little more than 9 per thousand, and among the population of the same ages in healthy districts nearly 7¾ per thousand. It therefore appeared that the mortality in the ranks of the Guards was nearly three times that of the population in healthy districts in England and Wales of the same ages, and to this they had to add nearly an equal number taken away by invaliding. Now, it was obvious that invaliding represented a considerable addition of the ill health and mortality among those who had been enlisted and enrolled in the ranks. The mortality varied in different regiments in different corps, during the first year after the soldiers had been pensioned, amounting in the Guards to 134 per thousand of those invalided, and on the average to something like 76. He (the noble Viscount) had more figures within reach, but he would not encumber the House with needless statistics, giving his figures from memory in round numbers rather than resorting to the tables of the blue books with him, whence he could obtain extracts and figures in profusion. He had said that mortality in the army exclusive of invaliding, and speaking of the troops at home, was more than double that of the rural population, and taking it in the army generally it amounted to 33 per thousand, and in particular colonies—unhealthy colonies—it was as much as 60 per thousand. In estimating the amount of this loss we should not neglect the consideration of one important fact, namely, that a soldier's life would be considered in any insurance office, at the time he was enlisted, a picked life, and one of the high-

est class that could be insured. No recruit was admitted into the ranks of the army who had any trace of ill-health or of malformation. He was required to be not only sound in wind and limb, but of a certain physical strength over and above the general soundness of health. About one-third in round numbers of such as presented themselves for enlistment were rejected, and all these defective lives were thrown back on the general population, and *pro tanto* increased the ratio of mortality in the class with which he had been comparing the soldiers as regards mortality. But beyond that, all the soldiers who were invalided, and whose mortality varied among the different corps—but the average of which was 76 per thousand in their first year — all these were thrown back on the general population, and were included by the Registrar General in those returns of mortality, which nevertheless contrasted to so striking an extent with the awful mortality that prevailed in the ranks of the originally strong, and sound and healthy soldiery. Now he (the noble Viscount) contended that this alarming mortality was preventible, and he traced it mainly to the bad sanitary condition of the barrack accommodation of the British army. In order to determine the causes which led to such excessive sickness and mortality a comparison ought to be made with the amount of mortality and sickness prevailing among other persons in an analogous position to that of the British soldier. The admirable Report that had been drawn up by the right hon. Member for Wiltshire (Mr. S. Herbert), assisted by other hon. Members of eminence, and among them the late Mr. Stafford, whose loss would be lamented by every soldier and every soldier's friend, furnished some very remarkable information. As compared with agricultural labourers who were members of friendly societies, the mortality in the Household Cavalry was 1½ times as great, in the Dragoons rather more than twice, in the Line in England, nearly three times, and in the Foot Guards more than three times as much. It might be said that the comparison with the more provident portion of the agricultural class was not a fair test, but taking the agricultural labourers who were not members of friendly societies the mortality was still greater in the army. In the Household Cavalry the mortality was 1 1-3, in the Dragoons 1 2-3, in the Line twice, and in the Foot Guards 2½ times as great as among agricultural labourers. It might be said that a great deal of a soldier's life was passed in towns, and that a comparatively small proportion was quartered at the Curragh, Aldershot, or Shorncliffe, in a situation analogous to that of the agricultural population. But the crowning test of the unhealthiness of the army was, that if we took the most unhealthy occupations, such as mining, or the unhealthiest occupations in towns, we should still find that the mortality in the army was greater than any; and even taking the case of night printers, an indoor occupation, involving night duty six nights out of the seven, they found that the mortality in the army was even greatly in excess of that. They were told that this mortality was owing to the night duty, and no doubt it added considerably to it; but the night duty of the soldier ought not to be more unwholesome than that of the night printer, under less favourable circumstances; the fact being that, in the case of the night printers of *The Times* office, where great care was bestowed on ventilation, the result was a diminution in the mortality among them which brought it nearly down to that of the agricultural labourers. He attributed this difference to the greater sanitary improvement carried out in *The Times* than in any other printing-office, and it bore in a very important manner on the question of barrack accommodation, and which might be corroborated by the statistical evidence of eminent medical men, who attributed to defective ventilation much of the excessive mortality and sickness in the army. The night duties of the police were far more severe than those of the soldier, a constable's period of duty being from ten p. m. to six the next morning every night in the week; yet the mortality among the Household Cavalry was 1 1-3 times in the Dragoons 1½ times, in the infantry of the Line twice, and in the Foot Guards more than twice, greater than among the police. The miners, too, presented a much more favourable result than the army. It had been said that much of the mortality among our troops was attributable to cold, but he had had placed in his hands by Dr. Guy a most able paper upon the statistics of mortality among the firemen of the metropolis, who were greatly exposed to alternations of heat and cold and other trying vicissitudes, more than the soldiers leaving their overheated and close guard-rooms, after, for reasons known only to the military authorities, and unintelligible to laymen, passing half the night there in their great

Viscount Ebrington

coats, instead of putting them on like other people on going out into the cold air. The mortality, however, of the firemen was only as seven per thousand, and this included deaths by accident, which in spite of the hazardous nature of the employment were rare. Hence it might fairly be inferred that the night duty of the soldiers alone was quite inadequate to account for the excessive mortality amongst them; and the statistics of sickness in the Crimea contradicted the supposition, because the duty there was very much more severe, and the troops were exposed to a cold much more intense than that of England, and yet the number of deaths from consumption was only 116, whereas the deaths from pneumonia, bronchitis, and pleurisy was about four times the amount. In England the deaths from consumption and tubercular disease enormously preponderate, and were about ten times as great as those arising from disease resulting from the action of intense cold on healthy persons, and therefore they were bound to seek elsewhere than in mere exposure to cold for the cause of the immense proportion of the mortality resulting from consumption. When they analyzed this mortality they found that the number of deaths from consumption alone in the army, exclusive of invaliding, was actually somewhat greater per thousand than that of all the deaths from all causes, in the general population, of the United Kingdom, though swelled by rejected recruits and moribund invalids. The deaths annually from all causes was under ten per 1000 in the population of England. The deaths in the infantry of the Line serving at home were, from chest and tubercular diseases, upwards of 10 per 1000, the total deaths being within a fraction of 18 per 1000; while the deaths from chest and tubercular diseases in the population generally were about 4½ per 1000. The question was, whence arose this frightful scourge amongst so naturally strong and healthy body of men? Various modes of accounting for it had been given. He had disproved the idea that exposure to the cold or night duty alone were sufficient causes. It had been suggested that drinking was one cause and demoralization the other. But as to drinking, the evidence of Mr. Neilson, with reference to the rarity of *delirium tremens*, of nervous disorders and diseases of the digestive organs, afforded a strong *primâ facie* case against drinking being the great cause of disease in the army. Indeed, he could not help thinking that from a desire to avoid the true cause of the disease, there had been a great disposition amongst medical men to exaggerate the extent to which drinking habits prevailed in the army. Moreover, drunkenness when off duty was treated in the British army as a grave offence, but in the French service it was not regarded in that light, and therefore the great number of soldiers who had obtained increased pay for good conduct, and the generally exemplary behaviour of the men in our army, ought to exonerate them from such an imputation. Then with regard to the other cause alluded to, it should be observed that in the Artillery, where the mortality was little more than two-thirds what it was in the line, the admissions to the hospital on account of diseases arising from immorality, was somewhat higher than the case of the Guards. The main cause of the excessive mortality was the bad sanitary accommodation given in barracks, and therefore, by removing that bad sanitary accommodation, we might hope to remove the cause of so much suffering, of so much cost to the nation, and of so much diminution in the efficiency of the army. Experiments which had been tried upon animals, and verified in their results by frequent observations, went to show that over-crowding, with deficient ventilation, was quite sufficient to induce consumption and tubercular disease among the healthiest subjects. He held in his hand a Return, from which it appeared that in a very considerable number of barracks in the United Kingdom the average space per man was under 400 cubic feet; in twenty-six barracks it was under 300 cubic feet; and in some others it was very much lower than that. There were ten hospitals with an average of less than 400 cubic feet a man, and in five hospitals the average was actually less than 300 cubic feet. With regard to the barracks in the Colonies, the accounts he had received from various quarters, together with the graphic description given by the late General Sir Charles Napier, of barrack accommodation in India in his time, left no doubt on his (Viscount Ebrington's) mind that, if such a state of things as had been disclosed before the Commission on the Sanitary State of the Army could be permitted to exist at home, under the very eyes of the military authorities, the circumstances must be much worse in India and in the Colonies. He hoped that much had been done to remedy the frightful state of things in India as

described by General Sir Charles Napier. Defective ventilation in hot climates was almost certain death, and the evidence of Sir Charles Napier on the subject was conclusive as to its destructive consequences. The description of barracks in India, as drawn by that gallant Officer, was a harrowing picture of the sufferings of British troops in foreign stations. In one case Sir Charles Napier reported that instead of putting two regiments into a barrack, which when so occupied as prescribed by the Military Board, had proved a perfect charnel house, he only put the wing of a regiment, and the result was most satisfactory. In fact, it turned out that whereas in one year almost a whole regiment had been cut off there, in the following one there was an average of only twenty-nine sick out of 1,054 men, and not one of them from climate. Equally striking effects had been produced in Jamaica, by the steps taken by Lord Metcalfe, to diminish the overcrowding of barracks in Jamaica. There was a want of decency as well as of engineering skill displayed in the arrangements connected with both hospitals and barracks in this country; and the low standard of comfort and convenience recognized in the military as distinguished from the civil hospitals in the kingdom was also remarkable. He had had some experience with regard to workhouses, and he unhesitatingly said that the average standard of workhouse accommodation in this country was enormously superior to that which was given to our brave soldiers. Not only was there a larger allowance of cubic feet per man in the dormitories in the former than in the latter instance, but in the workhouse a day room was always insisted upon, while it was scarcely ever found in the barracks. No workhouse was without a warm bath; but he knew it for a fact that no warm bath had been given in the Plymouth Hospital for some years, on account of the labour of filling the place, ten feet square, which there served as a bath; and he might observe generally that nothing struck him so much in going through the military hospitals as the contrast that existed between the appliances and comforts of civil and those of military hospitals. He now turned with satisfaction to the second part of his Motion, which declared—

"That this House has viewed with satisfaction the efforts of successive Governments, aided by Parliamentary grants, to improve the moral, intellectual, and physical condition of the British soldier, and is encouraged by the happy results of such efforts and grants to hope much from a continuance and further extension of the same."

It was only a short time since double tiers of beds had been abolished, ventilation improved, libraries, racket-courts, and other means for improving and preserving the health of the soldier, afforded to him; and great results had followed this wise, kind, and in the end economical expenditure. The third paragraph of his Motion declared—

"That much still remains to be done with regard to barrack accommodation: firstly, for its increase, with a view to the discontinuance, as far as may be, of the present practice of billeting as being alike oppressive to the civilian and demoralizing to the soldier; and, secondly, for it, improvement, both with a view to the healthy accommodation of the troops in general and to the decent accommodation of the married soldier."

After the debates which had recently taken place with respect to the ill effects of billeting in Scotland, he need not dwell upon its oppressive character with respect to civilians, and he believed that all military men were agreed as to its tendency to demoralize the soldier. It was particularly distasteful to the embodied militia, and he knew that in the case of the Devonshire militia, that the fact of their being billeted instead of in barracks materially increased the difficulty of recruiting. He had already detained the House too long, and he felt some scruples on bringing forward this subject after the debate which had occurred on the previous evening, and he would only express a hope that the House would agree to the last paragraph of his Motion—

"That, in the opinion of this House, such increase and improvement are imperatively called for, not less by good policy and true economy than by justice and humanity."

Indeed to obtain their consent, it was only necessary for him to call attention to the cost of our troops. He believed that no one would put the cost of a well-trained soldier at less than £100. Now, between the ages of twenty and forty, six out of every ten men in the army were removed by death or being invalided. The number that would be removed if the disease and mortality were only in the same proportion as in the civil population, would be only four out of ten. It was evident that by the excessive proportionate mortality in the army we sacrificed a large sum expended in the preparation and training of the soldier, while we also diminished the number of veteran troops, and caused an undue proportion of our army to be com-

posed of recruits. He called upon the House therefore, on every ground, of policy, economy, justice, and humanity, to resolve that the state of things which had existed should exist no longer; that a system so costly, and so injurious to the reputation of that House, of the Government, and indeed of the country, should be at once abolished; that an entirely new system should be from this time forth established in its stead. The noble Lord concluded by moving the Resolutions.

SIR FREDERICK SMITH said, he yielded to no man in a desire to see the soldier well cared for, as he thought the truest policy with regard to the soldier was to make him comfortable. If he understood the object of the noble Lord it was to increase barrack accommodation, and have a smaller number of men than at present allotted to each room, although he had not sketched out any precise plan for remedying the evils he complained of. There was no doubt that of late years the accommodation to the soldier in barracks had been greatly increased. He could remember when soldiers lay two in a bed, and even in barracks in this metropolis slept in berths, ranged one above another. All this was now changed, and the late Duke of Wellington had himself planned barracks, which had been built in London, and allotted the space which each man was to have; and among other changes, iron bedsteads had been substituted for wooden ones. The admirable Report of the Commission presided over by the right hon. Member for South Wiltshire (Mr. S. Herbert) did not state the comparative mortality of the married and unmarried soldiers; but it was well known that the mortality of the married men was not to be compared with that of the unmarried. The better accommodation provided for the married man had no doubt much to do with this result. He differed from the noble Lord in his statement that he did not think the night duties of the soldier was a cause of the mortality. Now, he believed it was the cause of the mortality which existed, and when the noble Lord instanced members of different trades and said they had more night work than soldiers had, he would suggest that, though they might have more night work, they had less night duty and were less exposed to out-of-doors service in all weathers. He thought also that the injurious effect of night-duty was much aggravated by the fact of the soldier's watch being broken into two or three periods. In the intervals they lay about the guard-room in their accoutrements, and therefore could not, like the policemen, get any refreshing repose. Of late years they had been increasing the soldier's comforts, giving him racket-courts and lavatories, and the right hon. Gentleman (Mr. Monsell) had taken great pains in the improvement of barracks, especially in giving to the married soldier most desirable accommodation. The army was also much indebted to the noble Lord for bringing this subject before the House, and also to the right hon. Member for Wiltshire (Mr. S. Herbert), who had taken great pains to add to the soldier's comforts. He hoped, however, the House would not run away with the idea that the want of cubical space was the cause of the bad sanitary condition of barracks. Everybody knew the temptations to which soldiers were subjected, and they often suffered from disease which, not being early discovered, injured their constitutions materially. The mortality among the Sappers and Miners and Engineers, which was not noticed by the Sanitary Commissioners, was, he believed, very much less than that in any other regiment in the service. This result he attributed to the fact that the men were kept employed from morning to night; in addition to which they had not one-tenth part of the night duty which devolved upon the Guards or the Line. The cavalry, again, were much more healthy than the infantry, which proceeded in a great degree, he believed, from the severer employment to which they were subjected, though the rooms in cavalry were generally less lofty than those in infantry barracks. If the views of the noble Lord were put to the test, hon. Members must be prepared either to diminish the force, or to increase the sum spent upon the barracks, but he feared that even then the result to which the noble Lord so kindly looked forward would hardly be attained.

CAPTAIN ANNESLEY said, he rose chiefly to state a few facts relative to the comparison made by the noble Lord the Member for Marylebone between the police and the Brigade of Guards. He had that morning received a letter from a medical officer of the Guards, which seemed to show that that comparison was not quite to be trusted. The number of the men in the two forces was much the same, so that the ratio of mortality ought also to be nearly equal. In the first place, however, the greater part of the police were married,

and their pay allowed them to live in comfortable houses. Then, any policeman might retire from the service if he found it too laborious, by giving a month's notice, while a soldier was unable to leave until he had completed his term or was invalided. Then all the bad characters and drunkards were at once dismissed from the police force, and no policeman was punished by imprisonment. The commanding officer of a regiment of Guards, however, could not get rid of his bad soldiers in this summary way, but they were imprisoned, and kept to hard labour on low diet, and came back to duty seriously deteriorated in health and constitution. The number of men discharged from the police force, as he was informed, was about twenty-five men a week, so that in twelve months it required 1,300 men to keep up a force of 6,000. Now, the Guards required only 623 men, instead of 1,300, and it was therefore very clear, as the medical officer to whom he was referring observed, that if the Guards were to invalid their unhealthy men and drunkards as the police did, the deaths would be very much reduced, and would probably exceed very little those of the police. According to table F. b, in the appendix to the Report of the Sanitary Commission, there were at the end of a given term of years 3,521 men in the brigade of Foot Guards of twenty-one years' service and upwards; whereas in the whole of the Line under the same circumstances there were only 3,135.

Mr. W. WILLIAMS said, that the preservation of the soldier's health was a question which commended itself to the attention of the House on grounds alike of economy and of humanity. His Royal Highness the Commander in Chief recently complained that he could not get money from that House even for repairing the barracks. But the amount of money voted for soldiers' barracks during the last three years was most extraordinary. During the last thirty-four years no less a sum than £7,500,000 had been expended for this purpose, and more than £3,500,000 of that sum had been expended during the last three or four years. It was said that night duty interfered with the health of the soldiers, and the late Minister for War had suggested that the night duty of the Foot Guards should be performed by policemen. He was sure that the present Minister for War, who was a soldier, had never entertained such a thought. He had seen in the newspapers that a splendid pavilion had been erected in the midst of the camp at Aldershot for Her Majesty and the Court, which would allow them to pass many days and nights there, and also enable Her Majesty to entertain the officers. It was a new thing for a Sovereign of England to live in a pavilion in the midst of a soldiers' camp; but if it were Her Majesty's wish to have a pavilion at Aldershot, he was sure the House would not object to vote the money for it. To erect such a pavilion, however, with the money voted for the use of the soldier was unpardonable, and some explanation ought to be given by the Secretary to the Treasury or the Minister for War on the subject. He was as ready as any man to provide for the comfort and health of the soldier, but he disliked extravagance, and he trusted that if the House voted any future sums for the accommodation of the troops, it would be properly applied.

Colonel NORTH said, he wished to tender the thanks of the army to the noble Lord who had brought this subject under consideration. He believed that the night duty had a great deal to do with the mortality of the Foot Guards, and that their sleeping in wet clothes was the cause of much illness. It might be a heresy on his part, but he could not understand why soldiers should not be allowed to take off their greatcoats in the guardroom. Of course, they could not be allowed to go without their accoutrements, as it was necessary to prevent a surprise. He was acquainted with very few guardrooms where there were the means of hanging up greatcoats. He was confident that his Royal Highness the Commander in Chief had spoken the truth on the occasion referred to by the hon. Member for Lambeth (Mr. Williams). No one understood the wants of the soldier better than his Royal Highness, and it was equally certain that he did not possess the power to remedy one of the wants that his Royal Highness had pointed out. His Royal Highness, in fact, was only the medium of communication between the officers of the army and the Secretary for War.

Mr. PEASE did not rise to address the House upon the details of barrack arrangements. He took it for granted that the representations of the noble Lord were all true, but he would submit that, although the improvement of barrack accommodation might be the right thing to do, there was a right time in which to do it. If £3,000,000 had been voted for this purpose during the last three or four years, a large amount of barrack accommodation

must have been given, and it would be well to try how far the best system had been adopted. The Chancellor of the Exchequer had been told that he had pretty easily lifted the House over the stile of the financial difficulty, but the House had found it necessary to impose a new tax in order to raise a sum of £200,000, and with wars abroad and great expenses for recruiting at home, the present was scarcely the right time for any large outlay.

SIR JOSEPH PAXTON said, that having been a Member of the Barrack Accommodation Committee of 1855, he could assure his hon. Friend the Member for Lambeth (Mr. Williams) that he was under a mistake in supposing that £3,000,000 had been spent upon increased barrack accommodation during the last three or four years. That sum had been spent upon the emergency caused by the breaking out of the Russian war, in providing accommodation for a large body of troops near the Metropolis, and in constructing huts and barracks in Aldershot and elsewhere. He must do the noble Lord (Viscount Palmerston) the justice to say that he had done all in his power when in office to ameliorate the condition of the soldier. The barracks in many parts of the kingdom were placed in the centre of populous districts, and were in most unhealthy and inappropriate situations. He recommended that those barracks should be sold—for, as many of them were in the midst of large towns, the sites which they occupied were of considerable value—and that new barracks should be provided outside the towns, which would afford more convenient accommodation for troops and ample space for their exercise. The Committee of 1855 recommended that architects should be called upon to send in designs for improved barracks. The suggestion was adopted, and plans were sent in; but he had not heard that any barracks had been built upon the plan which had been approved. He believed that the unhealthiness of the existing barracks was mainly attributable to defective ventilation and want of sufficient space; and it was utterly impossible that a large number of persons, who were constantly eating and sleeping in the same rooms, could be in a very healthy condition. He hoped, therefore, that the Motion of the noble Lord would receive the assent of the House.

SIR HARRY VERNEY remarked, that the arrangements with reference to barrack accommodation should not be left so completely as they were at present to the Ordnance Department, but that officers connected with the line and the cavalry ought to be consulted on the subject. He believed that, if the Barrack and Hospital Commissioners had a voice in the matter, not only would the health and comfort of the soldier be materially promoted, but there would be a considerable saving of public money. He was sure the House would greatly regret the calamity which had prevented the noble Lord (Viscount Ebrington) from devoting his attention more closely to this subject, especially as that calamity was occasioned by his zealous endeavours to ameliorate the condition of our soldiers.

COLONEL BOLDERO said, that the Report of the Sanitary Commissioners attributed the great mortality among the troops chiefly to defective ventilation and bad drainage; and, unless proper principles were laid down for the construction of barracks, the complaints which now existed would be renewed in ten years' time. He might remind the House that, notwithstanding the rapid strides of science in most departments, the science of ventilation was at a standstill. Why, when they first got into that House, there were constant complaints of the draughts of hot and cold air by which they were alternately inconvenienced; but although Committees and Commissions were appointed to devise the best means of ventilation, their inquiries were not attended with much success. Thousands and tens of thousands of pounds had been spent upon the ventilation of the Houses of Parliament. When that House was first occupied, there was not a window in it that would open; the air breathed by hon. Members was entirely artificial, and was pumped up by some machinery, coming across the Thames on one side, and across the graveyard of St. Margaret's church on the other. He would ask whether they were now breathing sound and good air? He knew that hon. Members were constantly complaining of the sufferings to which they were subjected from remaining in the impure atmosphere of that House. He thought, then, that if all the scientific men whose services had been at the command of different Governments had failed to give them perfect ventilation in that House, the Engineer officers could not be blamed because they had not succeeded in providing perfect ventilation in the barracks. Millions of money had been spent

upon drainage in this Metropolis, and yet an efficient system of drainage had not been established. Could the officers of the Engineer corps, then, be justly blamed if their endeavours to drain the various barracks of the kingdom had not been entirely successful? He must tell the House that soldiers were a class of men with whom, in matters of this kind, it was difficult to deal. As long as the non-commissioned officers were in the room, the windows were kept open; but when they left, the soldiers shut the windows and prevented ventilation. Therefore, there was a great fault on the part of the soldiers themselves. He merely rose to vindicate the conduct of the Engineer corps, the members of which were not so guilty as the Report would seem to imply.

VISCOUNT PALMERSTON said, he was sure that the House felt much indebted to his noble Friend for his clear and interesting speech. No man had devoted an intelligent, active, and far-seeing mind to a subject of great importance with more success than his noble Friend had in treating of the matter he had brought under the consideration of the House, and it must be evident to everybody that the accommodation which his noble Friend wished to provide was one of the highest importance to the public service. When they were told that they ought not to spend money in improving the barracks because they were engaged in expensive operations of another kind, he could not say that that argument had any force on his mind, because it was demonstrable that the money spent in improving barrack accommodation was money spent for the most economical purpose, in promoting the efficiency of the army and in taking care, as they were bound to do, of those brave men who were engaged in the service of the country. While, on the one hand, his noble Friend had pointed out the methods by which they might prevent the continuance of the evils adverted to by his noble Friend, yet, on the other, he did not think that any blame could attach to those Departments of the Service by which those evils had not hitherto been set perfectly right. They must all remember that, strange as it might appear, considering the progress of science in every department, it was only within a few years that mankind had found out that oxygen and pure air were really conducive to the well-being of the body. It must be remembered that not only had the troops been victims from ignorance in that matter, but the Members of the Legislature had been as great sufferers as the troops from the neglect of the commonest principles of science. Those hon. Gentlemen who, like himself, had had experience of the earlier House of Commons must remember the sufferings endured by Members from the vitiated and pestiferous atmosphere which they were doomed to breathe, and which he ventured to say was the cause of the death of many hon. Members. The hon. and gallant Officer said that the atmosphere of the present House was complained of. He believed that he had spent more hours in that House of late years than any other Member, and he could only say that his health had not suffered. He always quoted that House as a proof of scientific ventilation, for he thought that the atmosphere of the House, considering the number of persons assembled in it, constituted a triumph of skill in respect to ventilation. He thought that if the barracks could be supplied with as good air as that House was, the efficiency of the army would be immensely improved. It might be true that night duty in the case of soldiers was attended with injury to the health of the men, especially if the men remained with their greatcoats on in the guard room, and, when in a state of perspiration, went out and had the perspiration checked by the cold. But circumstances like that admitted of correction, and he hoped that, the attention of the military departments being directed to the matter, some simple remedy would be devised. He knew that in consequence of suggestions made to Viscount Hardinge, that nobleman provided sentry boxes with additional coats to be put on by the men on duty,—a precaution imitated from arrangements made in the French service; and the right hon. and gallant General would be able to tell the House whether that arrangement was continued. He hoped that the Resolution of his noble Friend would be agreed to. Much might be done by improvements apparently of no great importance, because, if they could not increase the cubical space of the barracks, they might by judicious arrangements, introduce into them a quantity of good air, and allow the bad air to escape. He trusted that if the House adopted the Motion of his noble Friend, that would be considered by the Government as indicating a desire that greater attention should be paid to the

arrangements and improvements of old barracks and new barracks.

MR. SIDNEY HERBERT said, that, after what the noble Lord the Member for Tiverton (Viscount Palmerston) had said with respect to the good economy of an outlay for the improvement of barrack accommodation, he should not refer to the objections which had been urged against it, but he wished to say a few words in reference to some objections which had been raised to the Report of the Sanitary Commision. He had no wish to take any exception to the statements made by the officers of the Guards, who thought that the statistics on which the Commission stated the mortality of the Guards were erroneous or exaggerated; but he was bound to say in justice to Dr. Balfour and Sir A. Tulloch that, now that the Guards had made their own returns, so far from those statistics being impugned they were confirmed. Having been exposed to this severe test, the accuracy of the statistics stood beyond exception. The return made by the Guards was perfectly fair, and made the mortality certainly slightly larger than the Commission made it, but that might be accounted for in this manner—the Commission adopted the army statistics laid on the table of the House, which made the annual mortality of the Guards 19·15 per 1,000, and the Officers made it 19·45. The difference arose in this way—that the Guards included eighteen men returned from Canada, whom Sir A. Tulloch and Dr. Balfour excepted, because they did not consider them to be fair instances of the effect of duty in the Guards, as they were sent home on account of ill health contracted abroad. Nothing could be fairer than the return of the Guards, because they put down one man as having died of old age, and on inquiry he found that the man was only fifty-nine years of age, which was not commonly considered a very old age to die of, but he believed the man died of apoplexy. The return, however, produced by the Guards was most valuable, and further inquiry might be instituted into it with great advantage. There were three regiments of Guards doing identically the same duty, enlisted on the same principle, invalided on the same principle, inhabiting the same barracks, and performing the same night duty. He could not find any difference in those respects between the three regiments, but the mortality differed widely. In the Grenadiers the mortality was larger than in the Coldstreams, and it was smallest of all in the Fusileers. The late Secretary to the Commission divided the period over which this mortality extended into three distinct parts, and the result which came out as a matter of figures was worth attending to. With respect to the Grenadiers, the mortality in the first period was 21 and a fraction, in the second period 23 and a fraction, and in the third the same as in the first, 21 and a fraction. In the Coldstreams the mortality was, in the first period, 19 and a fraction, and in the two last periods 18 and a fraction each, that fraction diminishing as the time went on. In the Fusileers the mortality in the first period was 23; in the middle period 18, and at the end 15, lower considerably than the average of the Line. He had tried to ascertain how that could be accounted for, the duty and the barracks being the same for all, and it would be most desirable to ascertain whether it arose from any internal discipline, or any arrangement depending on the commanding officers, or from any difference in the origin or the habits of the soldiers. He thought it was important to search further and see what was the cause of this great difference. This led him to remark that there was a great want of an organized statistical department of the medical board. Hitherto the statistics had been, in a manner beyond all praise, drawn up by two gentlemen unconnected with the department, and they gave their time and labour for the love of the service. The hon. and gallant Officer said that in their Report the Commissioners had drawn inaccurate conclusions as to the police. He thought he could show the contrary; but with regard to these statements, he did not stand out for the accuracy of every one of them. If they had had more time they might have come to still more accurate conclusions, but he thought it important that they should bring their labours to an end in time to commence practical operations. It was proved that the mortality was great and that it could be reduced. He cordially agreed with his noble Friend (Viscount Ebrington) who said, "Never mind who is to blame provided you can trace the causes in a way to remedy them." The Commissioners did not say that it was all owing to the barracks, or to intemperance and debauchery, or to night duty. To any one of those matters singly, charging the whole mortality together upon it, there was an irrefragable answer. Eminent and ingenious men told them that there was no intemperance in the

army. It was found that among intemperate classes—especially in Scotland, where he was sorry to say intemperate classes abounded—a large proportion of deaths arose from diseases of the nervous and digestive, especially the nervous organs, and that deaths to a very small extent occurred in the army from those causes. But to say that there was no intemperance in the army was absurd, because they knew that there was a great deal of intemperance in the army. Another curious fact was that the deaths from nervous diseases in the Life Guards were to a far greater amount than in the Foot Guards; but every one knew that there was more intemperance among the Foot Guards than among the Life Guards. These things were likely to mislead. The great disease which destroyed the army was consumption, and it was easily to be understood that intemperate persons might perish from other causes long before there was any chance of their dying as a result of intemperance by disease of the nervous organs. Another statement which had been made was that cubic space and overcrowding had nothing to do with the mortality; but that it was entirely owing to the want of exercise. No doubt exercise was an important thing and the case of the Sappers and Miners was a strong illustration of this. Their barracks were not so good as those of the others; but they took a degree of exercise which no other troops took, and were healthy in proportion. The reason, however, why the Commissioners laid great stress in their Report upon the question of cubic space was that, while intemperance could not be got at very easily, and could only be effected gradually by moral influence, cubic space was a question of bricks and mortar, and they could give it to-morrow morning if they liked to put their hands in their pockets. If it were the case that cubic space was immaterial, no man had been done greater injustice to than Shah Soojah Dowlah, who killed a number of people by putting them in the Black Hole at Calcutta. It was not a bad room, but it was overcrowded. According, however, to the theory of space being immaterial, and exercise everything, if he had only put a treadwheel in with them so that they might have had plenty of exercise the people confined in it would have turned out perfectly healthy the next morning. His noble Friend had alluded to two or three points quoted by Dr. Guy. He would mention another. Dr. Guy had taken all the printers and divided them into classes—those who lived in a space of 300 cubic feet, those in 500, and those in 600 and upwards. He then ascertained that the number of men who had inflammation, spitting of blood, or some disease of the lungs, rose and fell exactly in proportion to the number of cubic feet in which they lived. He hoped that the agreement of both sides of the House upon the subject would lead to some practical conclusion. He said last night, and he repeated it again, that he had received the most cordial support from his right hon. and gallant Friend the Secretary of State for War, and in a very few days he hoped to be in a position to lay before him a report of the Commissioners on the London and some adjoining barracks, pointing out the means of putting them in a comparatively healthy state. It was absurd to suppose that they could carry on improvements upon an enormous scale without considerable expense, but they could not do anything so extravagant as to kill good men whom they had trained at a great expense. He believed he was right in assuming that his right hon. and gallant Friend would not oppose this Motion, and he thanked his noble Friend for having brought it forward in the efficient manner in which he had introduced it to the House.

GENERAL PEEL said, that not only every military man, but every one who had the welfare of the army at heart, was indebted to the noble Lord for having brought the subject before the attention of the House. He was perfectly certain that the more it was discussed, the more completely would the evils be remedied, and so far from objecting to the Resolution, although he did not think it necessary after what occurred last night, he believed it would strengthen the Government in that which they were now doing. He could only repeat what he said last night, that he thought he was taking a wise and practical course in taking up the question where he found it. His attention was drawn to the report of the Sanitary Commission. He inquired what steps had been taken to remedy the evils which they pointed out. He was told that a Commission, at the head of which was the right hon. Gentleman (Mr. S. Herbert), had been appointed by his predecessor, Lord Panmure, and he was waiting until that Commission reported, when he should call upon the House to carry into effect the remedies which they

suggested. He had given every facility to his right hon. Friend to make some small changes preparatory to a general plan, and he believed the House would be ready to carry out everything which could be provided to be of benefit to the army, for he could not agree with those who said the fault lay with that House. An hon. Gentleman opposite had pointed out that the plans of the Barrack Committee which sat in 1855, had not been carried out. The reason was, that barracks at Portsmouth only had been erected since that time, and it was necessary in that instance to construct them in connection with the fortifications. He was aware that it would be necessary, not only to improve the barracks, but to make many other improvements which might tend to improve the health and comfort of the soldier. He had done duty in every barrack in London, and it was surprising how great had been the improvements which of late years had been made in them. There was no doubt that further improvements were necessary, and he could assure the right hon. Gentleman nothing would give him greater pleasure than submitting to the House the recommendations of the Commission. The Report was promised in a few days, and no time should be lost in taking it into consideration.

COLONEL PENNANT said, he wished to remind the House that the Report of Dr. Balfour referred to the authorities of the army, not to the military authorities, as an hon. Gentleman had quoted in the course of this discussion. He had himself been for seventeen years in the Guards, and the subject of the mortality there prevailing had received his constant and most anxious attention. He had observed as a curious circumstance, which did not appear to have received from others the attention it deserved, that the mortality amongst the men of six feet in height, of which there were two entire companies in his regiment, very largely exceeded that of the central companies which were composed of short square men about 5 feet 9 inches. Now, it had been attempted to establish a comparison between the mortality of the police and of the Guards. There was no fair parallel, he contended, between the two, inasmuch as the soldiers were enlisted at the precarious age of eighteen, whereas the police entered the force at the more advanced age of twenty.

GENERAL CODRINGTON said, he was glad to find that there was at last courage enough on the Treasury Bench to come down and ask the House of Commons for the money which was wanted to improve barrack accommodation. He thought that to put the barracks into a healthy state they must double the quantity of accommodation, for instead of 500 cubic feet per man there was now only 200 and 300, whilst prisoners in gaols had 1,000 feet. He also wished to press upon the Government the desirability of attending more to the comforts of the soldier in the construction of the barracks, and of taking some pains to throw something of the air of home about his room. In any future arrangements which might be made it would be of great advantage if one or two large rooms were attached to each barrack which could be used as day rooms. In several instances where this experiment had been tried it had been attended with the most satisfactory result in respect to the health and comfort of the soldier. He might also mention that at present in a barrack-room there was not even a place for soldiers to lock up their things, whilst in every foreign barrack each soldier had a cupboard over his bed.

COLONEL KNOX said, he wished to remind the House that many excellent plans had already been submitted to the authorities on this subject, but their existence appeared to have been ignored. He trusted they would be made some use of, as, if it was objected to them that they would involve too much expense, he would remind them that those plans had been framed upon specifications furnished by the Government then in office. He thought it also a great injustice to the Gentlemen, who had prepared them, for the highest reward given for them was only £200, which would not pay for the labour they had cost. The barracks were such places that they would not put their paupers in them, and he hoped that the plans which had been sent in would be looked over, that some effectual improvement might be made in the accommodation for the soldiers.

MR. MONSELL said, the reason why no barracks had been built according to the plans referred to by the hon. and gallant Member was that, with the exception of one at Dover and another at Portsmouth, none had been commenced since the Report of the Commission. The speech of the Secretary for War was most satisfactory; the House was unanimous; and he was sure they were all ready to express

their gratitude to the noble Lord the Member for Marylebone for the able manner in which he had brought the subject forward. But his object in rising was to suggest to the Secretary for War one mode of getting rid of the pecuniary difficulty. Many of the existing barracks were so badly situated and so small in size that they were utterly useless, and could not be made available for military purposes. The suggestion he had to make was that the Secretary for War should get a list of those which never could be occupied, and sell them at once. By that means he would be able to raise a considerable sum of money applicable to the improvement of those barracks which might be used, and to the erection of new ones.

LORD BURGHLEY said, he wished to call attention to the state of the citadel barracks at Plymouth. Those barracks were estimated to accommodate 1,100 men, but a third of the space consisted of casemates, which were so badly ventilated that it was impossible for men to live in them with any degree of comfort.

VISCOUNT EBRINGTON said, he had to thank the House for the favourable manner in which it had received his Resolutions, and hoped that the discussion which had taken place would accelerate the movement for the improvement of barracks.

1. *Resolved*, That the long-continued excessive mortality of the British Army has been mainly caused by the bad sanitary condition of their barrack accommodation.

2. *Resolved*, That this House has viewed with satisfaction the efforts of successive Governments, aided by Parliamentary grants, to improve the moral, intellectual, and physical condition of the British soldier, and is encouraged by the happy results of such efforts and grants to hope much from a continuance and further extension of the same.

3. *Resolved*, That much still remains to be done with regard to barrack accommodation; firstly, for its increase, with a view to the discontinuance, as far as may be, of the present practice of billeting, as being alike oppressive to the civilian and demoralizing to the soldier; and, secondly, for its improvement, both with a view to the healthy accommodation of the troops in general, and to the decent accommodation of the married soldier.

4. *Resolved*, That, in the opinion of this House, such increase and improvement are imperatively called for, not less by good policy and true economy than by justice and humanity.

TURNPIKE TOLLS (METROPOLIS).

COMMISSION MOVED FOR.

MR. BYNG moved—

"That an humble Address be presented to Her Majesty, praying that She will be pleased to issue a Royal Commission to inquire and report as to the best means of affording to the inhabitants of the Metropolitan Districts, within six miles of Charing Cross, a relief from the abolition of Turnpike Gates, and Toll Bars similar to that which the Legislature has already granted, on the recommendation of a Royal Commission to the Metropolis of Ireland."

He said he had been asked by, he might say, thousands of persons to bring forward this Motion. A Commission was already in existence, but they did not represent either the ratepayers or any one else; and though the bonded debts were paid several years ago, they were in debt.

Resolution *agreed to*.

ASCENSION DAY.—MOTION.

LORD ROBERT CECIL moved "That all Committees of this House stand adjourned over Thursday next, being Ascension Day."

MR. WALPOLE suggested that the better course would be to order that the Committees should not meet before Two o'clock on that day.

MR. BOUVERIE said, that great inconvenience and expense would be caused by the Committees sitting for only half a day, and he therefore objected both to the Motion of the noble Lord and to the Amendment suggested by the right hon. Gentleman.

Motion, by leave, *withdrawn*.

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, May 12, 1858.

MINUTES.] PUBLIC BILLS.—1° Consolidated Fund (£11,000,000).
2° Reformatory Schools (Ireland).

POOR RATES (METROPOLIS) BILL.

SECOND READING.

Order for Second Reading read.

MR. AYRTON, in rising to move the second reading of this Bill, said, that it was with much satisfaction that he could refer to the large number of petitions which had been presented in its favour as a proof of the desire which prevailed throughout the metropolis that it should pass into a law. According to the last return the number of petitions for the Bill was 39,

and the number of signatures 42,000, while the total number of petitions against it was four, and the number of signatures nineteen. The principle which it embodied was that of enlarging the area of rating for the relief of the poor, a principle which had over and over again received the sanction of successive Poor Law Boards as applicable to the special circumstances of particular localities. In adopting that principle many hon. Members of that House would no doubt be taking a step calculated to interfere with their own pockets, inasmuch as they resided in those very districts of the metropolis upon which he sought to impose a fair share of the burdens incurred for the maintenance of the poor; but their support of the measure would under those circumstances but furnish a stronger proof than would otherwise be the case of the justice of the grounds upon which the measure was based, and he believed those grounds to be perfectly sound; and the more he had examined the returns upon the subject of poor rates in the metropolis for which he had moved, but which owing to the circumstance that they had been only very recently laid before Parliament he had not had time to examine as closely as he should have wished, the more he felt convinced of the necessity of obviating a state of things under the operation of which the poor in one part of the metropolis were charged upon those who were themselves poor in order that the rich in another quarter might escape their fair share of a public burden. In seeking to enlarge the area of rating he did not wish to lay down as a general principle that in every locality in England such enlargement would be necessary. It was a local question, and must ever depend upon local circumstances. He asked the House to affirm the principle of an enlarged area of rating where it was alleged to be requisite, in order that justice might be done to all classes of rate payers, the Bill might then be sent to a Select Committee upstairs to inquire whether the special circumstances affecting the parishes of the metropolis did render it necessary to take them out of the general scope and operation of the existing law of parochial rating. He wanted an inquiry into the special circumstances which made the poor of one part of the metropolis bear more than their share of the local burdens in order that the rich in other parts of the metropolis might escape with less than their due proportion. There existed in the first instance between those who lived in one part of the metropolis the relations of employer and employed, and in the second place those arising from one class of the community being compelled to reside in a district separate from another. If a man on the verge of destitution were found in the streets of the parish of St. George, Hanover-square, a policeman was ordered to drive him from a locality where it was supposed he could have no business, no residence, and no occupation; but the same man walking in the parish of St. George-in-the-East would be regarded as being in his element, and no attempt would be made by the police to remove him; should he then become chargeable as one of the casual poor, it was there the charge would fall. There were portions of London covered with large houses occupied by people showing every sign of opulence, while there were others in which lived a class of inhabitants who were struggling for the bare necessaries of life. What was the distinction between one place and the other? Was it not purely an imaginary line? Was there any reason why one should have a separate area of taxation from the other? Pursuing their researches further, it would be found, that in this area of wealth and rank were all the employers, and in that area of poverty and wretchedness were all the employed. Why had they, by an artificial law, drawn a line of demarcation, between one and the other? Did not the maintenance of the poor necessarily result from the relation of employer and employed, of masters and workman? The changes which had taken place in London within the last twenty or thirty years showed in a remarkable degree how that line of demarcation was becoming wider and wider. Many hon. Members who then heard him, could remember the period when the fine space at Charing-cross was covered with miserable tenements, all of which had of late years been swept entirely away. In many other parts of the metropolis, houses had been swept away and given place to well-built residences, large shops, and a class of houses totally different from those which had preceded them. In former times they found in all parts of the metropolis, dotted here and there, low neighbourhoods, where the poverty of the district congregated, and there was then to a certain extent a diffusion of poverty throughout the metropolis—not indeed an even distribution of it, but still it was diffused generally throughout certain areas. But what had been done in recent times?

Public funds had been appropriated, and that for the comfort and convenience—there was no disguising the fact—of the wealthy classes of the metropolis. Those classes did not like to have such a mass of squalid misery near them, but desired to banish it to a greater distance; and then they talked of improving the welfare and condition of the people by sweeping away the houses. Having done that really for their own gratification, they got rid of the misery which was under their eyes and banished it to some remote district where, so far as they were concerned, it remained forgotten altogether, and where they believed it would never prove a charge to them. It was their duty, however, to follow this misery wherever it went, and to hold themselves, as far as their means of taxation were concerned, liable to contribute to its support equally with the poorer people upon whom they threw the destitution of their own neighbourhoods. Now of late a great change had taken place in the condition of most of the city parishes. The houses there were nearly all let out at high rents for offices, and the workmen and others employed in them had to find residences in remote parishes. The return which had been made showed that in some of the city parishes the poor rates had been constantly diminishing since 1830, as, for instance, in the case of St. Michael, Paternoster, where the rates had fallen from 1*s.* 6*d.* to 7½*d.*, while the rateable value had only increased from £3,000 to £3,900. The cause for the decrease in the city poor rates was to be found in the fact that the working classes, who were employed in the city were compelled to seek for residences in suburban parishes, and the consequence was that in those suburban parishes the poor rate had been constantly increasing. In the parish of St. Michael, Cornhill, which comprised many banking and commercial establishments, the expenditure for the poor had fallen from £1,100 in 1835, to £880 in the last year. But even in the City of London itself there were some parishes in which it was possible for the poorer classes to find houses, and in those parishes there had been a regular increase in the poor rates. Thus, while the expenditure for the poor in St. Mildred's, Poultry, had diminished from £415 to £247. and the rates had been reduced from 2*s.* 9*d.* to 5¾*d.*, the expenditure in St. Nicholas Olave had advanced from £250 to £437, and the rate was 5*s.* 7*d.* in the pound. The evils of the present system were felt in all parts of the metropolis. In Fulham there had been an increase in the number of removeable poor, since 1853, from 252 to 4,267, and the cost had extended from £354 to £3,277, and in St. Andrew's Holborn the rate had increased from 2*s.* 3*d.* to 4*s.* 7*d.*, while in the parish of St. George's, Hanover Square, the amount expended for the poor remained the same as in 1830, nothwithstanding the enormously increased value of property there. Was this a state of things which the House was disposed to continue? If they were satisfied that it would stop where it now was, there might be some ground for not entertaining the question; but the fact was that it was a growing evil, and the larger the metropolis became, the greater would the evil become. It was natural that the rich should desire to live by the side of the rich; and to compel the poor to live by the side of the poor, and unless the area of rating were enlarged, the greater would be the charge upon the poor, and the lighter would be the share of the rich in that burden which they ought to bear. Those who could best pay were gradually relieving themselves from the burden, and those who could least pay for it were gradually finding the burden increasing upon them. In truth, this question should have been considered before the law of settlement, which depended on hiring and service, was altered; for as the law formerly stood, a hiring of forty days or a year in St. George's, Hanover Square, would have given a right to relief in that parish. He therefore asked the House to read his Bill a second time with the object of inquiring into the subject, and an investigation by a Committee would show that, by the change in the law, those who were best able to contribute to the relief of the poor in the metropolis were exempted from the burden, while its principal weight was borne by those who were least able to sustain it. It might be said this was a measure that would affect property, but so did every change in the law relating to poor rates, of which there had been many. He denied that it was a question affecting property, or that the amount of poor rates was much considered in the rentals demanded for houses in the metropolis. The charge was a charge upon the tenant, and in fact poor rates were paid out of income, and it could not be expected that a man with £50 or £60 per year would consider it just that he should be called upon to pay as much out of his income for the support

Mr. Ayrton

of the poor as another man who had an income of £600 per annum. The present state of things produced great discontent, and, notwithstanding all the sophistries of the poor rates being a charge upon property, those who were called on to pay the rates considered them as a tax levied upon themselves. Some persons who objected to the measure he proposed contended that it was a movement for the relief of taxpayers only, and that it was not required to protect the interests of the poor. If a tax was unjustly levied he conceived it was the duty of Parliament to rectify it, and he must confess he doubted the sympathetic regard for the poor of those who had contrived to shift the burden of supporting them from their own shoulders to those of less wealthy and less influential classes. He was, however, prepared to prove that this was really a poor man's question. He found that the deaths from privation were registered in increasing numbers. In 1848 the number of deaths from want and privation was 222, which had been gradually increasing, until in 1855 it was 460; in 1856, 414; and in 1857, 416. It appeared, also, that the parishes in which deaths from want were most frequent were those in which the rates were highest and where the severity of their pressure caused an indisposition, if not impossibility, to meet the full demands of the suffering poor. He contended, therefore, that all those deaths should be laid at the doors of the wealthy inhabitants of the metropolis, who were only paying 6*d.* in the pound for the relief of the poor. The people would argue as he did, and if justice were not done upon this subject they would hold the wealthier classes responsible for the neglect of that poverty which the humbler ratepayers were unable to relieve. The amount of money expended in the metropolitan parishes was not a full measure of the severity of the pressure, for in many cases the burden was so great that the number of those who were unable to pay the rates demanded of them exceeded that of the poor who were relieved by the rates. This could easily be shown by a return of the summonses issued for non-payment of poor rates. Under such circumstances it could not be expected that a man who was called upon to pay 5*s.* in the pound would be satisfied while his wealthier neighbours in another parish were only paying 7*d.* in the pound. The enormous pressure of the rates had a tendency to produce a disinclination to assist in works of charity, as every clergyman in a heavily rated parish well knew, and it was the knowledge of that fact which had led every minister of the church in the poor parishes to come forward and petition the House for a change in the existing law. In the heavily rated parishes men became deaf to the appeals of humanity, because by the prostitution of law those who were best able to pay were exempted from the greater portion of the charge. Such opinions might be despised, but it was not wise to allow men to think that they were suffering injustice at the hands of a certain number of wealthy noblemen and gentlemen. The people would make themselves heard, but it might be in a manner that was not to be desired. Their plain sense of justice would prevail against all the cold philosophy of their opponents. In order to give the House an opportunity of doing justice in this matter he asked it to give a second reading to the Bill before it. Last year he asked for a Committee to inquire into the subject, and was then told by the late President of the Poor Law Board that there could be no inquiry as there was no Bill. He now brought in a Bill and asked for inquiry, but he was told there could be no inquiry because there was a Bill. The facts he had cited were not to be frittered away in that manner. The House must deal speedily with the subject, and he should leave it in the hands of the President of the poor Law Board. He was met last year by the statement that whatever inequalities existed no remedy could be found. He believed he had a remedy, but an objection was taken to his plan of enlarging the area of rating upon the ground that it would lead to a lax administration of the Poor Law. He believed his Bill dealt with that difficulty most effectually. He proposed to allow the entire administration of the Poor Laws to remain exactly as at present, leaving full responsibility upon the local officers; but to give to a new tribunal the power of examining the accounts before sanctioning any contribution in aid of the parish expenditure. He conceived that the knowledge that such an investigation would take place must lead to increased caution in the expenditure, and any parish which was refused a contribution, and had to make a special rate on account of the extravagance of their officers, would very soon take steps to prevent a recurrence of such extravagance by removing the officers and replacing them by more prudent and cautious men. The tribunal to examine the accounts of the parishes he proposed should be

formed from the justices of the peace, preferring them to Government officials. The Bill was so framed that, should perfect equality in the rates be deemed inexpedient, it could be altered to meet that view; but that was a matter of detail which would not affect the question of the second reading. He had stated the reasons for and the nature of the Bill, which he left in the hands of the President of the Poor Law Board, warning him that he would incur a most serious responsibility by refusing to entertain a question of such great importance to the inhabitants of the metropolis.

Motion made and Question proposed,—"That the Bill be now read a second time."

MR. SOTHERON ESTCOURT, who was at times inaudible, was understood to say, the hon. and learned Gentleman had told him that he now threw his Bill into his (Mr. Estcourt's) hands, accompanying that statement with something like a threatening attitude. He should have been much better satisfied if the hon. Member had given him the Bill in its natural shape, without charging it with something like fulminating powder, and using language partaking of the character of menace. When the hon. and learned Gentleman said the deaths in certain parts of the metropolis were attributable to the rich paying small rates, and that men had escaped liability by the prostitution of the law, he (Mr. Estcourt) was at a loss to know to whom, or to whose conduct, those expressions could be fairly applied. The hon. and learned Member had also said that he found considerable difficulty in laying his case before the House, because within its walls were to be found men who, for the most part, resided in the richer parts of the metropolis, and to whom the Bill would therefore naturally be objectionable. He would just say, that if the hon. and learned Gentleman, like him (Mr. Estcourt), had had the advantage of sitting in that House for more than twenty years, he would have paused before he drew such an inference, and would have known that to hold out a threat of any kind in that assembly was rather calculated than otherwise to prevent the realisation of his object. He (Mr. Estcourt) must say, from his experience of the temper and disposition of that House, that he did not think the hon. and learned Gentleman could point to a single instance in which they had made a sacrifice of principle, in order to save their own pockets. When the hon. and learned Member asked leave to bring in this Bill, hon. Gentlemen who had had much more experience than he (Mr. Estcourt) in the administration of the Poor Law thought it would be better, if the Government disagreed from the principle of the measure, that they should oppose it *in limine*. But it seemed to him that if it should turn out that the complaints on which the Bill was founded were shared in by any large number of the people of the metropolis, and that there was something like a *prima facie* case for entertaining it, it was desirable that the House, and also the Boards of Guardians and the parochial authorities who would be affected by its provisions, should see the measure which proposed to remedy the alleged hardships. Several petitions had been presented in favour of the Bill of which the hon. Gentleman had taken advantage, and he (Mr. Sotheron-Estcourt) would take the same advantage of the chief allegations contained in petitions that had been laid on the table of the House against the Bill. It was said that the rates ought to be administered by those who had local knowledge, and after careful investigation; that the parties who furnished the funds ought to have the administration of them; and that the Bill would give that power to an irresponsible body. It was also said, that power was given to Boards of Justices to disallow charges, although those charges might have been allowed by the guardians of the Union, by the Poor Law Board, and by the district auditor. It was likewise alleged that the Bill would cause litigation; that it would check economical management, and encourage wasteful expenditure, and that the existing inequalities in the rates were in many instances caused by local mismanagement. It was added that the poor rate was a house tax, affecting only the owner; that the Bill treated the relief of the poor as a question of arithmetic; and that the population was drawn into particular localities because of certain employments being found in those localities. He had gone through the principal of those allegations, and he put it to the House whether every one of them might not be reasonably sustained. How, he would ask, was the basis contemplated by the Bill to be determined on which the proposed equalization of poor rates was to be attained? It was determined by an assessment, and when that basis had been so determined, the amount expended by each parish or place within the metropolis in the relief of the poor during the preceding year was to

be estimated, and at the end of each year an average was to be struck; and in order to equalize the difference of expenditure, some parishes were to recoup the amount which other parishes might have spent in excess. That part of the Bill was therefore of a retrospective character, and certainly laid down a different principle from that which he understood the hon. and learned Member to say had been the model which he originally intended to follow—namely, the rate-in-aid of the 43rd of Elizabeth, by which statute a rate-in-aid could be applied for and granted prospectively, in order to enable a parish to relieve its poor. He (Mr. Estcourt) thought, therefore, he was justified in saying that the tendency of that portion of the Bill would be positively to encourage a wasteful expenditure. He objected, in truth, to the whole principle of the Bill; for the fatal blot on it was, that those who would have to contribute the money would have no share whatever in its expenditure. If he could have concurred in the principle of the measure he should not certainly have had any objection to referring it to a Select Committee; but inasmuch as he was opposed to its principle, he could not assent to its second reading. The hon. and learned Member said, truly enough, this was a question of taxation, but the mode in which he sought to apply that taxation was utterly at variance with the constitutional principle for which they had always contended in England. What was it that made the difference between a "benevolence" under the Stuarts and a lawful tax in our day? Why, a benevolence was exacted by arbitrary authority, without any concurrence of the person who had to pay it, whereas a legal tax was voted by the representatives of the people and the expenditure was under their control. He contended, therefore, that the constitutional principle was violated by the Bill under consideration, for its whole machinery was framed with a view of raising at the end of every year a sum of money from certain parishes without their consent, in order to put it into the pockets of other parishes. He would now call attention to the general state of the metropolis with regard to rating. The average amount levied in the metropolis and expended in the relief of the poor from the year 1850—the return going no further down—to the year 1857, was 1*s.* 6*d.* and eight-tenths in the pound, while the average for the whole of England was 1*s.* 7*d.* and a fraction. He found, also, that the average pauperism in the metropolis was three and nine-tenths for every 100 of the population, and in the whole of England it was four and six-tenths for every 100; showing that the pauperism in the metropolis was less than that of the whole kingdom. Again, he found that the population of the metropolis in the last fifty years had trebled itself, and that the property had also been trebled in value during that period. The amount raised from poor rates in the metropolis was in 1803 £457,840; and in 1857, upwards of £875,000, being nearly double; so that during the last half century the property in the metropolis had trebled in value, and the rates had been doubled. In 1803 the average amount of poundage raised in the metropolis was 3*s.* 9½*d.*, and in 1856 it was only 1*s.* 6½*d.*, or less than half what it was at the former period. He knew the hon. and learned Member would say that he had nothing to do with the average amount of poor rates in the whole metropolis, inasmuch as he spoke of particular localities which were borne down by the weight of the rates. He (Mr. Estcourt) had taken from a Return, printed on the Motion of the hon. and learned Member himself, those parishes which had been selected by him as instances of the great pressure arising from the increase of rating, and he would state the result, comparing the years 1840 and 1857. He would give the sums actually expended in the relief of the poor in each of those years, and also the amount of poundage, and the figures would prove that, with about two exceptions, the poundage had not materially increased, while in several cases it had actually slightly decreased. In the parish of Bethnall Green the amount expended in 1840 in the relief of the poor was £10,368, and in 1857 it was £22,030. The rate in the pound on the gross rental was in 1840, 1*s.* 1¼*d.*, and in 1857 1*s.* 7½*d.*, showing an increase of about 6*d.* in the pound. He did not deny that if he was an inhabitant of Bethnal Green he would grumble if he had to pay that additional 6*d.*, but still the case was not one of very great hardship. Again, in St. George, Southwark, the sum expended in the relief of the poor in 1840 was £12,725, and in 1857 it had risen to £16,942. The rate in 1840 was 3*s.* 5¾*d.*, and in 1857 it had increased to 5*s.* 11¼*d.* That was certainly a very hard case. The next was St. Botolph, Whitechapel, where in 1840 the sum expended in the relief

of the poor was £2,209, and in 1857 £2,496; the rating being in 1840, 1*s.* 1¾*d.*, and in 1857, 1*s.* 1*d.* In Shoreditch the sum spent in the relief of the poor was £19,138 in 1840, as compared with £36,453 in 1857; the rating being in 1840, 1*s.* 10¾*d.*, and in 1857, 1*s.* 8*d.* In Mile End, Stepney, the rate was in 1840, 1*s.* 1¾*d.* in the pound, as compared with 1*s.* 3¾*d.* in 1857; in Ratcliff it was 2*s.* 6½*d.* in 1840, and 2*s.* 8¼*d.* in 1857; in St. Paul's, Shadwell, it was in 1840, 2*s.* 5¾*d.*, and in 1857, 2*s.* 6¼*d.*; in Wapping 1*s.* 5¼*d.* in 1840, and it sunk to 1*s.* 2½*d.* in 1857; in All Saints, Poplar, it was 9¾*d.* in 1840, and 1*s.* 5*d.* in 1857; in Bow it was 1*s.* 3¼*d.* in 1840, as compared with 1*s.* 7½*d.* in 1857; and in St. Leonards, Bromley, it was 1*s.* 2½*d.* in 1840, and 1*s.* 0½*d.* in 1857. He had taken these cases as appearing to him most favourable to the Bill; but he must say, with the two exceptions, there was scarcely any such increase as to require the interference of the House. Hon. Members could not omit from their consideration the specific peculiarities of the different districts. Why did the parishes of St. George, Southwark, and Bethnall Green complain? Because they were inhabited by workmen who at particular periods of the year were thrown entirely out of work. They were often employed not merely by the day but by the hour, and were turned off when the work was done. This naturally produced a considerable amount of pauperism, but there was no provision the Legislature could make that could deal with such an evil. Any attempts of the kind would only end in disappointment, and be deemed an unjustifiable interference between the employer and the employed. The matter was one considered so unattainable by any process of legislation that Parliament had most wisely avoided all such questions. The principle was adopted that the poor man should be relieved from the rates of the parish in which he resided, and the boundaries of the several parishes were taken as they had existed for a great number of years. Parliament had never given a direct sanction to an increase of the area of taxation for Poor Law purposes. He knew that such an increase had been attempted by recommendation of a Committee, and by a Bill brought into that House; but it had been found that there was a general feeling in the House against disturbing those boundaries, which had long been recognised, and in conformity with which property had been rated from time immemorial, but to interfere with employers and employed. He would warn the House against disturbing the old parochial boundaries which had been known and recognized for bought and sold. The hon. Member complained of the demolition of houses, which he said had driven the poorer classes to find dwellings in the suburbs; of the additional charge in respect of the casual poor; of the removal of the poor; and of settlement by hiring and service having been done away. But in respect to those matters his (Mr. Estcourt's) department was far from being justly chargeable with neglect. He (Mr. Estcourt) could assure the House and the hon. Gentleman who had brought forward this subject, that he was not chargeable with anything like want of attention, much less contempt, to the arguments brought forward in favour of a change by that hon. Gentleman and by various parties who had done him the honour of waiting upon him in reference to this matter. It had been a matter of painful interest to him to be told, as he had been, of large numbers of houses which, if put into the market, would not find purchasers, and of the case of Deptford, when nearly half the parish was exempted from sharing in the common burdens, because of its being Crown property. The first ground of complaint was in respect of the demolition of houses. Now that was a question of property with which, in his opinion, that House could not interfere. What could they do? Could they say to any man, "You shall not take down your House. You shall not offer to sell either to the country or an individual an area upon which you have a certain number of houses." If they adopted such a course as that they would in the first place interfere with private property, and in the second with public improvements. The second complaint was in regard of the additional charges for casual poor. By an Act passed in 1844 the Poor Law Board was empowered to form districts for the relief of the casual poor. Why the provisions of that Act had not been put in operation to a greater extent in order to mitigate the burden now complained of he could not say; but should he have the honour of remaining in his present position he should apply himself to seeing what might be done in that direction next winter. The next question was as to the law of hiring and service. Hon. Members would recollect the lengthened debates that had taken place in Parliament, and the valua-

ble Reports that had been laid before them on that subject; and the result was a feeling that the system was injurious to the poor. He did not think that this was a point which should be entered on again. The last point was, he believed, on the removal of poor. The Act relating to that subject passed in 1846. It was therefore a piece of comparatively recent legislation. Besides it had been contended that the operation of that Act had been made much more extensive than was ever contemplated by those who introduced it; and he thought the House ought not to shut its doors against an appeal founded on experience of the working of a recent Act of legislation when it was manifest that the intentions of Parliament had not been carried out. He thought therefore that this subject was a fair one for inquiry. Having viewed the Bill of the hon. Member for the Tower Hamlets as to its parochial effects, he should now ask the House to regard it in a national sense. He would ask, if they were to establish the principle of union for the entire of the metropolitan parishes how long could they hope to continue to limit such a system to the metropolis? Would they not, before a very distant date, have to extend it to the entire kingdom, and have a uniform rate throughout the country? It was urged that the uniformity need only extend to parishes in which there was an identity of interests; but then arose the question, in what was this identity to be taken to consist? Could it be contended that the interests of the inhabitants of the parish of St. George-in-the-East were identical with those of St. George-in-the-West, or that the interests of the gardeners at Fulham were perfectly similar to those of the long-shore men in the City districts of the Thames? His opinion was that they ought never to extend the area beyond the limits in which they could have a representative body with similar interests. The moment they went beyond those limits they would enter on a career which could not be circumscribed except by the boundary of the whole kingdom. The effect of the uniform system proposed by this Bill would be bad in an economical point of view. The Bill would remove the inducement which parishes had to keep down their own expenses. The hon. and learned Gentleman argued that a parish was merely an imaginary division, and that there would be therefore no great difficulty in extending it, but the House must consider that the boundary, not only of every parish, but also of every man's estate, was just as much imaginary. Up to the present moment the law had defended the parish and the estate from intrusion quite as efficiently as though the great wall of China had been built round them, but if the tax-gatherer were once allowed to put his foot over that boundary he could never be compelled to draw it back again. He should always raise his voice against any attempt to destroy the parochial character of the poor-rate, for it was mainly because of the narrowness of area incident on the parochial system that this country had been able to make what was, after all, a magnificent provision for her poor. He had not shrunk from making such admissions as the truth of the case would allow; for instance, his opinion was that Parliament had taken a wrong step in altering the five years' residence; but believing that the principle of the Bill was a direct violation of the first principles on which all taxes ought to be levied, he felt it his duty to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. BYNG said, that the regret which he had felt at not being able to vote for this Bill was very much lessened by the tone which had been adopted by the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) in moving the second reading. He and his colleagues represented rich as well as poor parishes, but the hon. and learned Member was very much mistaken if he thought they were not willing to use every effort consistent with justice to lessen the frightful pauperism which undoubtedly existed. Though not denying the accuracy of the hon. and learned Member's figures, and allowing that there was great inequality in the assessment of the poor rate, he could not, in justice to all the parishes of the Metropolis, sanction this Bill. The machinery of the Bill was not even calculated to carry out the object at which it aimed. If passed into law, it would have the effect of altering the value of private property all through the Metropolis. If a uniform rate were established for the Metropolis, the same principle must necessarily be conceded to the whole of the country; and, after the

masterly speech of the President of the Poor Law Board, it would be presumptuous to attempt to prove the policy or the expediency of such a proposal. Had the hon. and learned Member simply moved for a Committee of inquiry he would gladly have supported him; but as he had introduced a Bill which was most unsound in principle, inasmuch as it advocated in its worst form the doctrine of centralisation, and practically destroyed local self government, he felt bound to give it his opposition.

SIR BENJAMIN HALL said, the Bill was exactly the reverse of the Act which he had been instrumental in passing when in office, for the creation of a Metropolitan Board of Works, the chief principle of which was local self-government. The principle of this Bill, on the contrary, was centralization, and he should therefore give it his strenuous opposition. After the able speech of the President of the Poor Law Board, it was unnecessary for him to go into statistics to prove how unfounded were the premises of the hon. and learned Member for the Tower Hamlets; but if the hon. and learned Member supposed that because there had been no agitation in the Metropolis against the Bill, that therefore it was popular, he was entirely mistaken. It was its absurdity that had allowed it to pass by the ratepayers at large. His constituency had consulted him on the subject, and the advice which he had given them was not to trouble their heads about petitioning against it, for its principle was so absurd and preposterous that the Government would be sure to oppose it, and the House of Commons to throw it out.

MR. JOHN LOCKE said, that as his name was on the back of the Bill, he could not be expected to admit that it was either preposterous or absurd; but he would remind the right hon. Baronet that very many people entertained the opinion that the very notable Bill of his to which he had alluded had lamentably failed, from the fact that those who were in authority under it did not venture to lay an improvement rate on many parishes of the Metropolis, because they were already so heavily and unequally assessed to the poor rates; while on the contrary, he (Mr. Locke) contended that the great body of the ratepayers thought such a measure as that now proposed essential for the Metropolis. The hon. and learned Member for the Tower Hamlets was charged with menacing the House. Was this the first time the House had been menaced? Had not the corn laws been repealed in consequence of a menace? The right hon. gentleman the President of the Poor Law Board had said that this was the first time a menace had been held out to the House.

MR. SOTHERON ESTCOURT: I beg the hon. and learned Gentleman's pardon. I did not say that.

MR. JOHN LOCKE: Then I do not know what the right hon. Gentleman did say.

MR. SOTHERON ESTCOURT: I said that I had never known a menace to succeed with this House.

MR. JOHN LOCKE was happy then to be able to afford the right hon. Gentleman an instance of successful menace in the House of Commons in the case of the repeal of the Corn Laws, and of another in the case of Roman Catholic Emancipation. It was said that this Bill was opposed to sound principle, but principle was a very peculiar sort of thing. What was principle to-day with the President of the Poor Law Board was not principle yesterday with the late President of the Board of Works. That right hon. Gentleman (Sir B. Hall) had no hesitation whatever in laying an equal tax on the Metropolis when the object was to build a bridge or carry out any Metropolitan improvement; but when it came to levying an equal rate to support the starving poor of the Metropolis, he suddenly found out that it was quite opposed to sound principle. The number of parishes in the Metropolis was 184; and on a careful examination of the rental, the income tax valuation, and the poor rate assessment in each, it would be seen that, if this Bill were passed, the average rate all over the Metropolis would be somewhere between 1*s.* and 1*s.* 6*d.* in the pound, which could not harm any parish. Thousands and thousands of people had petitioned in favour of this Bill. What had been the case on the other side? If ever there was a measure of any importance against which the petitions had been remarkably few, it was this. The right hon. Baronet (Sir B. Hall) had accounted for that by saying that he had bid the people not to petition against it, as its innate absurdity would defeat it. Now, it was a curious circumstance that there was a petition from Marylebone against the Bill —that showed the respect paid to the advice of the right hon. Baronet in his own borough. There had been a meeting called in Marylebone in favour of the Bill, but none had been held there against it, though it was notorious that it was not difficult to

get up a meeting of any kind in that borough. So great was the parade of names at some of the Marylebone gatherings, that he (Mr. Locke) had supposed that many of the speakers were myths till he met them face to face. Public opinion had been expressed strongly in favour of this Bill, and the parochial clergy had borne testimony to the necessity of a change in the law. He had himself had representations from parish after parish, which bore out this view of the case. What were the arguments they had been met with? The sacredness of parishes. That was one argument; and the next was that there would be a lavish expenditure. Whatever that expenditure might be, it would at least be justly levied. As he understood, the expenses for the whole year would have to be sent to a board of magistrates. Was that board able to meet the case? They were already intrusted with the making of county rates, and therefore interfered with the sacredness of parishes, because that power extended over the whole county. When the rates were brought before them, it was provided by this Bill that, if it appeared that some parties were unable to maintain the poor in a proper way, the expense of additional relief was to be divided among the other parishes. What in that course was bad? Up to a recent period the whole management of the poor was in the hands of the magistracy. What was the Court of Quarter Sessions? Had not the magistrates, from time immemorial, had to deal with questions of poor rates and settlement? Why then should people cry out when it was proposed to give them this power, seeing that at present they had the decision of all cases relating to the rating of the poor in quarter sessions? It appeared to him that such a board was a proper one for this purpose; but even if it were not, that was no reason why the Bill should not be read a second time. The real question was, had they made out such a state of existing destitution in some poor parishes as justified their calling upon others for aid? The right hon. Gentleman opposite (Mr. S. Estcourt) said that, if a Committee had been proposed, he would have consented to it. Well, then, let the Bill be read a second time and sent to a Committee. A case for inquiry had been made out, and they might as well go into a Committee with a Bill to legislate upon, as to go into an indeterminate inquiry which would be altogether unsatisfactory to the Metropolis. He did, therefore, call on the President of the Poor Law Board, and the House, not to reject the appeal of the thousands of poor persons who had presented petitions to the House, but to give them an opportunity of proving the allegations they had made, in order that some relief might hereafter be afforded them.

MR. T. J. MILLER said, he should vote against the second reading of this Bill, which violated the just principle on which that House acted in levying taxes. That principle was, that those who were responsible for the expenditure of a tax should at the same time have the privilege of levying it. This Bill would give to those who did not pay rates the power of expending their neighbour's money, and if such a measure were ever passed it would give to the magistrates the power of expending the rates for their own pet schemes. Reference had been made to the union of parishes for the purposes of lighting and paving, as a precedent. He thought it a landmark to be avoided. Under that Bill many parishes were now rated considerably beyond the expense of lighting and paving their own parishes, and the vestry clerk of one metropolitan parish, with a population of about 15,000, told him that his parish had been put to an annual additional expenditure of £1,000 merely in consequence of its union with another. It was said that persons lived in one parish and carried on their business in another. It was true that they did so, but though they paid a small rate for the parish they lived in, they paid a large one for the parish in which they conducted their business, so that the one counterbalanced the other. Moreover, it was not the fact that petitions had been sent up by all the poor parishes of the metropolis, because he had himself presented a petition from St. John's and St. Margaret's, one of the poorest metropolitan parishes, against the Bill, on the ground that it took away all parochial control over the management of the rates. On the whole he saw so many objections to the principle of the Bill that he must give it his opposition, but if there was any fair mode by which any inequality of rating could be removed, he should have no objection to adopt that mode.

MR. T. S. DUNCOMBE said, that he had felt rather inclined to support the second reading of the Bill, not with the intention of committing himself to the principle, but with a view of having the matter referred to a Select Committee; but, after hearing the discussion, and the fair speech

of the right hon. Gentleman (Mr. S. Estcourt), he put it to his hon. and learned Friend (Mr. Ayrton) whether anything would be gained by referring the matter to a Select Committee. The metropolis was anything but unanimous in its favour, and if it were polled he believed that the majority would be against it. No doubt there were parishes that were gorged with poor, and that felt the burden of poor rates severely, but the other parishes would not like to have this money taken from them and administered by irresponsible hands. On the whole, therefore, he would appeal to his hon and learned Friend not to proceed further with his Bill.

GENERAL CODRINGTON said, if the hon. and learned Gentleman had confined himself to an inquiry a great many Members would have gone with him, as they did on a former occasion. There was one serious question that ought to be inquired into—he meant the case of parishes where there were Government works. He alluded particularly to Woolwich, where the rates pressed most heavily, the Government occupying a large portion of the land and paying no rates.

MR. AYRTON said, that after what had fallen from hon. Members in the course of the debate, he would respond to the appeal of the hon. Member for Finsbury (Mr. T. Duncombe) by saying that it was not his intention to press this Motion to a division. The President of the Poor Law Board had put the question upon the ground of the necessity of a local supervision of local funds, and he could not divide against such a principle as that; but he hoped, however, in another Session to introduce a measure which would effect the object he had in view of enlarging the area of rating, while, at the same time, it would avoid the question upon which the right hon. Gentleman was at issue with him. No one, in his opinion, could compare the condition of the two parishes in which the London and St. Katherine's Docks were situated without being impressed with the necessity for some change. The labourers employed in the St. Katherine's Docks lived in the parish in which the London Docks were situated, and the latter parish was assessed to the support of the labourers employed at both docks, while the parish in which St. Katharine's Docks were situated, escaped. These were scandalous evils, but at present he had no option but to consent to the withdrawal of the Bill. Still he certainly should introduce the question again and again, until the relief which he sought for the poorer parishes was obtained.

MR. COLLIER said, he would recommend his hon. and learned Friend to apply his mind to the subject of rating, not merely in the metropolis, but throughout the country. If his hon. and learned Friend would consider whether the area of rating might not be extended, he would deserve the thanks of the country, and his next Bill would be more comprehensive and better considered than the present.

Amendment and Motion, by leave, *withdrawn.*

Order for Second Reading *discharged.*

Bill *withdrawn.*

PATENT LAW AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. T. DUNCOMBE, in moving the second reading of this Bill, said it proposed to reduce the amount of fees on patents rather more than half. The fees on obtaining a patent were still considerable, and a large amount thus accrued to the revenue. The fees, however, when they were reduced from £342 to £175, in 1852, were not regulated with a view to revenue, and it was desirable to reduce the expenses as much as possible.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR JOHN SHELLEY seconded the Motion. The House ought to encourage inventions as much as possible, and ought not to interpose difficulties in the way of poor men taking out patents for their inventions.

THE SOLICITOR GENERAL said, he opposed the Bill, not in defence of any interest which he might have in the fees, because the Bill did not profess to touch the fees of the law officers of the Crown, and, like their predecessors, the present law officers would offer no objection whenever Parliament thought fit to deal with the subject; but, because he thought that some further information should be given in regard to the Bill. The hon. Member had not explained to the House the nature and effect of his measure. He had merely said it was to reduce fees. Now, the Bill appeared to consist of two parts. It proposed in a very inexplicable clause—

"That, notwithstanding the Acts which at present regulate the law of patents, any person after the passing of this Act making a second application for letters patent and obtaining a provisional

protection and a grant of letters patent for the same invention for which a provisional protection had been previously allowed, such application shall be good, valid, and effectual."

Mr. T. DUNCOMBE said, the words should be "after or before the passing of the Act."

The SOLICITOR GENERAL said, the additional words only made the clause much more mysterious. The result was, that the application of any person who before or after the passing of the Act had obtained a provisional protection for his invention would be valid and effectual; but any one who had a provisional protection or patent need not care whether his application for it was valid or not. This part of the Bill was simply a mode of increasing the business of the patent agents. They wanted to multiply the applications for provisional protection, and to extend the six months during which an inventor was bound to specify what his invention was, and proclaim it to the world as a condition upon which the patent was granted. He had never heard any one say that the period of six months was too short, and if there were an oversight, the Lord Chancellor had the power to extend it. As to the financial part of the Bill, it was more important to patent agents than to inventors. Prior to 1852 the fees of patents were exceedingly high—between £100 and £200. After a long and careful investigation into the whole subject, in the course of which persons of the greatest experience were examined, the conclusion arrived at was that, however desirable it might be to put no impediments in the way of meritorious inventors, there should be some checks at the proper stage to deter worthless applications for advertising purposes. Parliament, therefore, determined in 1852 that, in place of a large payment in the first instance, there should be three small payments extending over the period allowed for the completion of the patent, and three years afterwards. It might have been true, perhaps, that before 1852 a person who had made a useful discovery was prevented from securing its advantages in consequence of the expense of obtaining a patent. But how stood the matter now? An inventor now paid on his first application £5, at the end of three or four months, if he desired to proceed with his patent, he paid £5, and when the patent was complete he paid £15. He believed that since that change had been made, there had been no case of a meritorious inventor being prevented obtaining a patent through inability to supply £25. No doubt it would be of the greatest possible benefit to patent agents, whose Bill this was, if all fees were abolished, or even materially reduced, because their charges would not be at all affected; but it was determined in 1852, that the management of patents should be delegated to the Patent Commissioners, and that the office should, if possible, be self-supporting. After paying all expenses there was a small surplus, but the effect of reducing the fees would be to create a deficit of £10,000 a year, which must be supplied from the Consolidated Fund. Up to the present time the Patent Commissioners had paid an annual rent for offices, but they were about to be taken away, and the Commissioners would be obliged to build new offices. It was also considered desirable by the Commissioners that there should be a depository provided, in which the models, which were daily increasing, might be exhibited to workmen and artificers, and that a library should be opened where specifications of the patents of this, and foreign countries might be accessible to them without fee or remuneration. For these objects the Commissioners meant to apply to the Treasury for leave to use the surplus, which to the amount of £7,360 has accrued during the last five years, and the surplus which might accrue from year to year, and they had been offered a piece of ground, part of the site of the South Kensington Museum, where it was proposed to erect their new buildings. The amount of the present fees was not excessive, and the amount of the surplus would be applied to the benefit of inventors, and inventors alone. He ought to add, that it was provided by the present law, that at the end of the seventh year of a patent, another large sum was required to be paid; that sum had never been exacted yet, because the new Act had not yet been seven years in existence, but he might state that the Commissioners were of opinion that as soon as these necessary works were finished, which would make the Patent Office a complete establishment, it would be desirable to consider whether the larger fees might not be advantageously reduced; but he should deprecate that being done without previous investigation by Parliament, and it was premature to discuss it at the present moment. Although he had spoken of a library and museum, it must be understood that the Patent Commissioners did not conceive that any great expenses would

be required, or that the surplus of a great number of years would be absorbed; but, on the contrary, it was their desire that the works should be as simple as possible, having regard to the objects for which the building was intended. The expenditure could not take place without the control of Parliament, because the whole of the fees were paid into the Consolidated Fund, and Parliament voted annually every shilling of the expense. Under these circumstances, he trusted the House would adhere to the determination of 1852, and not make the reckless change which it was proposed by this Bill to effect.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. T. DUNCOMBE said, that after all there was not much difference between himself and the hon. and learned Gentleman as to the Bill. It was a question of time between them. The hon. and learned Gentleman professed his anxiety to reduce the fees; but he wished first to have a museum and library completed. He (Mr. Duncombe) would be the last to stand in the way of such desirable objects, but was not Parliament guilty of a breach of faith in this matter? When the patent fees were fixed nothing was said about a library or museum. The fees were calculated as to what would make the Patent Office self-supporting. And he wanted to know why the poor patentees were to suffer in order to create those institutions, which, however, good in themselves, they had no more interest in than their fellow-countrymen. The poor artisans of this country would rather keep the money in their own pockets. In France and in Belgium a patent could be got for between £3 and £4, while in England it cost £175. The object of this Bill was to assist the poor man, and to give him more time than the first twelve months to renew his application. If the House thought the present scale of fees was not too high of course the Bill would fail. But he maintained that it was not fair to take the money out of the pockets of the poor under the pretence of supporting the Patent Office, and then to take the surplus to build libraries and museums.

SIR JOHN SHELLEY said, he could refer to cases that had fallen within his own recollection of village blacksmiths effecting valuable improvements in agricultural implements, and being unable to take out the patent without obtaining assistance from others. The hon. and learned Gentleman had confessed that there was a surplus; and though he believed that the establishment of a museum and library would be a great benefit to the artisans, he did not see why inventors, of all men, should have to bear the expense. He denied that this Bill was for the exclusive benefit of the patent agents, and he could testify that many inventors took a great interest in the question. If the Bill was intended only for the benefit of the patent agents, all he could say was that he had been greatly deceived.

MR. SOTHERON ESTCOURT explained, that the fees were all paid into the Consolidated Fund, and that all grants for other objects made to the Commissioners were made not as a matter of right but of honour.

MR. BOVILL said, he understood that the fees were intended to discourage worthless inventions, and his own experience in these matters had taught him that the discoverers of really valuable inventions were thwarted and prevented from patenting them by the patentees of worthless inventions on the same subject having got the start of them.

Question, "That the word 'now' stand part of the Question" put, and *negatived*; —Words *added*:—Main Question, as amended put, and *agreed to*—Second Reading *put off* for six months.

REFORMATORY SCHOOLS (IRELAND) BILL.

SECOND READING.

Order for Second Reading Read.

MR. SERJEANT DEASY, in moving the second reading of this Bill, said the number of English Reformatories was forty-six, and the total number of inmates 2,356. The number of Scottish Reformatories was twenty-two, and the number of inmates 813. The benefit derived by the majority of the inmates was undoubted, and there were the same materials for the beneficial operation of similar institutions in Ireland. Indeed the last report of the inspectors of prisons in Ireland strongly urged the necessity of extending these institutions to Ireland. In 1856 the number of persons under seventeen who were convicted at assizes and quarter sessions in Ireland was 315, and the number convicted summarily in the same year was 4,214. Of those numbers 22 per cent.

could read and write, 19 per cent. could read and write imperfectly, 6 per cent. knew their alphabet, and 53 per cent. were wholly illiterate. With regard to their religion, 6½ per cent. were Protestants, less than 1 per cent Presbyterians, and 92½ per cent. Roman Catholics. After the passing of similar measures for England and Scotland, he did not see that there could be any objection to extending to Ireland the benefit of these institutions. The noble Lord the Secretary for Ireland had on a former occasion complained of the limited operation of the measure in regard to the class of juveniles to be dealt with, and to meet the noble Lord's objection he proposed in Committee to introduce a provision similar to those contained in the Bills for England and Scotland. He proposed, that the magistrates should have power to send to the Reformatories, with a right to appeal. He proposed also to give power to the grand juries to assess a sum for the support of these institutions, as the country had already to support these persons in gaol; but if that were objected to he would not press it. If they went into Committee he would be ready to make such other changes as might be thought likely to improve the Bill, and in the meantime he hoped the House would consent to its being read a second time.

Motion made and Question proposed, "That the Bill be now read a Second time."

LORD NAAS said, he would not object to the second reading of the Bill, especially as measures of a similar kind had already been introduced both in England and Scotland; but he would remind the House that the Bill conferred on magistrates a very extraordinary power—that of committing a mere child, for a very trivial offence, to an institution which was neither more nor less than a gaol. He was not quite convinced that the system had been long enough in operation in this country to enable them to judge what the ultimate effect would be. The result would be watched with the greatest anxiety, but in the meantime he did not see why the system should not be extended to Ireland. At the same time he did not think the same necessity existed in Ireland for those institutions as in this country, for there was not the same amount of juvenile crime there. The number of criminals under fifteen years convicted at all the assizes and quarter sessions throughout Ireland was only fifty-nine in one year. He had great doubts as to the propriety of extending the Bill to vagrants, lest it should have the effect of inducing persons to call themselves vagrants with the view of getting into these institutions. In regard to contributions for these schools, the Bill gave power to grand juries and town councils to give money, not merely for the maintenance of the children, but for the erection and maintenance of the buildings. The effect of this would be to throw the whole cost of these establishments on the local rates, instead of leaving the charity to voluntary and charitable efforts. He should therefore propose to confine the contributions from the local rates solely to the maintenance of the children. He was afraid also that the power to compel parents to contribute towards the maintenance of their children in these schools would be nugatory, and that much was not to be expected from that quarter. He would add that he feared this was, after all, beginning at the wrong end. They had not yet exhausted the means of checking juvenile crime in Ireland. He was bound to say that the condition of many of the small gaols and Bridewells of Ireland was most deplorable, and, indeed, little better than schools for the propagation of crime. This was clearly shown in the report of the Inspectors of Prisons, and he would impress on the House the necessity that existed for a reform of these institutions. The mixing up of the young and inexperienced with adepts in crime was productive of the worst consequences; but he believed that if there was introduced into the county gaols a proper system of separation there would be very little need for reformatory institutions. If all the local authorities were to take this subject into serious consideration, and set themselves to improve the gaols and establish a system of classification, he believed they would be able at very little cost to encounter the evils with which the hon. and learned Gentleman wished to grapple in his Bill. He made these remarks to call public attention to this important question, and not to discourage the hon. and learned Gentleman in his benevolent exertions.

MR. BAGWELL said, he must deny that the reformatory schools were to be looked upon as gaols. The reverse was the case; they were intended to supersede the gaols. As to the remarks of the noble Lord about gaols, he contended that, though bridewells might be indiffer-

ently managed, yet the condition of the county gaols was admirable.

LORD NAAS: There is hardly one of them where the separate system is introduced.

MR. BAGWELL did not understand that the noble Lord referred to any system, but to the general management. He was obliged to the noble Lord for permitting the Bill to be read a second time, and he could assure him there would be every disposition on the part of the promoters to meet the noble Lord's views in Committee.

Mr. HATCHELL said, he could bear testimony to the accuracy of the noble Lord's description of the gaols and bridewells in Ireland, not so much from the mismanagement of the governors, as from the unfortunate system employed, by which criminals of all ages and degrees were mixed together. He did not think it was altogether fair to class the reformatory schools as prisons, though it was clear that some restraint of the children was necessary.

MR. LEFROY said, he would not object to the second reading of the Bill, though he agreed with the noble Secretary for Ireland that it would require several amendments in Committee.

MR. STAPLETON said, he thought they ought to insist on the necessity of the separate system being carried out to a much greater extent than it was at present.

Motion *agreed to*—Bill read 2° and *committed* for *Thursay* 17th June.

House adjourned at Five o'clock.

HOUSE OF COMMONS,

Thursday, May 13, 1858.

MINUTES.] NEW WRIT—for the City of Limerick, *v.* George Gavin, esquire, void Election.

PUBLIC BILLS.—1° Prince Edward Island Loan; Common Law Procedure Act Amendment.

2° Joint Stock Banking Companies; Consolidated Fund (£11,000,000); Stamp Duty on Passports.

ROMAN CATHOLIC MAGISTRATES IN BELFAST.—QUESTION

MR. DEASY said, he wished to ask the Chief Secretary for Ireland whether it is the intention of the Irish Government to carry into effect that portion of the Report of the Belfast Commissioners in which they recommend that some Roman Catholics should be appointed magistrates for the borough of Belfast?

LORD NAAS said, the hon. and learned Member was in error in supposing that the magistrates who sat in Petty Sessions at Belfast were magistrates for the borough. They were, in fact, magistrates for the county, and were appointed upon the recommendation of the Marquess of Donegal, the Lord Lieutenant.

REINFORCEMENTS FOR THE INDIAN ARMY.—QUESTION.

MR. WYLD said, he wished to ask the Secretary of the Board of Control if despatches have been recently received from Sir Colin Campbell asking urgently for immediate reinforcements? If the Court of Directors of the East India Company have declined for the present to provide transports for the troops which the military authorities have reported to be ready for embarkation?

MR. BAILLIE said, he thought the hon. Member must perceive that such questions as those he now put were likely to cause much inconvenience. In the present instance, however, he should not decline to answer the questions put to him. He had to state that no despatches had been received from Sir Colin Campbell asking for immediate reinforcements, nor consequently had there been any refusal on the part of the Court of Directors to furnish transport for any troops that had been required.

MR. WYLD said, he would repeat his question in another form.

RESIGNATION OF LORD ELLENBOROUGH.—QUESTION.

LORD ADOLPHUS VANE-TEMPEST said, he would beg to ask the Chancellor of the Exchequer, whether the resignation of the Earl of Ellenborough has been his own spontaneous act, or whether it is partly attributable to the directly or indirectly expressed wish of the Government that the noble Lord should resign; whether it is the intention of the Government to adopt the views conveyed in the despatch of the Secret Committee to the Governor General in Council, April 19, 1858, or whether it is the intention of the Government to accept the policy laid down in the Proclamation of the Governor General of India, dated Allahabad, March 14, 1858?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I will reply first to the second question that has been put to me by the noble Lord. I think, upon reflection, he

must feel, and the House will agree with me, that the inquiry contained in his second question is one of too great a scope to form the subject of a mere question, but should rather be introduced to the House in the shape of a Motion. It is quite competent for the noble Lord to adopt that course if he wishes to obtain the fullest information upon the subject. With regard to the first question which he has put, I think the noble Lord will find the most authentic account of the motives that influenced the Earl of Ellenborough in the course of conduct which he has adopted, and the circumstances under which he adopted it, in the frank and generous speech which that noble Earl has recently delivered in his place in Parliament. I think if the noble Lord refers to that speech he will find that even the first Minsiter of the Crown was not aware of that resignation having been tendered until after it had been laid at the feet of Her Majesty, and I have no doubt that the motives which induced the Earl of Ellenborough to take that, not unconstitutional, but unusual course, were that he knew very well that if the question had been put to those who had the honour of being his colleagues, their great regard for the personal qualities of the noble Earl, and their admiration of his character, would have induced them unanimously to request him to withdraw his resignation.

THE OUDE PROCLAMATION.

QUESTION.

MR. NEWDEGATE said, he rose to put a question to the right hon. Gentleman the Member for Northampton, which he hoped the House would permit him to preface with a few explanatory observations. ["Order, order!"]

MR. SPEAKER said, that the hon. Member must confine himself to putting the question.

MR. NEWDEGATE: He rested his question on the facts that had been elicited in debate elsewhere—["Order, order!"]—and he thought the House would need no further reason for his putting the question. [Cries of "Question."] His question stood in these terms:—To ask the right hon. Member for Northampton, whether the late Government received any intimation of Lord Canning's intention to issue such a Proclamation as that addressed to the chiefs and inhabitants of Oude, which is now before Parliament, or that Proclamation? Whether the late Government were consulted by Lord Canning as to the policy of issuing such a Proclamation, or of any measure for the same purpose? And, if the late Government were thus informed or consulted, at what period their attention was first called to the subject, and what the dates and nature of the communications between the late Government and the Government of India thereon?

MR. VERNON SMITH: I shall be very happy, Sir, to answer the questions of the hon. Gentleman if the House will indulge me in making an explanation of the circumstances to which the hon. Gentleman has alluded; but if that be contrary to the regular proceedings of the House, I will postpone giving an answer until the Motion for adjournment. [*Cries of* "Go on, go on!"] Well, then, with the permission of the House, I will give give an explanation of all the facts. The question of the hon. Gentleman, so far as it relates to myself, I can answer, but as to the late Government I cannot answer for what information any of my colleagues may have received upon this subject. My answer is this—that I received a private letter, dated the 6th of March, from Lord Canning, the nature of which I will communicate to the House presently. There are three modes of communication between the Governor General and the Board of Control—through the Court of Directors, which is public and official; through the Secret Committee; or by private letter, which is, of course, the most confidential manner. Now, Sir, I am perfectly prepared to admit, in its fullest sense, that every ex-Minister, and indeed, every man who hears anything either advantageous or detrimental to the public service, is bound to communicate that information to the Minister of the day; but with this reservation, that in doing so he ought not to say anything which may betray unnecessarily the confidence of private communications. That is the limit which I set between communications of ex-Ministers and their successors. My first act, after leaving office, was to communicate to Lord Ellenborough a private letter from Lord Elphinstone, which the noble Earl returned to me, without inviting any further communication. With regard to Lord Canning, the case is somewhat different. Lord Canning was my public colleague and my private friend, and his letters were more familiar, more confidential and intimate, than those of other Governors. I therefore did not

send Lord Canning's private letters to Lord Ellenborough; but in perusing them I watched carefully to see if they contained anything that could possibly make them of such a nature as to require me to communicate it to the existing Government. Now, the particular communication which has been alluded to in "another place," and to which, I think, undue importance has been attached, as I shall show presently, was dated March 6. It arrived when I was absent in Ireland; but I do not dwell upon that circumstance, because undoubtedly that was not the reason, except as it added to its insignificance, why it was not communicated to the noble Earl at the head of the Board of Control. That private letter, referring to many circumstances, stated—

"That the Governor General intended to issue a Proclamation to the talookdars and landowners of Oude which would reach me officially by this Mail. He had hoped to have accompanied it with a full explanatory Despatch, but more urgent business has prevented him from doing so from hour to hour and from day to day."

That letter did not contain any copy of the Proclamation itself, nor any explanation respecting it, or I would certainly have forwarded the Proclamation or the explanation to the Government; but as it stood, I confess it appeared to me at the time, and still appears to me, that the letter was not of such importance that I should communicate it to the Government. [*Laughter.*] If any hon. Gentleman thinks it was of such importance, will he tell me what communication I ought to have made to Lord Ellenborough? Was I to tell him I had heard privately that he had received a despatch publicly? I suppose there was no necessity for my doing that. Was I to say that Lord Canning had written to me that he intended to send a despatch which he never had sent, and which, for all I knew, he might never send? That would, also, have been a work of supererogation. I think such a communication to Lord Ellenborough would have been, not only useless, but impertinent, and certainly Lord Ellenborough is the last man to whom I should wish to make an impertinent communication. Why do I say so? Because I could only have said to him, "You have received a public despatch, giving you a Proclamation about to be issued in Oude; but such is my sense of your intemperance and rashness that —("Oh! oh!")—I am stating now what would have been the interpretation put upon such a communication. I should have added, "I conceive you are about to act on that Proclamation without any sort of explanation." I think if I had gone to Lord Ellenborough and made such a statement he would justly have pronounced it an impertinent communication; and so undoubtedly it would have been, because Lord Ellenborough knows as well as I do, and perhaps better than I do, that the constant habit of communication from India is this—to send home narratives, and afterwards—sometimes long afterwards—to forward an explanation of the reasons for such narratives. And why is this? Why, because the Governor General communicates with the Home Government in perfect confidence that his acts will be viewed with judgment, caution, and consideration, and therefore he frequently sends them without any species of explanation about them. This must have been perfectly well known to Lord Ellenborough. It was also known to him that another medium of communication with the Governor General is this—that he communicates to the Chairman of the Court of Directors at the same time that he does to the President of the Board of Control any facts of importance; and therefore I had some right to assume that a similar statement was also communicated by Lord Canning to the Chairman of the East India Company, with whom the noble Lord (the Earl of Ellenborough) was in constant communication. I contend, therefore—looking at this letter, and seeing how little was the importance to be attached to it—that I was perfectly justified in not sending the letter to Lord Ellenborough. I may state, however, that I read it to my noble Friend the Member for Tiverton (Viscount Palmerston), to whom it did not appear, any more than to myself, that it was necessary to communicate it to the Government. I am perfectly prepared to justify my not having made that communication, and I have not the slightest feeling of regret for not having done so. I believe that I was perfectly correct in the course I took—that what was told me in that private letter was of no sort of importance, and I defy any man to show how in any way it could have affected the decision of the Government in any one thing; and, if it could have affected their decision, I can only express my wonder that before acting they did not inquire in every quarter whether any communication had been received.

Sir WALTER FARQUHAR said, he

wished to ask the right hon. Gentleman whether Lord Canning would not write the letter in question under the impression that the right hon. Gentleman (Mr. Vernon Smith) was President of the Board of Control, and that, as a matter of course, he would receive the draught of the Proclamation and the letter by the same mail?

MR. VERNON SMITH: Of course.

OATHS BILL.

LORD JOHN RUSSELL brought up the Report of the Select Committee appointed to draw up the reasons assigned for disagreeing from the Lords' Amendments of this Bill.

The reasons were read by the clerk at the table as follows, and agreed to *seriatim*:—

"1. Because the words 'on the true faith of a Christian,' were originally introduced in the Oaths to be taken by Members of Parliament with a view to bind certain Roman Catholics, and were not intended for the purpose of excluding persons of the Jewish persuasion.

"2. Because the exclusion of British subjects from seats in Parliament and offices in the State on the ground of their religious opinions is contrary to the general maxims of freedom of conscience.

"3. Because no charge of disloyalty or unfitness for public employment and a fair share of legislative power has been alleged, or can be alleged, against the Jewish community.

"4. Because the infliction of disabilities upon any class of Her Majesty's subjects solely on the ground of their conscientious adherence to their faith savours of persecution, and is totally inconsistent with those principles of religious liberty which, in the case of more powerful communities, have been applied by Parliament with such happy effects.

"5. Because the Commons having already on ten previous occasions, and in five Parliaments, passed Bills for removing the civil disabilities of the Jews, and having of late years agreed to such Bills by constantly increasing majorities, are convinced that the opinion of their constituents and of the country at large has been irrevocably pronounced in favour of the removal of such disabilities.

"6. Because such Bills have been supported by many of the most eminent Members of both Houses of Parliament, who, while differing upon other political questions, have concurred in the justice and expediency of measures for the relief of the Jews.

"7. Because the rights of the electors of the United Kingdom have been peculiarly affected by a law which has been construed to prevent the admission to the House of Commons of persons who have been lawfully returned as Members of that House.

"8. Because the first and third clauses of the Bill are open to the construction that the new Oath which the former of them contains should be taken not only in all cases where the Oaths of Allegiance, Supremacy, and Abjuration, are now required, but also where the Oaths of Allegiance and Supremacy are at present required, though without the Oath of Abjuration; the result of which construction, if the Bill should pass into law without the fifth clause, would be to exclude the Jews from practising as solicitors and barristers, and from offices under the Crown, to which employments and offices they are now admitted.

"9. Because such result would be contrary to the intention of the two Houses of Parliament, appearing from the sixth clause and from the title of the Bill under consideration."

MR. NEWDEGATE said, he wished it to be understood that if he did not now object to the substance of these "reasons," it was in deference to the opinion expressed by that House when they determined upon a conference with the House of Lords. On the main question in issue, he still retained in its integrity the opinion he had already expressed; and if he now abstained from interrupting the course of the proceedings before the House, it was solely out of deference to the feelings of the majority.

LORD JOHN RUSSELL said, that he would then move that a conference be desired with the House of Lords.

Ordered,—

That a Conference be desired with the Lords upon the subject matter of the Amendments made by their Lordships to the said Bill; and that the Clerk do go to the Lords, and desire the said Conference.

THE OUDE PROCLAMATION.—NOTICE.

THE CHANCELLOR OF THE EXCHEQUER said, it would be convenient if the right hon. Gentleman the Member for the City of Oxford would state in what form he meant to bring forward his Motion to-morrow—whether as an Amendment on the Motion for going into Committee of Supply, or as a substantive Motion, because in the latter case he (the Chancellor of the Exchequer) should have to move that it take precedence of the Orders of the day.

MR. CARDWELL said, he felt indebted to the right hon. Gentleman for affording him the opportunity of bringing on his Motion before the Orders of the Day. It was as a substantive Motion that he meant to introduce it, and it stood in the Order Book in that shape.

MR. MILNER GIBSON: Is the Motion to be made in the same words in which it stands there?

MR. CARDWELL: Exactly the same.

THE CHANCELLOR OF THE EXCHEQUER said, he would now give notice that to-morrow he should move that the notice of Motion of the right hon. Gentleman (Mr.

Cardwell) should take precedence of the Orders of the Day.

MASTERS AND WORKMEN BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. WALPOLE said, that he must appeal to the hon. Member for Rye (Mr. Mackinnon) as to the desirableness of going on with the measure. The object of the Bill was unquestionably good — namely, to provide a means for arranging the differences between masters and workmen by arbitration. By the law, however, as it stood at present, when masters and workmen had a dispute, they could, if they were agreed upon that point, refer that dispute to two justices. Masters and workmen, however, had an unwillingness to put that law into operation, and the law as it stood at present was therefore inoperative. The object of his hon. Friend's Bill was to obtain an operative law to effect the same object which was contemplated by the Act of George IV., but which for the reason he had stated was inoperative. The machinery by which the hon. Member proposed to carry out the objects of the Bill was so unworkable that he hoped he would not persist in pressing it upon the House. The Courts of Conciliation proposed by the Bill were to be chosen by masters and workmen, and he asked the attention of the House to the nature of the constituencies thus created. Every person being an inhabitant householder, employing workmen, within a circuit of five miles from the place where the Council of Conciliation was to hold its meetings, was to be entitled to vote at the election of masters, and every workman residing within a circuit of five miles for twelve months was entitled to vote at the election of workmen. These were the constituencies by whom an equal number of masters and men were to be elected; and on the day of election the votes were to be taken by a show of hands, from which there was to be no appeal. Now, he asked the hon. Member whether it would be possible with such constituencies, and with such a mode of election, to elect a Council of Conciliation that would give satisfaction to anybody? The whole machinery of the Bill was unworkable, and therefore he hoped that his hon. Friend would see the propriety of withdrawing it altogether, as there seemed to be no possibility of so altering it in Committee as to insure for it the favour of the House.

MR. MACKINNON (who was very indistinctly heard), was understood to say that he thought that as the right hon. Gentleman admitted the object of the Bill to be a good one, he might have allowed it to be read a second time, and proposed such alterations as he saw necessary in Committee. The object of the Bill was regarded with deep interest by thousands of workmen both in London and throughout the country, including all the great towns of Lancashire.

MR. LABOUCHERE said, he had great respect for the intention of his hon. Friend and the perseverance with which he had endeavoured to benefit the working classes, but still there was no subject more delicate and none with regard to which the House should take more care in dealing than the relations between master and workman. He concurred in the opinion given by the right hon. Gentleman (Mr. Walpole), that the machinery of the Bill was altogether unworkable. Only imagine a meeting of the inhabitants of a district within a certain radius, in which by a show of hands a Council was to be appointed. It was impossible that such a tribunal could satisfactorily deal with such a delicate question. No man was more anxious than himself to see a good understanding exist between masters and workmen, but he was not so sanguine as some others seemed to be that this end would be promoted by Councils of Conciliation. He would rather see masters and workmen settling their differences by friendly intercourse and the freest discussion among themselves. He hoped his hon. Friend would see the propriety of the course recommended by the right hon. Gentleman, and withdraw the Bill.

MR. HENLEY said, there was only one point to which he wished to call the attention of his hon. Friend opposite. He agreed with his right hon. Friend the Home Secretary in believing that the Bill with its present machinery, or anything like it, could not work. Now, if the Bill was negatived, the hon. Gentleman would not be able to introduce another on the subject this Session; but, if he withdrew it, he might, if it was put into better shape, reintroduce it this year. It was a great question whether the evidence of competent persons, skilled in the matter and

given on oath, might not enable a magistrate to come to a sound decision in case of disputes. He doubted very much, however, whether the common sense of masters and workmen would not enable them to settle the differences between them as well as by any machinery for selecting half-a-dozen on one side and half-a-dozen on the other.

MR. INGHAM, although he joined in the request to his hon. Friend to withdraw the Bill, yet did not think sufficient reasons had been given for the second reading being opposed. When the Bill was brought in, the Home Secretary admitted that the existing law on the subject of masters and workmen required amendment, and that he would support any measure that had that amendment for its object. It was said by the right hon. Member for Taunton (Mr. Labouchere) that there was a great increase in the intelligence and moderation of the working classes, and no doubt that was so; and it only wanted that masters and workmen should be brought together in order to put an end to differences between them; and that would be effected by means of Councils of Conciliation. One thing was most valuable in this Bill, and that was, that it proposed to establish a permanent body to deal with disputes between masters and workmen. The reason why the present Act was inoperative, was, that you could not call upon the magistrate to appoint arbitrators until after the dispute arose. It was then difficult to get an arbitrator sufficiently impartial to decide. If the President of the Board of Trade would give an intimation that he would take into consideration whether some permanent tribunal might not be established to which disputes might be referred, then his hon. Friend might congratulate himself on having done some good for the object he had so long at heart.

MR. TURNER said, that as a pretty large employer of labour, he objected entirely to the Bill, not more on the part of the employers than of the employed. The Bill was, no doubt, prompted by kindly feeling on the part of the hon. Member; but if carried out, it would, in the result, be like interfering between man and wife, and would utterly fail. A growing spirit of conciliation and kindly feeling between masters and men had been for many years springing up, which would only be interrupted by legislation such as this. As had been shown by the right hon. Gentleman the Secretary for the Home Department, there were great objections to this measure. Every man who was employed might claim to act as one of the employed; and so every man who employed any one else—a tinker, for example, who had a man to help him—might claim to vote as an employer. Many of these employers would be mere workpeople themselves. Much mischief would, he was sure, be produced by such a scheme.

MR. KIRK said, he also felt that the Bill, so far from being for the benefit of the workmen, would be injurious to them, and would produce the worst feeling between them and their employers, whereas at present a very good feeling prevailed. In Ireland, in disputes connected with work which was given out, if a workman complained to a magistrate, the party complaining appointed one arbitrator, the master appointed another, and the magistrate a third; and on their report the magistrate issued his order. The present Bill, he thought, would be especially injurious to the working classes themselves, and he would therefore decidedly oppose its second reading.

MR. MACKINNON said, he could but express his willingness, after what had passed, to withdraw his Bill.

Motion, by leave, *withdrawn.*

Order for Second Reading *discharged.*

Bill *withdrawn.*

JOINT-STOCK BANKING COMPANIES BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. BLACK said, that the principle of limited liability might be advantageous in many kinds of trade; and yet in banking, which stood on quite a different footing, it might be most dangerous. In banking, as was well known, it often happened that persons unacquainted with the principles of business came into the possession of property, and were obliged to look out for some bank in which to deposit it. In ordinary departments of trade persons carried on business with their own capital; but bankers carried on their business with other people's capital for their own benefit. If an insolvency happened in ordinary kinds of trade, the injury and ruin were generally circumscribed in their extent; but in banking the ruin spread much wider. Those who took on themselves to establish a bank

took on themselves a great responsibility, and the public had an interest in seeing that those who took on themselves that responsibility gave the largest security for the public safety. In the case of a bank to which allusion had often been made (the Western Bank of Scotland), it had been said, and said truly, that although the bank failed, the depositors and holders of notes would not suffer, because the proprietors were quite able to pay all the debts in full. He fully approved of the meeting which had taken place, recommending persons to take the bank's notes in payment, notwithstanding the failure; for the consequence was that the panic was greatly allayed. There the unlimited liability was their sheet anchor. If the liability had been limited the panic would have spread, and the whole country would have been involved in one general ruin. It was said that, if they had limited liability, they would not have panics; but in his opinion, there would, on the contrary, be much greater danger of panics; for if a man had money in a limited bank, and money also in a bank of unlimited liability, and a panic were to occur, assuredly he would run first to the limited bank to get his money. In this he was confirmed by Mr. M'Culloch, who said—

"The tendency to panics is one of the peculiarities of American society, owing to the liability of partnership in banks being limited. The depositors and the holders of notes take all imaginable pains, when suspicion is awakened, to withdraw their deposits and to cash the notes. Hence repeatedly panics occur throughout the Union, and the slowness with which they are disseminated in this country arises from the contrary circumstance, namely, the confidence of the public in the unlimited liability of the partners to make good all demands."

It had been said that it was very hard that the shareholders should suffer, but according to every principle of honesty he thought that, when one man took another's money into his keeping, he was bound to pay him back so long as he had anything to pay with. In the Western Bank of Scotland there were 1,300 shareholders. Some suffered very considerably. A few were ruined, but the great bulk by retrenchment were able to recover themselves. If, however, the loss had fallen upon the depositors, small as the sum might have been individually, the majority would have lost their all. Speculation had been of late years a great deal too rampant, and there was no reason why it should be encouraged. Besides, it might be asked, were they prepared to apply limited liability to everything? Would they allow it to a pawnbroker? Let them suppose the case of a poor man losing his money in one of these banks, money which he had been frugally gathering up in order that he might have something in a time of sickness, or to provide for his widow. After his money was lost, he might see the banker who had received it lolling, perhaps, in his carriage, and he would be told that the bank was on the system of limited liability, and, therefore, the banker was not bound to pay. Upon the ground, then, that the Bill was a violation of that great moral principle, that every man was responsible for his actions, and was bound to pay his debts to the last farthing, he (Mr. Black) should move that the second reading be taken that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. FINLAY seconded the Amendment. He had given much attention to this subject for several years, and he was sorry to say he had not been able to come to the same conclusions as the proposers of the present measure. It appeared to him that the principle of limited liability was essentially unsound. It certainly was not founded on the principle of free trade, but on that of protection, for it protected the shareholders against their creditors. They had been told that limited liability would be the means of attracting the capital of the wealthy, and would give security to the poor man, and open up several new sources of profit. In fact, they were told it was to be a great panacea for all our banking, as well as for the whole of our commercial system, but no proof had been given that any such result had occurred. The principle of the Bill was totally unsound; but if there was any advantage to the country in this privilege of not paying debts in full, why should it be confined to associations? Why should it not be equally applicable to individuals? The truth was, that the adoption of the principle of limited liability had failed to produce those good effects which were predicted of it when it was first introduced; and that, he thought, was quite reason enough why the House should hesitate before it extended the principle, as this Bill proposed to do, to joint-stock banks.

Mr. DRUMMOND said, that he fully concurred in the observations of the hon. Gentleman who had just sat down, and he

would illustrate them by saying that, if his hon. Friend opposite and himself individually ran into debt, they would be obliged to pay their debts; but the effect of this Bill would be, that if they went into partnership they would not in that case be obliged to pay their joint debts. He wished to call the attention of the House to the deception which was practised by a class of banks called banks of deposit. He held in his hand several advertisements emanating from those establishments promising to pay a high rate of interest on deposits—6 or 7 per cent, at the same time giving ample security. Now, the effect of that must be enormously to increase the trade in paper. They used to have panics every ten years, now they had them every six or seven. There was no way in which the high interest on deposits to which he had referred could be paid, but by flying kites. And this Bill was nothing but a measure for establishing unlimited paper circulation.

SIR ROBERT CARDEN said, he objected to the present Bill, because it would inflict a great injustice upon existing banks. Previous to the passing of Sir Robert Peel's Act the capital of banks might be divided into shares of any amount, while there was no limit as to the amount required to be paid up. By that Act, however, the shares were to be of not less than £100, while £50 was to be paid up before commencing business. Then, by the present Bill both description of banks were to be placed on the same footing. The result would be that if this measure for creating limited liability were passed, the banks established under the old system (and upon the shares in which not more than 10 or 20 per cent was paid) would be able to call up four or five times as much as the new banks, half of whose capital was already paid up. This would practically give the former a great advantage over the latter. He thought a new system in banking should be established. There had latterly sprung up what were called "discount banks," which for all purposes were banks, while as they did not technically come within the operation of Peel's Act, they were, therefore, able to carry on business with not more than 30 or 40 per cent of their capital paid up. He hoped that a measure would be introduced applying the same law to all classes of banks.

SIR WILLIAM DUNBAR said, if it was fair to allow limited liability in any trade or business, he could not conceive any reason why the business of banking should form the only exception. The object of the Bill was to extend to banks the same privileges and facilities which were allowed other companies. It did not interfere with the system of unlimited liability, or with the liabilities of partners in existing banks, but simply proposed to remove the impediments which now existed to the establishment of co-partnerships with limited liability, for the purposes of banking, thus bringing banking within the operation of the general law. For his own part, he believed that one of the results of the change would be to induce many persons of respectability and prudence who feared the consequences of unlimited liability, to become shareholders, thus introducing a class from whom a better and more responsible direction might be selected. If there were proper, full, and detailed accounts, and a perfect system of audit, there would be faith in the bank. If the Western Bank had been a bank with limited liability, its management could not have been worse, and, in all probability, it would have been better. In any event its failure, instead of being as now, a national calamity, would have been comparatively harmless. In saying this, it was far from his intention to say that limited liability would ensure unexceptionable management, but the management would be as good as under the present system, while the consequence would be less serious than now. But admitting that there were evils connected with limited liability, were there no evils connected with unlimited liability? To his mind there were many. As the law at present stood, unlimited responsibility, especially when combined with a power of issue, was synonymous with monopoly, especially in country districts, and it was not surprising that persons who reaped the profits of monopoly should support its continuance, instead of teaching people to trust to themselves and to look after the management. Unlimited liability taught men to trust entirely to others and to rely on the ultimate claim on the shareholders—a reliance that often proved deceptive and illusory. The consequence was, that unlimited liability tended to divert capital from its legitimate channel, and to accumulate enormous amounts of money in the hands of a few institutions, which in many cases employed it in wild speculation, and in bolstering up fictitious traders, to the damage of the fair trader. One provision of the Bill, imposing certain

conditions on banks of issue, required attentive reconsideration. If those banks could not avail themselves of the measure without losing their statutory privileges, much of the benefit that would otherwise be conferred on the public would be forfeited. He admitted that there was a distinction between a noteholder and a depositor. The noteholder was an involuntary creditor, while the depositor was a creditor from choice. But could no protection be found for the noteholder, except by depriving existing banks of issue of their privileges? It appeared to him that every protection to the noteholder might be found in simply requiring banks of issue, like the Bank of England—which was a bank with limited liability—to give security, either landed or funded, or to have gold in their coffers for the amount of notes issued. In the Isle of Man, where there was a single bank of issue called the Bank of Mona, the notes were secured by mortgages on land, and why should not the same system be adopted here? For twenty years monied men in the city had been in the habit on all suitable occasions of endeavouring to win public opinion to their views, that note issues should be suppressed, by putting forth most exaggerated statements concerning them. When they looked at the returns of the note circulation, it was wonderful to see how steady that circulation was, and yet they found respectable men from time to time speaking of over issue, and attributing to it reckless trading, and consequent money panics. In his opinion, the true cause of one of those evils—reckless trading was to be found in the eager desire to get rich, which had become one of our national failings. He thought it was no part of the duty of that House by exceptional legislation to attempt to give prudence to the rich, experience to the inexperienced, and honesty to the unprincipled; nor was it within its province to attempt to dictate to men upon what terms they should deal with each other. He hoped that his hon. and learned Friend the Member for Newcastle would, when the Bill was in Committee, endeavour to obviate the difficulties to which he had referred.

MR. BOVILL said, he was surprised to hear the hon. Gentleman who spoke last repudiate the right of that House to interfere for the regulation of joint-stock banks. An able Committee which sat in 1846 on this subject asserted the necessity for such interference on public grounds, and with a view to guard the community against wide-spread ruin and destruction. If it was difficult for the shareholders of a joint-stock bank to understand how its affairs were managed, and what was its financial position, how was the unhappy customer of such a bank to obtain this knowledge, as the advocates of limited liability expected him to do? They had no control over the management, and without any default of their own, they might find themselves overwhelmed in ruin. This Bill was, in truth, nothing more nor less than an attempt to protect directors and shareholders at the expense of the public interest. All the objects with which banks were established would be better attained by unlimited than by limited liability. The first object was to secure an accumulation of capital, which should be diverted from its ordinary channels, and of which the surplus should be applied to commercial undertakings. How much more likely to effect this object banks with unlimited liability were than banks established on the opposite principle was assuredly proved by the argument of the promoters of this Bill—that so much capital was accumulated by existing banks as to encourage speculation. There was then no complaint of a want of accumulation under the present system of joint-stock banks or its appropriation by their means. The second object was to afford security to the bank and to persons trading with it. It was to give additional security that joint-stock banks were originally established; and how well this object had been attained had been shown by the fact that in the failures which had taken place in the north of England, in not more than two instances had the creditors received less than the full amount due to them, and in those cases the deficiency was only one of 2*s.* or 3*s.* in the pound. Another great object was to secure good management, and how was it likely that banks could be as well managed by men who had only a limited liability as by those who were responsible to their last farthing? In support of this Bill it was urged that the Legislature had decided that limited liability should be the rule in commercial undertakings; but the same Parliament decided that that principle should not extend to banks, and as far as our experience went, the adoption of the principle of limited liability had not been attended with favourable results. On the contrary, in the cases which had come into the courts it had generally appeared that all the money which had been paid up was spent,

Sir William Dunbar

and that there was nothing for the creditors. The promoters of this Bill said that unlimited liability prevented respectable and responsible persons from joining banks. This argument was sufficiently answered by the published lists of directors and shareholders of joint-stock banks, and would probably receive a still further refutation by directors of such banks rising to address the House upon this question. But, even if the argument were a sound one, of what advantage was a man's responsibility and repectability under a system of limited liability? All that you wanted under such a system was his money. Another argument was, that, although unlimited liability might not prevent respectable men joining a bank, yet that it induced them to retire as soon as they got an inkling that it was falling into difficulties. To this he replied, that they could not relieve themselves of responsibility for three years, and that if it was found that all the responsible men were retiring, the bank was sure to fall within that period, and thus the creditors were recouped. Another objection which had been urged against the present system was, that banks obtained too much money, which led to reckless and extravagant speculation. Now, he had always thought that banks were established for the express purpose of accumulating the money of the public, and using it in commercial operations. What, however, was the remedy for over accumulation of money? It was to put a limit to the amount which a bank might raise by crediting a proportion between its borrowing powers and its capital. The Bill before the House contained no such provision, and in that respect, therefore, it was not calculated to accomplish the object of its promoters. But the present law of limited liability, it was said, encouraged reckless trading. Now, there could be no doubt that it was competition which produced wild and extravagant speculation, and he maintained that banks with limited liability were far more likely than banks with unlimited liability to excite excessive competition. Mr. Gurney, when examined before the Committee of 1836, stated that limited liability applied to banks would give us all the evils of both systems, and none of the advantages of either; while Mr. Martin, of Norwich, declared that no public advantage or security could be derived from limited responsibility, which would have the effect, he added, of making bank managers more reckless and adventurous. The report of 1843 contained a valuable paper from the present Lord Overstone, in which that great authority stated that the *commandite* principle entailed something very nearly approaching to injustice, inasmuch as in case of insolvency it tended to remove a portion of the loss from those who had voluntarily engaged in the concern, who had possessed the means of watching its progress, and who had been the sole participators in its benefits, for the purpose of putting it upon those who had enjoyed no opportunity of looking into the affairs of the establishment, who had taken no part in its management, and who had not been allowed to share in its advantages. It was after repeated inquiries by Committees of the ablest men in that House that the Legislature, in its wisdom, expressly declared in 1856-7 that limited liability should not exist in the case of joint-stock banks. But the House were asked to believe that banks should be legislated for, on the same principle as other trading concerns. The case of a bank, however, was clearly exceptional. When an ordinary concern failed, the loss was confined to the directors and shareholders; but it was impossible to say how far the liabilities and engagements of a bank might extend, and in the event of failure, instead of the loss falling upon a limited number of persons, it entailed wholesale ruin, and might fitly be termed a national calamity. Banks with limited liability, as had been remarked, were established in the Colonies. But in the Colonies the object was to attract money, and force it into commercial channels; whereas the complaint at home was, that the banks obtained too much money, the consequence being reckless speculation. He had stated the grounds that had been put forward on behalf of the present Bill, but after all, the true explanation was to be found in the misfortunes that had recently fallen upon the managers and proprietors of banks. The question was between the directors and shareholders of banks on the one hand, and the public on the other. Now, the directors and shareholders had the lion's share of the profits, and he held that in the event of a failure the loss should fall exclusively upon them, and not upon those who trusted them. If the managers and proprietors of a bank chose to deal with the money of other people, were not the latter entitled to look to them for payment of the utmost farthing? Depositors received no benefit from the

profits of a bank, nor had they any means of controlling its operations. The misfortunes of a bank arose from mismanagement, and mismanagement was attributable in the first instance to the directors, and in the next to the shareholders who elected them. No balance-sheet could ever tell the public what was the value of securities lodged with a bank, and he contended, therefore, that on the grounds of management, of superior knowledge, and of profit, the directors and shareholders and not the public, ought to be made responsible for any loss that might be incurred. But after all, did it not lie on those who promoted the measure to make out a case for its necessity? From the beginning to the end of the discussion he had not heard the slightest ground stated to show the necessity of the measure, unless it was desired to relieve the directors and shareholders of these joint-stock banks and to throw the loss on the innocent public who trusted the directors. In 1837, after the first Report of the Committee on joint-stock banks, it was stated in the Speech from the Throne that the best security against mismanagement of banking affairs must ever be found in the capacity and integrity of those who were intrusted with the administration of them, and in the caution and prudence of the public; but that no legislative regulation should be omitted which could increase and insure the stability of those establishments, on which commercial credit so much depended. The security of these establishments he maintained would be found in the security they offered for the payment of their debts, and in the accumulation of large sums of money to be devoted to the legitimate purposes for which banks were established.

MR. J. H. GURNEY said, he would very briefly state his reasons for voting against the Bill. Those reasons were not based on any feeling as to the unsoundness of the principle of the Bill itself, because it appeared to him that if the principle of limited liability to trading companies were maintained the Legislature could not refuse to extend that principle ultimately to banking companies, though it was perfectly true that the position of trading and banking companies was not precisely identical, because, while trading companies borrowed money incidentally, banking companies borrowed it inherently, that being their business. Nevertheless, he thought that if the provisions of the Limited Liability Act were applied to banking companies, so that all their cheques and passbooks would have stamped on them the word "limited," it would be impossible for persons doing business with them to be ignorant of the fact that the responsibility was limited. He therefore was of opinion that there was no sufficient distinction in principle between joint-stock banks and other trading companies to justify ultimately excluding the former from the adoption of limited liability, if limited liability should be at all maintained. Furthermore, supposing the system of limited liability to be extended to banking companies, and supposing, which was doubtful, that banking companies in general availed themselves of the privilege, this good effect would result, that, while the banking companies so limited would, if well managed, obtain sufficient credit for all legitimate purposes, they would be less able to obtain credit for improper purposes, and if once they went wrong, they would be wound up more quickly than at present. This was a reason for putting banking companies ultimately on the same footing as other companies; but another consideration prevented him from supporting the Bill on the present occasion, and it was this—that the general experiment of limited liability did not appear to him to have been tried long enough to enable the House to judge whether it was a successful experiment or not. Until a proper experience of the system of limited liability had been obtained he thought it would be a great mistake to extend it, especially in so important a direction as banking companies. He should, therefore, on the present occasion, give his vote against the Bill; but, if he should have the honour of a seat in Parliament in future years, and were satisfied that the general experiment was successful, he, for one, should be quite willing to see it extended to banking companies.

SIR GEORGE LEWIS said, he must dissent from the assumption of the hon. and learned Gentleman (Mr. Bovill), to whose ability in treating this subject he bore willing testimony, that it was incumbent on those who supported the second reading of the Bill to show a case of necessity for the alteration of the law, and that the burden of proof lay, not on those who resisted the second reading, but on those who gave it their support. The Legislature of this country had enacted in respect to all trading associations, when certain

conditions were fulfilled, limited liability for the partners, and the issue raised by the hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam) was whether there existed sufficient ground for making a special exception in the case of banking companies. Therefore, it appeared to him that those who were in favour of making an exception were bound to show in the case of banking companies special circumstances which took them out of the rule applicable to all other trading associations. His hon. and learned Friend had obviated the objection which he (Sir G. C. Lewis) had made in former stages of the Bill, to the effect that he established no distinction between banks of issue and banks of deposit, and comprehended in the same rule the note-holder and the depositor, for in the draught of the Bill now before the House the hon. and learned Gentleman had excepted from its operation all banks which were banks of issue, unless they renounced the privilege of issue. The position of a holder of notes was very different from that of a depositor. In point of fact, he was as an hon. Baronet, who had addressed the House with great clearness, had observed, an involuntary creditor. In country districts the notes of the local bank passed from hand to hand without question; and any person who refused to take them would find his customers leave him. The note holder was therefore in the position of an involuntary creditor, and as such he was entitled to a large measure of protection. That objection, however, being obviated, was there any reason why banks of deposit simply should be made an exception to the general rule? There was, no doubt, a difference between banks of deposit simply intended for the purpose of custody, which gave no interest on the deposits, and banks which allowed interest on the deposits. It might be argued that a bank which received money for the purpose of safe custody received it in the way of a fiduciary contract, and not in the way of loan; and that, therefore, banks of that character should not be considered as carrying on trade, and coming within the principle of limited liability. That was, perhaps, a refined distinction between deposits of that class and deposits bearing interest; but if the distinction were admitted to be valid, it hardly applied to the case the House had to consider, because the great majority of joint-stock banks, if not all, were in the habit of allowing interest, either on the whole or some portions of the deposits. In the case of a bank allowing interest, it must be admitted that the deposit was in strict sense a loan to the bank, for which the depositor received an interest, and on which the bank traded. Under these circumstances it seemed to him that no valid distinction could be established between banks of deposit and other trading speculations with respect to the principle of limited liability; and therefore he should be prepared to give his vote in favour of the second reading of the Bill. But, having stated this, he would guard himself against the supposition that he thought either that the principle of limited liability would be introduced extensively by joint stock banks, or that it was desirable to give any artificial encouragement to the increase of joint-stock banks with the view of diminishing the number of private banks. With respect to the Bill, it was in the first place to be observed that it was merely permissive; and if it became law it would be quite open to any joint-stock bank either to adopt it or remain in the same position as heretofore. Was it probable that many joint-stock banks would adopt the principle of limited liability? In considering this question, they must ask what was now the ground on which so much trust was given to joint-stock banks? Why was it their deposits were so large? Why was it that the operations of joint-stock banks, which were carried on upon so gigantic a scale, had, both in London and the provinces, assumed within the last few years quite a new character? He apprehended the answer was, that the public and the depositors trusted these banks on the ground of the unlimited liability of a large body of shareholders. The public had but slight means of knowing how these banks were managed; they could only ascertain what were the dividends paid; but undoubtedly what they mainly looked to was the unlimited liability of a numerous and wealthy proprietary. Now, if that security were limited,—if joint-stock banks were to say, "Instead of giving this unlimited advantage to depositors they shall have only a limited capital beyond which their security shall not extend," undoubtedly one of the strongest motives which now induce the public to repose confidence in joint-stock banks would be withdrawn. Was it likely, under such circumstances, that a joint-stock bank with limited liability could compete with other joint-stock banks whose liability was

unlimited? He believed that, unless directors and shareholders of joint-stock banks could be convinced that, after limiting their liability, they could carry on a successful competition with other banks, it was not probable this measure would be adopted in many cases. There could be no doubt, looking to the constitution of joint-stock banks, that, without a coincidence of circumstances which could seldom be expected, unless there was great honesty, vigilance, and knowledge of business on the part of the managers and the few directors who practically conducted the affairs of such banks, the interests of the shareholders were exposed to considerable risk. The great body of shareholders in joint-stock banks had, in fact, no knowledge whatever of their affairs; they were incapable, for the most part, of forming a clear judgment upon the annual or half-yearly statements which were submitted to them; and they were unable to estimate the value of the securities which were placed among the assets of the banks. If a shareholder, who entertained doubts as to the management or credit of a joint-stock bank, came forward at the annual meeting to put questions to the directors, his mouth would be immediately stopped by other shareholders, who would tell him he was taking a course which was dangerous to the credit of the establishment, and most inimical to his own interests. There was, indeed, no person in a more helpless position than a shareholder in a joint-stock bank who suspected something wrong in its management; for, unless he could obtain information confidentially from the very persons of whose integrity or discretion he entertained doubts, it would be extremely difficult to establish any ground for a complaint. Generally speaking, very little discretion was exercised by shareholders in the choice of directors, and directors who were substituted for outgoing members of the board were, for the most part, proposed to the shareholders by the other directors themselves. In some joint-stock banks there was a feeling among the directors that it was not expedient that the affairs of the depositors should be known to a large board, and, practically, the advances upon securities were determined either by the manager alone or by a small number of the directors. By the very constitution of a joint-stock bank, the confidence which the shareholders must repose in the directors was blind, and was not founded upon any accurate knowledge or information with respect to the concerns and management of such bank. It was therefore likely that, from time to time, joint-stock banks would fall into discredit. What the shareholders in such banks generally expected was, that without any trouble they should obtain the high profits of trade combined with the security of an investment in Consols. He did not think that was at all an exaggerated description of the views entertained by many persons who became shareholders in joint-stock banks. It might occasionally happen that, from the mismanagement of directors, or, in some cases perhaps, from want of honesty, the shareholders in such establishments suddenly found themselves called upon to make good losses, and to investigate the affairs of an insolvent bank. Under the existing law they were answerable to the whole extent of their means; but if they should be permitted to limit their liability, they would only be responsible to the extent of their shares. In such case, if a bank became insolvent, the loss would be divided between the shareholders and the depositors. He thought that depositors who trusted a bank established on the principle of limited liability, and who, being aware of such limitation, deposited their money under a voluntary contract, had no reason to complain that, in the case of the failure of such bank, a portion of the loss fell upon themselves. Although, in his opinion, great defects were inherent in the very principle of joint-stock banks, and he did not wish to give them any undue encouragement or protection by legislative measures, yet, merely desiring to put them upon a level with other trading associations, he would vote for the second reading of the Bill.

MR. MALINS said, he thought it was evident that his hon. and learned Friend (Mr. Bovill), though apparently arguing against the application of the principle of limited liability to joint-stock banks, was actuated by a strong feeling against the principle generally. As the principle of limited liability had been sanctioned by Parliament with respect to trading associations, he thought it might fairly be asked whether there was any just ground for establishing an exception in the case of joint-stock banks. His hon. and learned Friend had gone into an elaborate argument to show that the great object of the present measure was to protect directors and shareholders. No doubt, one object of such legislation was to protect directors and shareholders against a greater amount

of liability than was contracted by the constitution of their partnerships; but, at the same time, ample protection was afforded to the public, and those who dealt with them by the existing law, which obliged companies established on the principle of limited liability to announce the fact by painting it over their doors, and by stating it on their bills of parcels, cheques, and every document they issued. It might be supposed, from the speech of his hon. and learned Friend, that this Bill would establish limited liability absolutely; but that was not the case. If there were two banks in the same town, one established upon principles of limited, and the other on principles of unlimited liability, why should not the public have the option of choosing between them? If in the limited bank it should be found that there was a responsible body of men—responsible not only to the extent of the money they had subscribed, but also by that which was a far better guarantee, the prudence of their conduct as men of business — a body of men who would not join a concern without taking care that there was a proper body of directors, and that proper provisions for conducting the business were made, why should not the public say, "we will trade with that bank in preference to the other?" An hon. Member opposite (Mr. Gurney) opposed the Bill on the ground that the principle had not yet been sufficiently tried; but that could be no ground why the experiment should not be extended to banking, for he could not see why the two experiments should not go on at the same time. That it was important creditors should be paid in full he quite allowed; but it was also very desirable to protect another class of persons scarcely less numerous—he meant the shareholders in these banks. Of course, unless clear notice of limited liability were given, every debtor ought to be liable to his last farthing; but where there was a distinct contract beforehand, what ground had a creditor to complain if he lost part of his money through the non-liability of the debtor beyond a certain amount? Parliament should give credit to both parties for being able to conduct their own affairs. It was a fallacy for the Legislature to interpose for the protection of one particular class of persons. If they thought it right that the purchaser of a thousand pounds' worth of iron or corn should be protected by limited liability, why not afford the same protection to his next door neighbour in a transaction for £1,000 of gold? For himself, he could see no reason for applying a different rule to the trader in goods and the trader in gold. They were not to assume that every person who became the creditor of a banking company was an idiot, and incapable of taking care of his own affairs; nor was the Legislature called upon to protect those who would not protect themselves. He quite believed, however, that the Bill, if it became law, would not be made use of by many of the existing and prosperous concerns; but he thought they ought not to be treated as if their case was an exceptional one. It was said that the greater sense of responsibility arising from their unlimited liability would make bank directors more vigilant in the conduct of business. Recent cases, however, showed that this afforded a very poor guarantee for prudent management. Whatever might be the case abstractedly, experience proved that it gave the creditors and shareholders no protection whatever. Did the House suppose that because a man's whole fortune was not involved in the success of a bank, he would not therefore bestow all his energies and exhibit all possible prudence in conducting its affairs? In any case the reputation as well as the pecuniary advantage of directors must depend on the prosperity of the concern, and there were plenty of inducements to make them use their best efforts for its benefit. It had been said that there ought to be a reserve in the case of banks, so that one half only of the capital should be paid up, and the other half should be available for the discharge of liabilities if the concern came to a stop; and to this proposal he fancied there could be no objection. But he repeated that, having secured full notice to creditors respecting the limited liability of shareholders, the Legislature should then leave men to their own foresight, should make them look before leaping, and find out whom they were going to trust. This was the best guarantee for success in commercial transactions generally, and not less so for success in banking. Parliament had adopted the principle of limited liability with regard to traders, and he had heard no good reasons given why it should not be extended also to banks. For these reasons he should most earnestly support the measure.

Mr. BAXTER said, he quite agreed with the hon. and learned Member (Mr. Malins) that a large proportion of the ar-

guments used against this Bill were really directed against the principle of limited liability altogether. The Mover and Seconder of the Amendment had talked of moral principles and the Eighth Commandment; but these, if objections at all, were so, to the principle of limited liability, already sanctioned by the House, and it was for the opponents of the measure under discussion to show cause why the principle of limited liability should be productive of advantage when applied to commercial transactions generally, and should be injurious only in those cases in which money was concerned. For his own part, he must confess that he was one of those heretics who could see no good reason why the terms upon which one man should place his trust in another should be at all prescribed by law. It mattered not to him whether they prescribed banks of limited liability or banks of unlimited liability; he objected to prescription in either case, and contended that every man should be left free to take shares in banks, or to deposit his money in any way he pleased. And what, let him ask, apart from all the theoretical objections to the existing law, was its practical application? The right hon. Member for Radnor (Sir G. C. Lewis) had stated that even supposing banks based upon the principle of limited liability were established, the Bill of the hon. and learned Member for Newcastle would be a dead letter. Now, upon that point he begged leave to join issue with the right hon. Gentleman, and to express it as his belief that the public had of late years to some extent lost confidence in those banks which were conducted upon the opposite principle. The failures in the case of the Western Bank of Scotland, the Northumberland District, the Liverpool borough, and the Royal British Banks, had mainly contributed to that result, and would, he maintained, ultimately be attended with the most injurious consequences. He might also adduce in support of the views which he entertained the case of the Monmouth and Glamorganshire Bank, which paid only 15*s.* in the pound; while the Royal British Bank, to which he had already referred, paid, he understood, only 12*s.* in the pound, there being no likelihood that the shareholders in that bank would ever receive the whole of their money. The inference which he drew from those facts was that men of wealth, indisposed to incur undue risk, would withdraw their money from such concerns, and that they would ultimately be left in the hands of men possessing little or no capital. He knew many gentlemen who were unwilling to become shareholders in banks conducted upon the principle of unlimited liability, who yet were most anxious to take shares in banks based upon the opposite principle. The law as it stood, however, precluded the shrewd cautious man of business, who was thoroughly alive to the evils which the last few years had brought to light, from carrying on banking transactions in accordance with that system which great experience and much consideration had taught him to be sound and just; and it was because he (Mr. Baxter) deemed it expedient that a man should be perfectly at liberty to carry on the banking business, as he might any other, upon that principle which he thought right, always provided there was no concealment from the public, that he should not hesitate to give his assent to the second reading of the Bill before the House. In taking that course he was not at all prepared to deny that banks with unlimited liability had conferred great benefit on the community. They were, however, attended with many obvious disadvantages. They gave rise to a system of undue credit, and created an undue confidence, which acted most injuriously upon the public at large. That confidence had arisen, not from the prudence of the management, but from the private resources of the shareholders. It was notorious, for instance, that the bills of the Western Bank of Scotland had been discounted in the City of London, not because Mr. Taylor, its manager, or the directors were prudent and discreet men of business, but simply because the Messrs. Baird were partners in the concern. The large sums which were committed to their charge tempted the Directors of such establishments to carry on a very much larger business than was warranted by the amount of their capital, and to discount bills to such an extent as to demonstrate beyond all question that their operations were based, not upon the paid-up capital of these concerns, but upon the private fortunes of the partners. Now, with respect to the banking system of Scotland, although he was ready to admit that it had conferred upon that country great national benefits, he was by no means of opinion that it ought to be indiscriminately praised. On the contrary, he believed that no one who had watched the course of events in Scotland during the

last few years could fail to arrive at the conclusion that the banks in that country had afforded undue facilities in the way of discounting bills. He, at all events, was one of those who held the opinion that the management of the Western Bank of Scotland amounted to a national disgrace, and he should be extremely sorry to find that no investigation into the affairs of that establishment would take place. But, while he was anxious that such should be the case, he should wish to suggest to the right hon. Gentleman the Chancellor of the Exchequer the propriety of considering whether it might not be expedient that the shareholders in the Western Bank should be permitted to sell the privilege of issuing notes which they possessed. By the failure of that bank, Scotland had been deprived of upwards of £300,000 of note circulation. A permission to sell the privilege of issuing notes would produce £50,000, and, considering the lamentable sufferings which the failure of the bank had inflicted upon numerous families, widows, and orphans, he thought it would be a very proper course to grant the permission which was asked for.

MR. J. C. EWART said, he agreed with the hon. Member for Montrose (Mr. Baxter) that the great objection to banks of unlimited liability was, that it induced persons to discount Bills, and generally to extend the business of the bank, not according to the prudence of the management, but according to the private means of the partners. The hon. Member had referred to the Glamorgan Bank, and he (Mr. Ewart) knew something of the affairs of that bank. He was at that time largely engaged in trade; he received the Customs' money at Liverpool, and the only way in which he could employ it was by way of discount. He discounted largely with that bank, so largely indeed that at last he became alarmed. Others, also, became alarmed, and in consequence the bank stopped payment, and great injury was inflicted on the district. As a general rule he was opposed to all legislation on the question of credit. All the safeguards which legislation could hold out were little better than a delusion and a snare. Let the banks be compelled to publish an annual account of the state of their funds, and then the public might be left to take care of themselves, and they would be in a safer position than any legislative protection could place them.

MR. H. B. SHERIDAN said, he did not think that it was the principle of limited liability that was now on its trial, but rather that of unlimited liability. It must be remembered that it was not for the first time that banks had had limited liability conferred upon them. The Bank of England and various chartered banks were in that position, and in Australia the principle of unlimited liability had been in operation for twenty years, and had been found to succeed.

MR. SPOONER said, he meant to vote for the second reading of the Bill. On a former occasion he had expressed himself as decidedly adverse to the principle of limited liability, and he was still exactly of the same opinion. But while he thought the recent legislation on this point wrong, and that it would ultimately have to be reversed, he could not see why one trade should be conducted upon limited liability while all others were on a principle of unlimited liability. On that ground, and not from any change in his general views, he would support the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, that the Bill had been very satisfactorily discussed and he wished to give the reasons, in a few words, why he should support its second reading. It appeared to him that the object of the Bill was to terminate a restriction upon a principle that had been adopted very generally, both by Parliament and the country, and applied to all trades and occupations of commerce. An exception had been made, he thought, originally from a plausible and prudential feeling, but one which could not be vindicated on any principle, and which no experience of the operations of banking would longer justify. He agreed with almost all who had preceded him, that the discussion ought not to involve any investigation of the soundness of the principle of limited liability. It was not now before the House; they had solely to consider whether the application of that principle should any longer be withheld from the business of banking. It appeared to him that all the complaints that had been urged as to the hardship upon creditors in the event of the failure of a bank of limited liability would have no foundation whatever, if that sufficient warning were given which they knew practically could be given. No doubt it was a great question whether this extension of the principle of limited liability would be of much advantage or not. He confessed he could not help thinking that it would be a very difficult competi-

tion for banks founded on limited liability to contend with those on the principle of unlimited liability. Should it turn out that the latter continued to command the confidence and support of the public, no great danger could result from the application of this principle and the termination of the restriction; but if, on the other hand, the abuses of the principle of unlimited liability, which were flagrant, exercised a very great effect on public opinion, no one could deny that the result of passing this Bill would be to encourage a tendency to prudence and caution among the community at large. Therefore, either way—whatever alternative they took—if the Bill were not productive of any very great effect, they would only be in the same position as they were before—while, if it did produce considerable results, the consequence would be more prudent conduct on the part of the community, and in the general management of banks. Therefore, it seemed to him that there was no sound principle on which they could resist the second reading of the Bill. He agreed with the right hon. Member for Radnor (Sir G. C. Lewis) that the position of the noteholder was a peculiar one, and that some legislative protection should be provided for him. It was a practical objection to the Bill on a former occasion, that this protection was not given, but it was sufficiently provided by this Bill. As the Bill was drawn, however, there was one objection to it: it had a retrospective influence. He did not think that the shareholders of any bank now established on the principle of unlimited liability should have the power, under this Bill, of lessening that which their creditors would suppose to be their principal security. It might be said by those who preferred the security of unlimited liability, that there was no great probability of the change taking place; and on the other hand it might be said that some would prefer such a change. At any rate it was founded in justice that the creditors of any bank now established on the principle of unlimited liability should not, against their own will and consent, find their security changed into one of a limited character. But if that objection were held to be valid, it could be remedied in Committee; and formed no reason for opposing the second reading of the Bill. The Bill appeared to him to be the necessary consequence of that principle in our commercial legislation which had been already sanctioned. He did not think it necessary at present to give any opinion upon the soundness of that great principle; but it had been urged that the principle of limited liability in commerce had not been sufficiently tried. It might be perfectly true that they had not sufficient data before them to draw a sound conclusion as to the excellence of that principle. It might be that they should have ultimately to retrace their steps. But granting all that, and he only assumed it for the sake of argument, there was no reason why they should not apply that principle to banking. Because the experience of mankind at certain times induced them to believe that they had been led into error, there was no reason why they should not retrace their steps in regard to banking as well as to commerce. Therefore, believing that there was no valid reason for opposing the second reading of this Bill, he should give his vote in its favour.

MR. HEADLAM said, that he had already twice in the course of this Session entered upon a statement of the principles of the measure, and it would be quite unnecessary for him to state them again to the House. But he now felt himself in a difficulty precisely the opposite to that in which he had been on former occasions. On the first introduction of this measure, he could find scarcely an hon. Member of the House who was ready to support him in his conclusions, or to assist him in his arguments. But he was now in a directly opposite position. Now speaker after speaker rose and put forth arguments in favour of the Bill in far better language than he could hope to command, and it would therefore be unsuitable in him to repeat them. But he had one remark to make to the hon. and learned Member for Wallingford (Mr. Malins) with respect to banks of issue. He (Mr. Headlam) did not feel so strongly as others the necessity of making any exception in their favour. The hon. and learned Member said that if all the notes issued by those banks had the words "limited liability" impressed upon them, there would be no great objection in extending the privilege to them. But he (Mr. Headlam) did not attach much value to this. But he should certainly say that the plan proposed by the hon. Member for the Wigton Boroughs (Sir W. Dunbar) might be made available for banks of issue, namely, that of providing a fund to meet the liquidation of their notes, which should be applied to no other purpose. That, however, was a matter for the Committee.

The Chancellor of the Exchequer

He had witnessed such grievous and serious evils arising out of the failures of joint-stock banks, that he could not hope by any language of his to convey an idea of them to the House. But great as these evils were, he had always argued this case upon public grounds, as he had seen just as great evils arise from improvident speculation upon the part of shareholders.

Question, "That the word 'now' stand part of the question," put, and *agreed to*:

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *Thursday* next.

CHURCH RATES BILL.

COMMITTEE.

Order for committee read;

House in Committee.

Clause 1.

Sir JOHN TRELAWNY said, that having been the Chairman of the Committee which sat upon church rates he wished to correct one or two misapprehensions which appeared to have been entertained during the course of the former debate. A return had been obtained on this subject by the noble Lord the Member for Stamford (Lord Robert Cecil) upon which some argument had been found, but in which in truth a great fallacy was involved. That return gave the number of parishes where church rates had been objected to within the last twenty years, and, accordingly, all the parishes which had not objected in that time were set down by the noble Lord as consenting to their payment. But the truth was, there were many towns where the battle was fought and won by the anti-church rate men more than twenty years ago, and where no contest had since taken place, because no attempt had since been made to levy the rates. Thus in Manchester there had been no rate levied for the last twenty years, and yet on a recent occasion no less a sum than £6000 was voluntarily subscribed for the repair of the cathedral church; Tavistock, which he represented, was another instance where the church had been repaired in the most satisfactory manner, and was in that respect a model to the whole country. There was an argument often used by hon. Gentlemen opposite, that church rates were not a tax on the person, but on property. In their origin he believed there could be no doubt they were a tax *in personam*, and though custom had at a later period made them a tax on property, yet the decision in the Braintree case restored the rate to its original character of a tax on the person, because that decision established the principle that it required a majority of the parishioners to make a rate. It was another fallacy to suppose that this was a mere Dissenting grievance. The Report of the Committee on the subject showed that many Churchmen complained of it on various grounds, a very common ground being that residents who occupied seats in district churches were obliged to pay to the mother church. It was evident from the papers which had been published on the question that there were others besides Dissenters who suffered from the grievance of church rates. There was great force in an observation which fell from the noble Lord the Member for London on a recent occasion, that they could not have a national church without some national means of supporting it. It was exactly because he (Sir J. Trelawny) wished to see it a national church that he would leave the maintenance of its fabrics to the spontaneous feelings of the people at large. He differed from those who thought that persons who objected to pay church rates should have their names put on the church door, as taking no part in the administration of the rate. If a man was in this way branded as a Dissenter, he would probably dislike the Church ever after. It was admitted by hon. Members opposite that there ought to be some change in the law of church rates. Why, then, did they not legislate with the object of putting the law on a better footing? It was desirable to have all the light possible on this subject, and he would therefore suggest that hon. Members opposite ought to be allowed to bring in their Bills; that they should be read a first time *pro formâ*; and that the discussion on their merits should take place on the second reading.

Mr. GRIFFITH remarked that he was ready to make the hon. Baronet a present of the country towns, as there would be little difficulty in getting voluntary contributions there to support the fabric of the Church; but what would he do with the 10,000 country parishes where no such voluntary means could be had? He could not see what distinction there was between the payment of church rate and tithe; and he must say that if the argument against church rates was good for anything, it would go to the extent of abolishing the whole Church Establishment of the country, because tithes went to support the preaching of doctrines they

could not agree to, while church rates were limited to the repair of the parish church. To be logical in their conclusions he thought the supporters of the Bill ought to ask for an entire separation of Church and State. He was aware, however, that there was a wide difference between the political Dissenter in that House, who made *ad captandum* speeches on this subject, and the honest and respectable Dissenters out of doors. He believed that the latter did not desire to attack the Church Establishment, but that they merely wished to be relieved from a demand which had become obnoxious to them. The House was aware that this was a Bill of so uncompromising a character that no amendment upon the single clause of the measure could be made by the forms of the House. He believed that many hon. Gentlemen opposite had voted for the Bill who would have preferred a compromise, and who supported it with a mental reservation that they would vote for an Amendment. Did any hon. Member suppose that this Bill would become law? It seemed to him that it only walked through the House as a sort of pious formality, that it would go up to another place, and that the time would be lost that had been occupied in its discussion. He believed that the supporters of this Bill would better consult the feelings of their constituents and the interests of the country by agreeing to some reasonable compromise than by persisting in passing a Bill which was so little likely to receive the Royal Assent.

MR. BERESFORD HOPE said, he felt as strongly as any one the impossibility of maintaining the law of church rates in its present condition, but he could not agree in the mode of action suggested by the promoters of this Bill. To sweep away the ancient provision for the parish churches throughout the country without setting up something in its stead, was revolution and not reform. No doubt, if church rates were abolished, voluntary efforts would supply their places in the majority of cases, but in a few cases they could not, and for these few cases some statesmanlike provision ought to be made. A measure which entirely abolished church rates and threw the support of parish churches entirely on some illegitimate source, such as pew-rents, would do more than anything else to create an idea in the minds of the poorer classes, that the church was no longer the church of the poor, but of the opulent middle classes. A gentleman who was stated to be the legal adviser of the great Dissenting bodies, when examined by himself before the Committee of the hon. Baronet, of which he (Mr. Beresford Hope) was a Member, was obliged to allow that very few of the poorer classes found their way into the meeting-houses, which they kept up by pew-rents. He could see no objection to what was called "ticketing" Dissenters. Of course they must consider themselves better than churchmen, and what disgrace could there be in affixing their names to what must be in their opinion a list of honour? But if they objected to it, he saw no reason why the churchmen should not be ticketed and the list affixed at the church door. Thus, instead of a list of Dissenters, there might be one of persons who paid church rates and had a right to attend vestry meetings. An idea had got abroad that the Dissenters would not object to a general payment for the sustentation of the fabric alone; but he would rather give up church rates altogether than adopt such a course; he could not see the difference between supporting the rites of the church and supporting the buildings whose value consisted in their being used for those rites. If they were to have a mere fabric rate, it would be the first step towards the continental system, where the state had taken up the property of all religious denominations, and thus unfortunately kept down liberty of conscience on every side. It ought to be recognized as a rule that those only should pay the rate who used the church; they could not shut their eyes to the existence of the large and influential body of Dissenters who had grown up in the land, and who could not be made to pay the rate, and it was necessary that some compromise should be made; but the question could not be settled by a hurried and fragmentary Bill like this. Let them exempt Dissenters, but let the church have the power of raising funds under the prestige of the old name, let the rate be removed from the cognisance of the temporal court, and be recoverable only *in foro conscientiæ;* and let the church, as a corporation, have power to hold vestries under church officers of its own election, and make a rate on its own members. That would be a proper and an honourable settlement, but the required reform could not be carried out by this Bill, and he therefore hoped it would not be pressed further.

MR. MELLOR said, he was not one of those who represented extreme opinions, or

wished to use the language of menace, as he was quite persuaded that that was not the way to induce the country gentlemen of England to vote for the abolition of church rates. He was, however, induced by his large experience of the practical working of church rates, consequent upon his having taken a part in the Braintree, the Leicester, and the Norwich cases, wherein the law had been fully explored, to caution the House that they could never satisfactorily legislate upon this subject, without in the first instance abolishing the collection of these rates. In short, he had come to the honest conclusion, that no compromise of this question would be satisfactory. It was with that view he gave notice of the Amendment which stood on the paper in his name, and which he hoped would lead to some discussion, if not to some settlement of the question. He was desirous of meeting the wishes of churchmen, so far as he consistently could, and he would therefore willingly give his assistance to propositions for altering the law of mortmain, so as to obtain endowments for repairs, for incorporating churches into diocesan districts, to collect funds, and to let pews, where the letting of pews was proper, and for any improvement in the management of ecclesiastical property which would provide funds for the repairs of churches. But those propositions could be better dealt with when church rates were abolished. He was opposed to limiting the interference of parishioners in the management of parochial affairs, nor could he consent to any proposition which would go to make the distinction between churchmen and Dissenters perpetual. He thought that to relieve Dissenters from contributing to the church service, but to make them pay for the repair of the church fabric, was to make a distinction for which there was no foundation. If hon. Gentlemen opposite were ready to relieve the Dissenters from the one, they ought equally to relieve them from the other. Again, to give up the rate in towns where it had been abolished, and to retain it in the country, was to take a low view of the Church of England. According to the statement of Dr. Guthrie, one of the most eminent ministers of the Free Church of Scotland, £300,000 was contributed by a million of persons belonging chiefly to the poorer classes in Scotland for the support of their religion, and he could not bring himself to believe that the wealthy members of the Church of England would allow the parish churches to fall into decay. It was well known that a great many things were paid out of the church rates besides the repair of the church fabric. Out of the £250,000 collected, it was probable that not more than £135,000 went to the repair of the churches, and was it necessary or desirable to keep up a continual sore and cancer in many parishes of England on account of such a paltry sum? It would be far better to let the law alone than alter by any expedient which should leave such a cause of excitement in the country. They could not do a more dangerous thing than to assert that church rates and other property rested on the same footing. Was that property which could be refused by a majority? It was well known that the repair of the fabric of the church in the time of Edward VI. belonged to the rector, and not to the laity, by common law, although by custom the laity might be bound to repair. Church rates, therefore, had their origin in the voluntary oblations of the people. Although the laity were compelled afterwards to observe, what Lindwood styled "this laudable custom" under the fear of ecclesiastical censures. With the Reformation, however, the reasons which gave validity and sanction to church rates ceased to exist, and under these circumstances there was no great immorality in thinking that the duty of paying them was a very imperfect obligation. He was willing to admit that it was a duty which was incumbent by law, but under the circumstances it was an imperfect obligation, and one which he thought it would be wise and politic on the part of the Legislature to abolish altogether.

MR. GILPIN denied that the Bill was either a hurried or fragmentary one, or that the friends of this Bill allowed that this was a question which admitted of compromise. It was a question of conscience or it was nothing at all. If persons were willing to pay church rates, no compulsory rate was necessary; if they were not willing, a compulsory rate was tyranny, and tyranny of the worst kind. It had been stated during the debates on this Bill that two members of the Society of Friends at Bristol contributed very liberally to the repair of a church there. But how was the Society of Friends dealt with in London? Twenty-six chairs and a table were annually taken from the Friends' meeting house in Houndsditch, as the price of the liberty of worshipping God according to their conscience. It was

not true that the agitation on this question was subsiding. There had been a turn of the tide in its favour so far as the votes of the House (which were a pretty fair index of the feeling out of doors) were concerned. In 1853, there was a majority of forty-eight against church rates abolition, whereas, in the present year, there was a majority of fifty-three in the contrary direction. Application was recently made to distrain on three magistrates at Leicester for church rates, but the chief magistrate of that town, to his great credit, rather than sign distress warrants against them, paid the amount himself. The hon. Gentleman who had just sat down talked of Dissenters objecting to be ticketed, but he (Mr. Gilpin) was a Dissenter, and had no such objection. He believed that those who had any earnestness in their profession need not be afraid of saying what they were. When they were afraid, it was time to change. It was as great an injustice to compel an unwilling Churchman to pay Church Rates as to compel an unwilling Dissenter. On the present occasion he might claim the votes of many hon. Gentlemen on the Ministerial benches, who, he found from the records, had voted for the abolition of church rates on former occasions. The noble Lord the Secretary for the Colonies had expressed very emphatically an opinion against church rates. Some of the best clergymen of the Church of England had stated their opinion to be, that the only mode of settling the question was by abolishing compulsory rates. He (Mr. Gilpin) regarded it as a question, not of expediency and policy, but of justice and right. Dissenters did not wish to deprive the Church of England of the power of levying voluntary rates, and it was a discredit to Churchmen to levy any other than voluntary rates. Nor was this a Dissenters' movement against the Established Church. It was simply a movement against a compulsory mode of supporting religion; and, although many people appeared to think that the objection on the ground of conscience, urged against the payment of the rate, was not sincerely felt, he could state from his own knowledge that some of those annually distrained on for that tax were most liberal contributors to the benevolent institutions of the country. The Premier, to a deputation to him on the question, said, with questionable wisdom, that if the Bill were carried through the House of Commons, church rates would probably become one of those questions that were hung up between that and the other House of Parliament. Those questions he (Mr. Gilpin) trusted would not be multiplied. If the Bill should pass through the House of Commons, he hoped that the other House would consent to a satisfactory settlement of the question. The right hon. Gentleman the Member for the University of Oxford, while alluding to the withdrawal of the Queen's Letter, advised the members of the Church of England to rely for the support of that Church on the faith, love, and zeal of her members, rather than on other sources. The same advice might be beneficially given with respect to Church Rates. The abolition of Church Rates, so far from being prejudicial to the Church of England, would be beneficial to her best and highest interests, and to those interests which they should all value beyond every earthly institution—those of Christianity itself.

MR. CUMMING BRUCE said, that although he was a Scotchman, he believed he had no small interest in the question. He wished, therefore, to ask the hon. Member who had introduced the Bill whether he meant to extend its principle to Scotland. In that country a charge very similar in its character to the church rate, but much larger in amount, was imposed upon the holders of property. He was himself a Dissenter from the Church of Scotland, and yet his property was annually assessed for the building of churches, for the repair of churches, for the erection of manses, for the repair of manses, offices, and garden walls, and for the establishment of school-houses. In a parish in which he was a landowner he had paid in one year for church-building purposes a sum of £1,100, which was more than the amount he had received for his land in the same period. That was a general charge on the landholders of Scotland, and they never thought that any violence was done to their consciences by requiring them to pay a tax to which their property was liable at the time it had come into their possession. On the contrary, they thought that such a refusal would be putting into their own pockets that which did not belong to them. He might give them as an example the whole body of Dissenters in Scotland, who had never hesitated to pay those charges to which they felt they were by law liable.

MR. GARNETT said, that there was no

denying that, as regarded the Church of England, they had arrived at what might be termed a crisis. The question they ought to consider was, what was to be done in lieu of church rates, for he took it that as an impost they were doomed. He believed on his conscience that by their abolition there would be no real loss to the Church of England. It was not a question which regarded Dissenters alone, for he had heard clergymen of the Church of England recognize complaints made by members of the Church itself on the subject of the payment of these rates. He would, therefore, venture to suggest a solution of the problem, which he trusted the House would approve. If the clause passed, he would propose the addition of one enabling the churchwardens to collect voluntary contributions, to be called "Church offerings," to be assessed on the property now liable for church rates. He would propose that the names should be entered and the amount specified; that the churchwardens should take their book round, in order that any one who was willing to do so might contribute to the maintenance of the Church and its services; that any one who declined to pay should have a note to that effect attached to his name, and that for twelve months after he should have no voice in the vestry with regard to any church matter, and that if he should be willing to pay at the end of that period his name should be restored. The right hon. Gentleman the President of the Poor Law Board, in speaking upon the subject at his re-election upon taking office, said:—

"My opinion is, that in a parish where the majority is in favour of a rate, and where the property has been acquired subject to that rate, it is right and fair that the rate should be levied. But in a parish where the majority is against a rate, there, I say, it is a fair and right thing that no rate should be levied."

Now, taking that view of the question, he could not think that the maintenance of church rates was necessary. It was something like saying that the rental of estates should be paid if the majority of the tenants were willing to pay their rent, and certainly property liable to such an incident would not be worth a day's purchase; and, for his own part, he believed that there existed courage, faith, and hope enough among the members of the Church of England to meet any difficulty which might arise from the abolition of the rate.

MR. FOX said, he held it to be a well recognised and sound principle, that no man should be called upon to contribute to the support of a religion in the tenets of which he did not concur. The hon. Member for Elginshire (Mr. Cumming Bruce) had referred to the Dissenters in Scotland as an example worthy of imitation by the Dissenters of England, so far as willingly submitting to those charges which were by law imposed upon them. The hon. Gentleman, however, had overlooked two important differences between the two cases. In the first place, in Scotland, more perhaps than in any other country in the world, the Church establishment, especially including the Free Church, was in unison with the principles, wishes, and feelings of the majority of the people. That was one important difference. Another was, that the claims for church rates were claims which were attached to the land or other property, which was not the case in this country. It had been said that the Church buildings of this country were national property. They were so; but, that being the case, why was a large portion of the nation shut out of them? By the faith and forms of the Church, many Dissenters were as effectually excluded as they would be by placing the police or the military at the doors to prevent them from entering. It should be recollected that the tithes originally were appropriated in a great measure to the sustentation of the clergy. The burden, however, of paying these tithes was subsequently thrown altogether upon the shoulders of the laity, and the greatest discontent prevailed. Means were at length found to get rid of those tithes, so far as to make their imposition more just. So might it be said of this question of church rates. The religious character of the country had considerably changed since these rates were first imposed, and that change of circumstances had now rendered the imposition of them most unjust. It was, therefore, but reasonable that, like tithes, they should be abolished as far as the Dissenters, at all events, were concerned. At the same he would have no objection to the law remaining so far intact as to enable those who received the benefit of the Church services to contribute to the support of the fabric. All he was desirous of seeing was a measure abolishing the impost of church rates as a compulsory assessment generally. Many substitutes in lieu of church rates had been suggested by members of the Church themselves. He would say, let them settle those differences amongst themselves, but let those

who differed from the Church be free from the liability to support it. He certainly, for one objected to being ticketed as belonging to this or that denomination. He might not choose to pledge himself in one year as to the exact faith which he might hold in a subsequent year. Was all the progress of a man's life to be reported and ticketed also? Was the churchwarden's book to keep an account of a man's doubts, inquiries, and changes of religious opinion? Let those who worshipped in the church, however, be taxed for the support of the Church if they liked it; he would heartily assent to that arrangement; and, if the laity and clergy of the Establishment wished to have the power of legally enforcing the rate, as applicable to themselves, and to themselves only, he would not oppose their obtaining it. But to any attempt to fetter opinion or interfere with that freedom of worship which had been claimed for all since the Reformation he must offer a decided resistance.

Lord ROBERT CECIL said, that the Free Church of Scotland stood in the same relation to the Established Church of that country as the various Dissenting bodies did to the Church of England; and if church rates were a grievance to the Dissenters in this country they were a still greater grievance to the Free Church in Scotland. The hon. Gentleman who spoke last said that he had no objection to the Church assessing her own members. Now, the cry of the opponents of church rates had throughout been "Entire abolition, and no compromise;" though whether they would obtain as large a majority for that naked proposition as they obtained in the early part of this year might well be doubted. But when Churchmen were asked to support the fabric by themselves, it was forgotten that the Church was muzzled and fettered—that the organization which every Dissenting body enjoyed had been taken from her. He did not say there were not difficulties in the way of Convocation acting in its present form; but it should be remembered that Parliament had suspended its functions; and now they turned round and told the Church that her sustentation was no business of theirs. Parliament thus prevented her from doing her own work for herself, and yet refused to do it for her. That was an injustice that could not long endure. The present numerical majority of the House, which was composed of a variety of sects, appeared intoxicated with their success, and would listen to no compromise. It would be better to take the opinion of the House of Lords before entering further into this controversy, and if that assembly took the same view as the lower branch of the Legislature of course there would be an end of the question. If, on the other hand, they rejected the proposition, the House of Commons would approach the subject in another Session in a temper much more favourable to a reasonable adjustment.

Sir ARTHUR ELTON said, that the question of giving the Church power to raise a voluntary rate had nothing to do with the question before the House, and he would suggest, therefore, that they should now divide on the first clause, and then discuss the Amendments which he had put on the paper in their proper order.

Mr. COLLINS said, he would admit that the present Bill was an improvement in several important respects upon its predecessors. But it inflicted an injustice on the Established Church in providing no machinery by which her members could supply the wants of their own communion, unhampered by the interference of those who declined to contribute towards her support.

Mr. ALCOCK said, that the patience of the country had been completely exhausted on this subject. Twenty-five years ago it was admitted that of the sum of £550,000 which was then annually levied for church rates, more than one-half was an abuse, and since that time every successive Government, with the single exception, perhaps, of that of the Earl of Derby, had promised to settle this vexed question, and the people of England now knew that they must trust to their own exertions alone if they ever wished to see the required change effected. In 1832 two-thirds of the first Session of the reformed Parliament were occupied by the discussion on Irish tithes and Irish church cess) and the result was, that both of those questions were settled within two years —the Duke of Wellington and the then Bishop of London supporting the change.

Mr. BIGGS said, he had no conscientious feeling with respect to church rates, but he believed that their continuance was utterly inconsistent with good government and with the discharge of the proper duties of the magistracy. In the town he had the honour to represent (Leicester) there were no church rates, for his constituents had abrogated the law for themselves seven years ago. In that town,

however, fifteen years ago, a gentleman named Baines had had a warrant served on him for church rates; he declined to pay those rates, and was cited into the Ecclesiastical Court, and afterwards sent to the county gaol, where he lay for six months, and would have still lain there if it had not been for himself. This was the first time the public had heard of the matter. He and some others had subscribed about £50; the money was sent privately, and no one in the town to this day knew the process by which he was liberated. In 1841 and 1848 he was called on to keep the peace in his town, for when there was a sale of goods seized for church rates, 2,000 or 3,000 people collected, and nobody would bid for the goods. At one time there were many thousands of chartists in the streets, and was he to risk the peace of the town by levying for church rates? What was he to do? Why he gave the magistrate's clerk a blank cheque to use as he liked. It was used in the last extremity. It was like oil poured upon the waters and peace was obtained. He was once upon the bench when there were six magistrates there, four of whom were in favour of church rates. The whole six magistrates were invited to dinner at the same house; and as the warrants for some church rates could not be signed at the bench because the dinner hour had arrived before they were prepared, they were taken down to the gentleman's house where they were dining, and were signed on the very table which might, perhaps, be seized, for the gentleman was a defaulter. Three of his brother magistrates felt that they could not conscientiously pay these rates, and they had been seized on, and for a few shillings half a dozen sheep had been seized, killed, and sacrificed. He looked upon this rate as a civil impost, a civil injustice, though he did not care conscientiously one jot about church rates. At length the churchwardens became ashamed of levying for church rates, and gave a hint that if a voluntary rate were given, they would not levy church rates, and then the very gentlemen who had objected came forward and subscribed, for they, like himself, and others who had travelled over the continent of Europe and America, loved the glorious old fabrics of the village churches of old England, and would not allow them to fall into dust on any account whatever.

Question put,—"That Clause 1 stand part of the Bill."

The Committee *divided*:—Ayes 227; Noes 153: Majority 74.

Clause *agreed to;* as was also Clause 2.

Clause 3, providing that the Act should not extend to Scotland or Ireland.

LORD ROBERT CECIL said he would move the omission of the words "Scotland or." If the principle were true in England that Dissenters should not be called upon to contribute to the support of the Church, he saw no reason why the same exemption should not be extended to the Dissenters in Scotland.

MR. CUMMING BRUCE said, he would oppose the Amendment. The people of Scotland did not desire the proposed exemption. They considered it their duty to support the Established Church as the church of the poor, and did not wish to see its energies crippled.

MR. BLACK said, that although the people of Scotland had no church rates they had what was ten times worse—the annuity tax of Edinburgh and Montrose, and he would support the Amendment as paving the way for getting rid of that grievance.

SIR JOHN TRELAWNY had no objection to extend to the Dissenters of Scotland the same relief which the Bill granted to the Dissenters of England; but he thought it would be necessary to introduce a separate measure for that purpose.

MR. BOUVERIE said, he did not understand the meaning of the clause, because while it said that the Act should not extend to Scotland or Ireland, the first clause provided that no church rate should be made or levied in any parish in England or Wales. He would recommend that the clause should be struck out altogether.

MR. BRIGHT also thought that the clause was unnecessary, and hoped it would be left out.

LORD ROBERT CECIL said, that as the clause was nonsensical any Amendment upon it must be nonsensical too. He, therefore begged to withdraw his Amendment.

MR. PALK said, he had given notice of an Amendment, which he hoped would have conciliated both sides of the House. The object of it was to allow the churchwardens, with consent of the vestry, to raise such sums from time to time as might be required for the maintenance of the fabric of the church, and to charge the same on all property within their parish. He thought such a provision only just towards the members of the Church, but after the division which had taken place, and in the present temper of the House, it was not now his intention to move it, believing

that, as the Bill was tinged with the greatest illiberality, it would be defeated in another place, and that then the House would be more inclined to listen to the voice of justice and reason.

Clause 3 put and *negatived.*

SIR ARTHUR ELTON moved a clause, providing,

"That any church rate made before the passing of this Act, and since the 1st of January, 1838, may be collected and recovered in the same way as if this Act had not been passed."

He said, that unless such a provision were adopted great inconvenience would result. He had also given notice of his intention to move another clause to allow the parishioners to make a voluntary rate, and enacting that those who refused or neglected to pay the same should not be entitled to vote at any vestry summoned for the transaction of church business for the space of eighteen months. He thought that the professed friends of the Church would do well now to make some terms of settlement which would be fair. In most agricultural parishes church rates would be collected much as at present, only they would be the voluntary offering of free hearts instead of a compulsory contribution, collected under the pressure of a distress warrant.

SIR JOHN TRELAWNY expressed his willingness to accept the clause.

MR. GLADSTONE asked why the operation of the clause was limited to rates made after the 1st of January, 1858?

SIR ARTHUR ELTON said, it was necessary to fix some time, and therefore he fixed the first day of the year.

MR. MELLOR suggested that the terms should be before the passing of the Act.

MR. GLADSTONE proposed, that the words "since the 1st of January, 1858," should be omitted.

Words omitted.

Clause, as amended, *agreed to.*

SIR ARTHUR ELTON moved the following additional clause :—

"The churchwardens of every parish in England and Wales shall, some day in the month of in each year, give an account to the parishioners at a vestry meeting of all money they have received, and also of all they have expended in repairs and otherwise, for the use of the Church during the past year; and, the said account having been allowed by the parishioners, the churchwardens shall lay before them an estimate of the cost of repairing the church and churchyard, and conducting public worship for the ensuing year; and it shall be lawful for the said churchwardens and parishioners to make a voluntary rate upon the occupiers of all property now liable to church rates in such parish, for the purpose of defraying the amount of the said estimate. Provided always, that no occupier of such property, who shall have refused or neglected to pay the said voluntary rate, after the same has been duly demanded of him, shall be entitled to vote at any vestry summoned for the transaction of Church business for the space of eighteen months."

SIR JOHN TRELAWNY said, he must oppose the clause on the ground that it would tend to confusion in the law. As far as he understood the evidence of Dr. Lushington before the Committee, the Bill as it stood, would not remove the existing machinery for the repair of churches. Members of the Church might, if they chose, put funds into the hands of the churchwardens, who were bound, so long as money accrued to them, to apply it to the maintenance of the fabric.

SIR WILLIAM HEATHCOTE said, he thought they ought to pay great attention to the hon. Baronet (Sir A. Elton), for no one could doubt his sincere desire to benefit the Church of England. Moreover, now they had won their victory, there seemed to be a greater disposition on the other side of the House than existed before to make a conciliatory arrangement respecting this question. With the speech of the hon. Member for Oldham (Mr. Fox) in his mind, he would suggest to the hon. Baronet (Sir A. Elton) the propriety of withdrawing this clause and substituting for it upon the Report one framed on the principle which the hon. Member said he was ready to support—namely, that there should be the power of raising the rates by a compulsory process, which process, however, should only be applicable to such persons as chose to subject themselves to it. [*Laughter.*] Perhaps he had expressed himself awkwardly, but the principle alluded to by the hon. Member was not at all to be ridiculed, providing, as it did, that the rate should be rendered compulsory in its operation upon persons who entered their names as members of the Church of England. He believed that if this principle were adopted it would be more satisfactory to the hon. Baronet (Sir A. Elton) than even his own suggestion.

SIR ARTHUR ELTON said, he was unable to go along with the hon. Member for Oldham (Mr. Fox) in the point mentioned by him, and could not sanction any proposal to subject one section of the community to a compulsory tax from which all others would be free. As to the objection that the clause would create confusion, Sir William Clay had taken great care in his Bill of 1854 to provide that the action and jurisdiction of the churchwardens should be maintained, and he (Sir

A. Elton) considered that his proposal was a necessary complement of the present measure. His desire was that the churchwardens should remain as they now were —guardians of the fabric of the church, and responsible for the conduct of public worship. He would therefore allow churchwardens and parishioners to meet fairly together in vestry, look over the accounts, calculate what amount would be required for the service of the ensuing year, and make a rate, the payment of which was not compulsory in any court of law, but was left to the option of the parties. Any one who paid this rate should be considered, for vestry purposes, a Churchman ; and if this were enacted he believed that many Dissenters would pay the voluntary rate in order to obtain the privilege of taking part in the proceedings of the vestry.

MR. LABOUCHERE said, he agreed with the hon. Baronet in thinking that if church rates were to cease as a compulsory payment by Dissenters, they should not be extorted from any other section of the community. In the interest of the Church itself he would carefully avoid drawing a line between Churchmen and Dissenters in this particular. At the same time, consistently with that object, it would be a reasonable thing—especially in those country parishes where people would be generally willing to contribute towards the maintenance of the fabric—to provide some local machinery whereby funds could be collected and applied. The point was one which required consideration, but it would be highly desirable to allow the present machinery to stand so that it might be made available throughout the country. He would, therefore, suggest that the hon. Baronet should carefully consider the terms of his clause, and put it into a shape which would not be liable to objection.

MR. HENLEY said, the object which the hon. Baronet the Member for Bath (Sir A. Elton) had in view was one, no doubt, of a very praiseworthy character, and it was extremely natural that having lent his aid to destroy the means by which the fabric of the church was supported he should not be perfectly satisfied with the position in which matters, under those altered circumstances, would stand. The hon. Baronet the Member for Tavistock (Sir J. Trelawny) had in his (Mr. Henley's) opinion very properly contended that the effect of the proposed clause would be to make confusion worse confounded, and he felt assured that if the right hon. Gentleman who had just spoken would take the trouble to read it, he would find that its probable effect would be to defeat the object which its mover had in view. It made no provision for ascertaining beforeh and who would be willing to pay, while it gave to the churchwardens power to levy a rate upon the occupiers of all property now liable to church rates ; that was to say, upon Dissenters as well as Churchmen—thus adopting a course calculated to stir up those angry feelings which everybody must be anxious to see for ever extinguished. Well, let him suppose that the parishioners of a particular parish consisted of half Churchmen and half Dissenters. The churchwardens would call them all together, and perhaps include an architect in the consulting body. It would be agreed, say, that a sum of £100 was required ; but then it would be found that only one-half the parishioners would pay, so that a sum of only £50 would be forthcoming. He could not conceive a clause that would be likely to lead to greater confusion. He should like to see, in proper form, a clause such as the hon. Member for Oldham (Mr. Fox) proposed. One could understand such a clause as that. It would, at least, have the merit of securing that the number of people who put down their names should pay the amounts required of them. There was something feasible in that, but he could not see the advantages of creating an expensive machinery which would bind nobody. He thought the principle of the clause now before the Committee would not work, and having a strong opinion upon the matter he should vote against the clause, for he did not think it would be creditable to the Legislature to send such a specimen of legislation to the country.

MR. CROSSLEY said, he could not understand the generosity of justice. If a thing was just there was no generosity in doing it. He could tell the House that it was perfectly useless to apply to the Legislature to pass an act to enable people to do a voluntary act. There was no occasion for an act if it was not to contain something compulsory. The speech of the hon. Baronet the Member for the University of Oxford (Sir W. Heathcote) showed great ignorance of the voluntary system. There was no use in going to people for a voluntary rate and telling them that their share was so much. He should recommend those hon. Gentlemen who were anxious that the Established Church

should flourish, to pause before they vested in the churchwardens a power to levy a rate which all who did not pay would, as it were, be turned out of the Established Church and made Dissenters.

MR. MELLOR maintained that the clause was inconsistent in terms, and would give no greater power than the law as it stood conferred.

MR. COLLINS said, he had great faith in the voluntary principle, and did not believe that there would be those difficulties in the way of the operation of the clause which the right hon. Gentleman (Mr. Henley) seemed to suppose. The majority of the people in rural parishes were not a very fluctuating body, and it would soon be known what proportion of them were likely to contribute their quota, and who were not. He hoped the hon. Baronet would press his Amendment to a division.

MR. CROSS said, that as a single fact was worth an immense amount of speculation, he might be permitted to state that in the city of Manchester a voluntary rate had been levied, and that the system had worked admirably for a considerable period.

SIR ARTHUR ELTON said, that after the discussion which had taken place he should not press the clause, but would give his best consideration to its provisions with a view, if possible, of reducing it into a more workable shape, and then re-introduce it on the Report.

Clause *withdrawn.*

House resumed.

Bill *reported* as amended, to be considered on *Tuesday* next.

POOR LAW AMENDMENT BILL.

CONSIDERATION.

MR. CROSS proposed to omit the words "or any local Act." The object of the Bill was to remove an anomaly in the existing law by which all occupiers of houses above £6 and under £20, the rates of which were paid by the owners, were not entitled to be placed upon the burgess list, while the occupiers of houses similarly situated, the value of which was under £6 were entitled to vote at municipal elections. The words which he proposed to omit had been objected to, overriding all local Acts without any inquiry into the circumstances of those Acts.

MR. SOTHERON ESTCOURT said, he thought the suggested omission was desirable.

Amendment *agreed to.*

Bill to be read 3° *To-morrow.*

NON-PAROCHIAL REGISTER BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 and 2 *agreed to.*

Clause 3.

MR. WALPOLE said, he proposed to fill up the blank in clause 3 with the sum of £1200 as the salary of the Registrar General. Hitherto the salary of that Gentleman had been £1000 a year, with extra allowances for preparing the census. This method had been found inconvenient; and, in accordance with the recommendation contained in the report of a Committee of the House, it had been determined to propose that the salary should in future be fixed at the amount stated. He believed it had been the intention of the late Government to suggest the change now proposed. The Registrar General had saved the country considerable sums by the manner in which he managed his department, and no one could doubt that he was entitled to the increased salary now proposed.

MR. WILSON approved the increase, but remarked that the subordinate officers of the department would still be remunerated by extra payment for their labours in taking the census.

Clause *agreed to,* as were also the remaining Clauses.

The House resumed.

Bill *reported* as amended, to be considered *To-morrow.*

PROPERTY QUALIFICATION BILL.

COMMITTEE.

Order for Committee read.

Motion made and Question proposed,—"That Mr. Speaker do now leave the Chair."

MR. BENTINCK said, he hoped that the hon. Gentleman would not press his Bill on that night. It was obviously impossible that a Bill of this importance could receive proper consideration and discussion at that hour (five minutes past Twelve). He would not, therefore, go into the question at all, but would simply move that the debate be adjourned.

MR. HORSMAN: If this Bill was one on which there was much difference of opinion in the House it would be only fair to the House that my hon. Friend should listen to the request of the hon. Gentle-

man; but as it was read a second time with the general assent of both sides of the House—the Government assenting to it—the general principle has been assented to. It is a very simple Bill, consisting of only one clause, and there is no sufficient reason why it should be opposed in this stage. I hope, therefore, that we shall not be prevented going into Committee.

MR. PACKE said, that from his speech the right hon. Gentleman must really imagine that this Bill has been well discussed. It is generally the practice for hon. Gentlemen who have the conduct of a Bill to accede to the wishes of any Member who wished to have time to oppose it. This is a question which is likely to lead to discussion, and I hope the hon. Member will give way.

MR. LOCKE KING: I must remind hon. Members that the House has passed the second reading of this Bill, and that what was necessary to be discussed was discussed on the second reading. If the hon. Member for Norfolk (Mr. Bentinck) is inclined to discuss the Bill now, I am sure the House will be ready to hear him.

MR. KNIGHTLEY: In answer to the statement of the right hon. Gentleman the Member for Stroud (Mr. Horsman), I beg to say that the second reading of the Bill was passed, I will not say surreptitiously, but very unexpectedly. I and several other Gentlemen paired off in favour of the Government, supposing that Her Majesty's Administration would oppose the second reading, but we found, to our great astonishment, that my right hon. Friend (Mr. Walpole) rose and with his usual seraphic smile gave in his adhesion to the principle of the Bill. I can only say, that when Her Majesty's Government abandon what we think sound Conservative principles we must oppose them, and as we mean to give all the opposition in our power to this Bill it is much too late an hour to proceed with it.

THE CHANCELLOR OF THE EXCHEQUER: I do not think hon. Gentlemen opposite have any reason to complain of the manner in which this Bill has been received by Gentlemen on this side of the House. It must be admitted that a full and fair discussion should be afforded to every measure. I was not present when the second reading of this Bill was passed, but if I had been I should have agreed with my right hon. Friend in supporting it, believing, as I do, that the time has come when it is desirable that such a measure should be adopted. I do not know what may be the opinion of hon. Gentlemen who paired off, but I must say that is not exactly a Parliamentary phrase to be used in this House. I have heard, however, that the discussion on the second reading took place at as late an hour as this, and hon. Gentlemen, therefore, could hardly have had a fair opportunity of discussing the measure. There may be hon. Gentlemen who entertain different views to those who support the Bill, and they have a right to have a discussion upon it, and as I should be sorry if that right was obtained by means of a division, I think hon. Gentlemen opposite should meet the wishes of those who desire further discussion. Therefore, although I am not opposed to the measure, still I think it so advantageous that there should be a formation of public opinion on such a question by means of ample and free discussion, that I shall support my hon. Friend (Mr. Bentick) in his attempt to obtain it.

Motion made, and Question proposed—"That the Debate be now adjourned."

The House *divided:*—Ayes 81; Noes 156: Majority 75.

Question again proposed.

MR. HUME said, as he was determined to oppose the Bill by every means in his power, he would move that the House do now adjourn.

Motion made, and Question proposed—"That this House do now adjourn."

SIR HENRY WILLOUGHBY said, he hoped the hon. Member for Surrey would not persevere in the face of the opposition which was threatened. He thought time should be given to discuss the measure.

MR. MALINS said, he was in favour of the principle of the Bill, but was averse to going on with it at so late an hour.

MR. E. BOUVERIE remarked, that he had always found that it was in vain to encounter a determined opposition in such circumstances as the present, and, therefore, recommended his hon. Friend the Member for Surrey not to press his Bill that night. There was no doubt of his hon. Friend carrying his Bill, as he had not only a great majority of the House, but Her Majesty's Government also in its favour.

MR. LOCKE KING said, he would not, under the circumstances, press the Bill that night, but postpone it till Tuesday.

Motion, by leave, *withdrawn.*

Debate *adjourned* till *Tuesday* next.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, May 14, 1858.

MINUTES.] PUBLIC BILLS.—1ª Stamp Duty on Drafts.

2ª Manchester Improvement; Manchester Assize Court House; Tay Fisheries; Probates and Letters of Administration Act Amendment; Divorce and Matrimonial Causes Act Amendment.

3ª Law of Property Amendment.

PROBATES AND LETTERS OF ADMINISTRATION ACT AMENDMENT BILL. DIVORCE AND MATRIMONIAL CAUSES ACT AMENDMENT BILL.

SECOND READING.

LORD CRANWORTH moved the second reading of these Bills, which were designed to effect alterations and improvements in the Acts passed last Session.

THE LORD CHANCELLOR said, the Bills involved no general principle, but were entirely confined to matters of detail. He had seen the Judge of the Probate Court, and had with him gone over the clauses of the Bill. It was of much importance that these measures should be introduced, and he therefore concurred in the second reading.

Bills read 2ª, and *committed* to a Committee of the Whole House on *Thursday* next.

EAST INDIA.—LORD ELLENBOROUGH'S DESPATCH.—PULICATION.

THE EARL OF SHAFTESBURY: My Lords, it has been my almost invariable rule to abstain from interfering in any political questions which are brought under your consideration. From that rule I depart on the present occasion with the very greatest reluctance; first, because the observance of that rule is more consistent with my own comfort and capacity; and secondly, because whatever political sympathies I possess have ever been, and still are, with that great party which is represented by Her Majesty's present Government. But the gravity of this subject, the long and deep interest I have felt in the affairs of India, and my conscientious conviction that something must be said or done upon the present occasion have been, I may call God to witness, the object and motives of my now coming forward for the purpose of submitting these Resolutions to the consideration and the decision of your Lordships. I felt too, that on an occasion of this kind it was, perhaps, better that, if any proposition were to be submitted here, it should proceed from some one independent of and unconnected with party,—from some one who never has been, and who, in all probability, never will be, a Cabinet Minister.

My Lords, I regretted very much to hear the other night the noble Earl the late President of the Board of Control express his opinion that the whole of this movement was actuated by personal feeling against a particular individual, that personality now seemed the pervading principle of political contests, and that he considered himself to be the object aimed at both in the general movement and in the specific Resolutions. Now, my Lords—I am not empowered to answer for others—I may state my most conscientious belief that such are not the feelings of any who sit on this (the Opposition) side of the House. For myself, at all events, I can most distinctly say that I have not been, and I believe I shall not be, guided by any personal feeling towards the noble Earl. I have ventured on some occasions to differ from him; but there never has been shown by him towards me or by me towards him the slightest personal animosity. On the present occasion I cannot consider the noble Earl in any degree more culpable than the rest of his colleagues. I cannot consider that what he has written and published has not been equally written and published by them, and I cannot, therefore consider any degree of personal, distinct, and undivided responsibility as belonging to him. I maintain that the responsibility is aggregate, common, and that it extends over the whole of Her Majesty's Ministers. The feeling expressed by the noble Earl, connected with the step he has taken by retirement from office, makes it essentially necessary that some observations should be made on that part of the question. The merits of the question itself are so large and so important that they could not possibly be set aside; but they now acquire additional value from the step taken by the noble Earl and from the construction put upon that step; it being assumed that because he has retired from the Administration, that therefore no responsibility rests with the Administration for that publicity which the noble Earl gave to the despatch; and also because he must consider what will be the consequences of accepting that proposition on the future responsibility of Ministers, and on the future working of the constitution. That question, which was politically important, has, I affirm, become both politically and constitutionally important from a

consideration of the course taken by the noble Earl. Since these Resolutions were laid before the House this event of great importance has occurred, that the noble Earl—an important member of the Administration—has withdrawn from the service of the Crown, stating that he did so with a view of taking the responsibility of a certain act upon himself. We are required to believe that that step taken by the noble Earl makes the whole difference in respect to the responsibility of the Cabinet. I think it makes no difference at all, except that it makes the matter a very great deal worse. Logically and morally the question remains precisely as it was. No doubt that by many minds it may be viewed in different lights, and may be followed by different consequences; but the question, I maintain, remains as it was. You can no more separate the responsibility of the noble Earl from the responsibility of Government than you can separate the identity of the human body, merely because the left or the right arm may be struck off. The body still remains the same, though deprived of one of its members. This is a very important proposition, and the principle in the working of our constitution is so important that at the very outset it must be considered under some preliminary observations. The working of our constitution ever since the Revolution has been by ministerial Cabinets presenting a uniform responsibility. I believe you will find that from 1696 down to the present time it is the uniform principle pervading the whole system of Administrations that the responsibility of the Cabinet is one and undivided. This is most emphatically laid down by various writers, and by no one more emphatically than by Lord Macaulay, who states in his *History* that "in Parliament the Ministers are bound to act as one man on all questions relating to the executive Government." Mr. Hallam gives precisely the same opinion; he says "that the uniform and undivided responsibility of the Cabinet may have this effect, that on some occasions it may shelter a peccant individual from impeachment," but he adds these emphatic words—"the uniform responsibility of the Cabinet must have, and ever will have, a decided influence on the reputation and on the tenure of office by the members of the Administration." It is perfectly clear that this principle must be observed in a Government such as that which exists in this country, where responsibility is required in the Executive. It is perfectly clear that this principle is necessary to compel, as it ought to compel, the First Minister of the Crown to be careful in the selection of those whom he intrusts with the various departments of the administration of affairs. It is necessary to regulate the conduct and diligence of each member of the Administration, who, without interfering in the details of the departments of the other Ministers, would take care and watch that nothing was done by any one Minister calculated in any degree to affect the responsibility of the whole. Moreover, it is required by the people of this country, who are fully resolved to have united councils and united responsibility, and who will not have that responsibility evaded by having it said, when a great difficulty has occurred, that it was not the Cabinet who did the act, but that it was done by this man or that man, who might be held up to public indignation and made a victim for the general escape of the whole body. I remember very well that this doctrine was laid down most emphatically by the late Sir Robert Peel on the occasion when Lord Glenelg, then Chief Secretary for the Colonies, had done something—I forget what it was—but which those who were then in Opposition thought they might make a fitting point of attack. I remember Sir Robert Peel then calling together a number of his friends and laying down the law most precisely. He said that the whole Cabinet must be held responsible for that act—that he never would consent that any one individual Member of the Cabinet should be held distinctly responsible; that he never would allow one man to be selected from the whole body to bear the brunt and responsibility which ought to attach to the whole. He said that he would rather submit to anything than be guilty of what he considered the abominable meanness of selecting one person to bear the responsibity of the whole, when it ought to be borne by all. ["Hear, hear!"] I am exceedingly glad to hear that the noble Earl at the head of the Government assents to that proposition—consequently, I have no doubt he will vote in concurrence with my Resolution, and that there will be presented to the people of this country and of India the happy aspect of an united Legislature. I must, however, say that the conduct of the late President of the Board of Control very strongly confirms the proposition I lay down—namely, the necessity of a deep sense pervading the members of the Cabinet that their respon-

sibility is entire, uniform, and not distinct; for depend upon it, if the noble Earl had been convinced when he wrote and published that despatch that the responsibility he brought on himself would entail responsibility and removal from office upon all the rest of the Cabinet, he would never have given publicity to it without consulting his colleagues. But from a chivalrous and highminded spirit, and from an anxiety to give to the world his opinions on this matter, and believing that he could take on himself the whole responsibility without implicating his colleagues, he performed the act he did, and which he never would have performed if he had been convinced that he would bring down upon the whole Cabinet either dismissal from office or resignation.

So much, my Lords, for the principle, and now let us look to the facts of the case. Is the noble Earl the most culpable, or the only one culpable, with respect to the publication of the despatch? I think that in the House of Commons there is another Member of the Government, whose replies and statement constitute as much a publication of the despatch as anything which the noble Earl did. When the Chancellor of the Exchequer was asked a question—("Order!")—as the noble Peer compels me to resort to a fiction, I will say that in an imaginary place, at no great distance from this House, there were some imaginary functionaries, and one of those imaginary functionaries, whom the noble Peer may be able to embrace in his conception, may be called in terms of mere romance the Chancellor of the Exchequer. This shadowy financial officer, in answer to a question put by another fancied gentleman, said that a certain despatch had been written, and "I think it right to take this opportunity of stating—

Lord DENMAN rose to order. He wished to know whether the noble Earl was quoting from a report, for if so, he was out of order.

The Earl of DERBY: The noble Earl, strictly speaking, is out of order; but I should be sorry to see any impediment put in his way, and I hope the fullest latitude will be given to him on the present occasion.

The Earl of SHAFTESBURY: I deny that I have been guilty of any breach of order, or that it was at all proper or necessary to interrupt me. However, I shall merely say that I believe it was stated by a certain person in "another place" that immediately upon receiving the Proclamation from India the Government took the subject into their consideration, and sent out a despatch disapproving the policy of the Governor General in every sense. Was that a publication or not of the contents of the despatch? It was not, I grant, a publication of the minute and detailed contents of the despatch; but I question whether it was not in some respects more prejudicial than even the despatch itself. The despatch is comprised within certain limits, but the answer of the Chancellor of the Exchequer goes to an almost indefinite extent, and I doubt whether the publication of that answer in India, if unaccompanied by information of a different kind, would not have led to the most serious and the most irreparable consequences. Well, if that be so, it proves that the Chancellor of the Exchequer was as much concerned in the publication of the despatch as the late President of the Board of Control himself, and I cannot understand why, when the resignation of the one was accepted, the surrender of the other was not demanded. They bore one and the same responsibility; and I must say, moreover, that seeing the answer of the Chancellor of the Exchequer was given on Thursday night—seeing that the documents were laid before both Houses on Friday, and seeing that language has since been held here by Ministers of the Crown quite as strong, prejudicial, and disparaging as the terms of the despatch itself, the responsibility, so far from resting with the late President of the Board of Control alone, is fully shared by the whole body of the present Administration.

My Lords, the despatch has now been in your hands for several days. I shall not detain you at any length upon the Proclamation; but it is necessary to make some reference to it with the view of throwing light upon the subject matter of the despatch. A Proclamation appears in the papers presented by Government, which is called an "intended" Proclamation; but a copy has been published in *The Times* of what no doubt was the Proclamation really issued. We find no account of the "intended" Proclamation having appeared; but we do find in *The Times* the Proclamation as, I have no doubt, it was issued, for we are told by the correspondent of that journal that the latter Proclamation had been published at Lucknow. The two Proclamations, with one exception, are identical. The difference is, that the second Proclamation

contains a restraining clause which is not in the first. In both, the following words occur—

"The Governor General further proclaims to the people of Oude that, with the above-mentioned exceptions, the proprietary right in the soil of the province is confiscated to the British Government, which will dispose of that right in such manner as to it may seem fitting.

You will remember that, in a previous part of the Proclamation certain exceptions had been made in favour of those who had remained faithful to the British Government. But in the Proclamation which appeared in *The Times* we find the following restraining clause, which is not inserted in the Proclamation published by the Government—

"To those among them who shall promptly come forward and give to the Chief Commissioner their support in the restoration of peace and order this indulgence will be large, and the Governor General will be ready to view liberally the claims which they may thus acquire to a restitution of their former rights."

That is so important an addition—the late President of the Board of Control has called it a "material modification"—that I have no doubt if the noble Earl had been aware of it the terms of his despatch would have been considerably altered. Observe, however, there is a great difference of opinion as to the proper interpretation of what may be called the enacting, as distinguished from the restraining, clause of the Proclamation. That clause is to the effect that the proprietary right in the soil of the province shall be confiscated to the British Government. One interpretation is that given to the clause by the late President of the Board of Control, who assumes that it means a general confiscation of the whole soil of the province, a disherison in favour of the State of every cultivator, every ryot, every human being possessed of an acre of land in Oude. I do not say that is a wrong interpretation. [*Laughter.*] It seems to me as if the noble Lords opposite could do nothing but laugh. The subject may be a very pleasant one to them; but, notwithstanding their laughter, I shall proceed to the end of what I have to say. If the interpretation given to the enacting clause by the noble Earl had been the true one, I should certainly have gone heartily with him; but there is another interpretation given by persons of the greatest experience, of the most mature judgment, and of the most perfect acquaintance with the affairs of India. It has been stated to me by gentlemen who have resided in India for many years, and among others by one who told me that he had lived for twenty-five years in India, and had himself made no fewer than 2,000 land settlements. This interpretation is that the enacting clause of the Proclamation simply contains an assertion on the part of the Government that they assume the proprietary right hitherto exercised by certain persons called talookdars, zemindars, and others, over the soil of the province and over the vast body of the cultivators and possessors. According to the first interpretation the enacting clause would apply to more than 2,000,000 of men; but according to the second it would not apply to more than about 600; many of whom, moreover, have been guilty of the greatest disloyalty to the Crown of England, and of whose cruelty and brutality the most ample and authentic accounts may be found in the works of Colonel Sleeman. But, whichever may be the correct interpretation, the enacting clause is equally affected by the restraining clause, which virtually says that all who submit themselves to our authority and show that they are prepared to become good subjects shall be treated with the utmost consideration. I am inclined to think, for my own part, that the second interpretation is the true one. In the first place, I find that the expression relative to the confiscation of the proprietary right in the soil of the province is almost the same as that used by the Marquess of Dalhousie in his Proclamation annexing Oude. The language of that Proclamation was as follows—

"If any officer of the durbar—jagcerdar, zemindar, or other person—shall refuse to render such obedience—if he shall withhold the payment of revenue, or shall otherwise dispute or defy the authority of the British Government, he shall be declared a rebel, his person shall be seized, and his jageers or lands confiscated to the State."

It appears, then, that Lord Canning has done no more than carry into effect the terms of that Proclamation, and seeing that as the Marquess of Dalhousie announced that in case of resistance the proprietary right in the soil should be confiscated to the State, so he declared in like manner that all who held out against the Government should forfeit their right in the soil of the province. The Marquess of Dalhousie then proceeded with his restraining clause, which you will see is expressed in almost the same language as that of Lord Canning—

"To those who shall, immediately and quiet submit themselves to the authority of the British Government—whether amils or public officers,

jageerdars, zemindars, or other inhabitants of Oude—full assurance is hereby given of protection, consideration, and favour."

But I think there is some further light thrown upon the purport and object of the Proclamation by the letter of Mr. Edmonstone to the Chief Commissioner of Oude. Mr. Edmonstone says—

"The Governor General has not considered it desirable that this Proclamation should appear until the capital is either actually in our hands or lying at our mercy. He believes that any Proclamation put forth in Oude in a liberal and forgiving spirit would be open to misconstruction, and capable of perversion, if not preceded by a manifestation of our power; and that this would be especially the case at Lucknow, which, although it has recently been the scene of unparalleled heroism and daring, and of one of the most brilliant and successful feats of arms which British India has ever witnessed, is still sedulously represented by the rebels as being beyond our power to take or to hold."

He then goes on to state how very large is the relief about to be given, amounting almost to an amnesty, and says:—

"If an exemption, almost general, from the penalties of death, transportation, and imprisonment, such as is now about to be offered to men who have been in rebellion, had been publicly proclaimed, before a heavy blow had been struck, it is at least as likely that resistance would have been encouraged by the seeming exhibition of weakness as that it would have been disarmed by a generous forbearance."

This seems to me to explain the whole purport of the Proclamation. The Governor-General intended that Proclamation to be a declaration of power. He intended it to say, "Your rights have been confiscated to the State, but come in and profess yourselves loyal subjects, and you shall be dealt with, with the utmost consideration." There is a declaration of power. Asiatics we know will yield to power when they will yield to no other consideration, and without the exhibition of power it is absolutely impossible to carry on the Government of any Asiatic State whatsoever.

But, my Lords, be that so, or be it not, I think you will allow that the contradiction by persons of high authority—that the various interpretations which may be given to this Proclamation would have been sufficient reasons for care, consideration, and caution before rushing with rashness and precipitancy into the composition of the despatch which has been sent out. The noble Earl rushed at once into composition, and from composition to publication, and has thus involved us and the country in the difficulties by which we are now surrounded. Where was the necessity for such haste? Where was the necessity for so speedily issuing such a despatch as that? If you had apprehended that the Governor General was about to proceed with undue severity, what could have been easier than to send out a despatch, saying, "We have received your Proclamation. It is not at present intelligible to us, nor will it be without further information, but we do enjoin upon you mercy, forbearance, and consideration towards those who are now subjected to your arms." That would have accomplished the whole purpose, and would not only have saved the Governor General from the cruel position in which he will be placed by the receipt of this despatch, but would have carried with it the whole of India and the whole of England. I do not believe that there is a single human being in this country (God knows I can answer for myself) who would not have rejoiced if the noble Earl had penned such a passage as that. For my own part, I fully believe that it is not only our best policy, but our most solemn Christian duty, that, this rebellion being put down, and the specific insurgents being duly punished, everything should be done that can be done by the intelligence, power and principles of this country for the moral and physical welfare, both now and for all time of the many millions of people who inhabit that great continent of India. I deeply regret that the noble Earl did not take the course I have mentioned. It would have completely answered every purpose; it would have stayed the hand of the Governor-General if he had been disposed to be too severe, and would have saved us from the dilemma in which we now find ourselves, and it would have combined all parties in the State. But what was the course taken? The course taken was to issue that despatch;—and I wonder whether in the history of this or any other country such a remarkable document was ever before issued for the Government of a great empire! Look at the details of this despatch, I will touch upon only two or three, but they are of such vital importance that I must request your Lordships' attention to them, The first clause of any importance is this:—

"We cannot but express to you our apprehension that this decree, pronouncing the disinherison of a people, will throw difficulties almost insurmountable in the way of the re-establishment of peace."

I will assume, for the sake of argument, that the noble Earl has given the correct

interpretation of the Proclamation,—that its effect was to disinherit a people; and I still maintain that such an opinion as that ought not to have been put into a despatch and promulgated in India. I still maintain that publicity ought not to have been given to such a feeling. I still maintain that the noble Earl might have compassed his ends in other ways, and without holding language which must give to the Natives of Oude the impression that they have been cruelly and brutally treated, that they have been oppressed by the Governor General; but that against the Governor General they may set the Cabinet, the Queen, and the Parliament of this country. But, my Lords, if it were injurious, supposing the noble Earl's to be the correct interpretation of the Proclamation, what must we say if it turns out that that interpretation is completely erroneous; that it is a total mistake; that there is no disinherison of the people whatsoever, and that the true interpretation is that it applies only to talookdars, zemindars, and persons having official rights? "Which will throw difficulties almost insurmountable in the way of the re-establishment of peace." But what will those difficulties be when this despatch is promulgated in India, and spread over the whole of Asia? Why, they will be not "almost" but absolutely insurmountable. Will it be possible for any force or authority to restore peace to the country so long as the people are under the impression that they have been disinherited, that the Governor General is the cause of their loss, and that he is not supported by the Government at home? The despatch then goes on:—

"We are under the impression that the war in Oude has derived much of its popular character from the rigorous manner in which, without regard to what the chief landholders had become accustomed to consider as their rights the summary settlement had, in a large portion of the province, been carried out by your officers."

That would have been all perfectly sound and good if it had been for the private ear of the Governor General. [A noble Lord: So it was.] So it was! Why, my Lords, to-night seems to be a night of fictions, and we are now to go upon the fiction that this was a secret despatch, intended only for the Governor General. ["Hear, hear!"] How is that possible? How can that be a secret despatch, although sent through the Secret Committee, which was sent to the Governor General on the 19th of April, and laid on the table of the House of Commons on the 7th of May. Why, it must have been laid on the table long before the Governor General could have read a line of it; and how, then, can it be considered a secret despatch? I cannot think that it either was, or was intended to be, a secret despatch, and for this reason:—If it had been intended to be a secret despatch, and if the noble Earl (the Earl of Ellenborough) had been as deeply impressed with its importance as his noble colleague the First Minister was, he never would have consented to give it so easily upon the first interrogation. The noble Earl would have pointed out the immense difficulties and perils of the situation; and I am convinced that the House of Commons would not have insisted upon the production of the despatch, if it had been stated by the representative of the President of the Board of Control that it could not be made public without serious injury to the public service. Therefore, from these two facts—the time at which it was written and laid upon the table, and the facility with which it was produced—I must conclude that neither was it in fact, nor was it intended to be, a secret despatch. The despatch then goes on—and this might have been very safe and just in a secret despatch, but becomes serious in a public document—

"The landholders of India are as much attached to the soil occupied by their ancestors, and are as sensitive with respect to their rights in the soil they deem themselves to possess, as the occupiers of land in any country of which we have a knowledge.

"Whatever may be your ultimate and undisclosed intentions, your Proclamation will appear to deprive the great body of the people of all hope upon the subject most dear to them as individuals; while the substitution of our rule, for that of their Native Sovereign, has naturally excited against us whatever they may have of national feeling."

Here is a declaration to go out to all India, addressed to the Governor General, that his conduct has deprived the people of all hope of that which is most dear to them! Is that a thing which ought to be proclaimed to the people of India? Suppose, for the sake of argument, that the scene was transferred to this country, what punishment would be inflicted upon a man who appeared at Charing Cross, and publicly announced that the conduct of the Queen and the Government was such as to deprive every individual in this empire of rights which were most dear to him? It would be reckoned little less than sedition; and, although such a statement might fall harmless in this country, could such language fall harmless among a sensitive, excitable, and suspicious people like the

natives of India? Then there was this passage:—

"We cannot but in justice consider, that those who resist our authority in Oude are under very different circumstances from those who have acted against us in Provinces which have been long under our Government."

I am not prepared to say that I should not accede to that proposition, if it were contained in a secret despatch for the private guidance of the Governor General; but I am prepared to say that I think it a most indiscreet announcement to publish to the people of Oude at a moment when the large majority of them are still in arms, resisting the legitimate authority of the Governor General. And here, my Lords, come what may be considered the point and pith of the whole despatch:—

"We dethroned the King of Oude, and took possession of his kingdom, by virtue of a treaty which had been subsequently modified by another treaty, under which, had it been held to be in force, the course we adopted could not have been lawfully pursued; but we held that it was not in force; although the fact of its not having been ratified in England, as regarded the provision on which we rely for our justification, had not been previously made known to the King of Oude."

Ought not the President of the Board of Control and the Cabinet of which he formed a part—whatever might have been their private opinions some time ago as to the fact itself—to have regarded the annexation of Oude as a *fait accompli?* They might have thought it originally impolitic, and even unjust; but, having once taken place, it was the duty of the Government to conform to the principle of that annexation—it was the duty of the Governor General to proceed upon it as a thing that was passed, and as forming part and parcel of Her Majesty's rule and dominion in India. But, by a despatch at this moment, to rip up the whole of that question—to treat it as a matter to be discussed—to show that it stood on a most insecure and almost fraudulent basis—that it was a thing which, although done, was most shamefully done—that it had not been completed, but perpetrated, is a proceeding so fearful, when it shall be announced to the people of India, that I cannot venture to anticipate what may be its consequences on their minds—whether those consequences be exhibited in the present crisis, or lie smouldering ready to burst forth at some future period. My Lords, it will be impossible to carry on the Government of the country if every succeeding Administration is to unsettle the definitive decisions of its predecessors, and to denounce the policy of those who have gone before. The noble Earl should be the last man to endeavour to retrace the policy and rip up the acts of his predecessors. He should bear in mind that, when Governor General of India himself, he annexed to our empire a considerable dominion—the whole territories of the Ameers of Scinde. He cannot suppose that that was regarded by everybody at home as a just, righteous, and becoming act. I myself was one of those who shared the opinion then entertained by many, that it was most impolitic and even unjust; and my right hon. Friend the late President of the Board of Control (Mr. Vernon Smith) on those grounds voted with me on a Motion which I made in the other House. I did not, however, make that Motion except for the purpose of obtaining an allowance for the Ameers, to save them from poverty. We moved an Address that those Princes should be restored to liberty, without, however, being permitted to approach nearer to their former territory than 150 miles; but we never attempted to reverse a policy which had been deliberately taken; and when Mr. Vernon Smith came into office he never dreamt of seeking to reinstate the dispossessed Sovereigns of Scinde in their ancient rights, but treated Scinde as in all respects part and parcel of the British dominions. But, apart from the pernicious nature of the general principle against which I am contending, what is to be thought of its being embodied in a despatch to the Governor General, and proclaimed at a time of insurrection throughout the length and breadth of Oude? What must be the effect produced on the many discontented and armed men in that country when they have put into their hands such a document, telling them that the annexation of that country was a proceeding so questionable that it cannot be sustained? How, under such circumstances, will it be possible for the Governor General to maintain his precarious authority when it has been re-established, to say nothing of the difficulty he must experience in extending that authority over the districts still in revolt? But how will it operate in respect of the deposed King? He is now in captivity at Calcutta; and for what? He is charged with complicity in certain plots against the British Crown. How is it possible, after this despatch is made known, in which you say that the King of Oude was almost deceived, the treaty on which we relied not having been made

known to him—how is it possible that a Sovereign so dethroned can be held any longer under coercion in Calcutta? But another serious difficulty that arises is this, —In what position does your despatch place the Sovereign of these realms? In the month of December, 1856, there went out from this country a despatch in the name of the Crown ratifying the annexation of Oude. The terms in which that ratification was conveyed were these:

"We cannot conclude this despatch without expressing our high approbation of the wisdom and energy which have distinguished the proceedings of your Government throughout the whole of these momentous transactions, and of the judgment and vigour which have been displayed by your agents."

Now, mark the terms in which in 1858 the Minister of the Crown writes in respect of that same annexation:—

"We dethroned the King of Oude, and took possession of his kingdom, by virtue of a treaty which had been subsequently modified by another treaty, under which, had it been held to be in force, the course we adopted could not have been lawfully pursued; but we held that it was not in force, although the fact of its not having been ratified in England, as regarded the provision on which we rely for our justification, had not been previously made known to the King of Oude."

Governments may shift from time to time, but the Sovereign of these realms is unchanged; and in what an aspect will that Sovereign be held out to the people of Oude by the paragraph which I have last read, denouncing the very act which by the despatch of 1856 she had ratified and confirmed? But this document goes on:—

"Suddenly the people saw their King taken from among them, and our administration substituted for his, which, however bad, was at least Native."

What inflammatory language is this to send forth among the many Princes of India! Of all the fifty provinces under the sway of the Governor General where is there one that at one time had not a Native Government? And when they are told that their former rulers, however bad they might have been, "were at least Native," you are appealing to their strongest feelings, affections, and perhaps tastes, and holding out a direct incentive to them to re-assert their independence. Such is the natural effect of your Proclamation. [A noble EARL here remarked that it was not a Proclamation.] No, but it is tantamount to one, and will be read by ten times as many people. Rely upon it the moment such a missive is promulgated in India, bearing the sanction of the Queen's authority, it will be eagerly circulated in every province, town, and village of that empire. My Lords, make the case your own. Suppose that during the disturbances in Ireland in 1848 the exhortation had been addressed to the Lord Lieutenant, "Deal gently with the disaffected, because you must bear in mind that, though their own ancient Governments were bad, they were at least Native!" Such a proceeding, to my mind, surpasses in rashness any Proclamation that ever was issued. The despatch says:—

"Suddenly the people saw their King taken from amongst them, and our administration substituted for his, which, however bad, was at least Native, and this sudden change of government was immediately followed by a summary settlement of the revenue, which in a very considerable portion of the province deprived the most influential landholders of what they deemed to be their property—of what certainly had given wealth and distinction and power to their families. We must admit, that under the circumstances, the hostilities which have been carried on in Oude have rather the character of legitimate war than that of rebellion, and that the people of Oude should rather be regarded with indulgent consideration than made the objects of a penalty exceeding in extent and in severity almost any which has been recorded in history as inflicted upon a subdued nation."

Is it wise thus to announce to a people actually in arms against you that they are not rebels, however much the Governor General may say to the contrary, but legitimate warriors, fighting for their own country and their own rights? Was it wise to say so if you intend to retain that Province? If you intend to surrender the Province, well and good, then such language might be used; but if you do not intend to do so is it wise to tell persons who are in arms against your authority that they are not rebels, although they have been called so; that they are legitimate warriors and patriots in arms for the defence of their hearths, their country, and their religion? The despatch says, "You are inflicting a penalty exceeding in extent and severity almost any recorded in history." Now, reverting again to what I have said with regard to whether the interpretation of the noble Earl be correct or not, I cannot but say that even if his interpretation be a just one, it is unwise to make such a declaration public at the present crisis. At a time when the Governor General is struggling against every species of difficulty, is he to be met with the declaration that he has inflicted a penalty exceeding in severity

any recorded in history? Even if the interpretation of the noble Earl be right, nothing could, I think, be more wild or more mad than to employ such an expression to an armed and infuriated people. But, suppose that the interpretation of the noble Earl be not correct—and it is just possible that the opinions of gentlemen who have been longer in India than the noble Earl, and who have been more minutely engaged in the details of administration, may be sounder upon the subject than those of the noble Earl—then I say that nothing could be more reprehensible—nothing more mad than such a declaration in a public despatch; for such an assertion is enough to infuriate even a people who were not in arms and not already exasperated against our Government. I must say also that I feel very much the effect which may be produced by such a declaration upon the hearts and feeling—not, of course, upon the conduct—of the officers and soldiers of Her Majesty's service engaged in the war. The troops and officers employed in the war have believed that they were called upon to subdue a rebellious province, to maintain the legitimate rights of the Sovereign, and to re-erect the Queen's standard, which has been ruthlessly cast down. What will their feeling be at being informed that they are only employed to invade the rights of others—to deprive the owners and cultivators of the soil of their possessions? I have no doubt, my Lords, that although their conduct and discipline will remain the same, the hearts of many of those gallant men will be grievously afflicted at the thought of being employed in such a service.

The despatch goes on to say—and be it recollected that the words are an open and avowed rebuke of the Governor General—

"You have acted upon a different principle; you have reserved a few as deserving of especial favour, and have visited with what they will feel to be a most severe punishment, the mass of the inhabitants of the country."

Here, again, arises the possibility of a misinterpretation upon the part of the noble Earl as to the meaning of Lord Canning's Proclamation. But, assuming that the interpretation of the noble Earl be the correct one, I think that the greatest consideration should have been employed before such a declaration was published. It is further stated in the despatch—

"We cannot but think that the precedents from which you have departed will appear to have been conceived in a spirit of wisdom superior to that which appears in the precedent you have made."

Now, my Lords, I think that this is one of the most cruel and most terrible rebukes ever administered to any functionary; and it is the more terrible and the more cruel as having been administered to a functionary holding so remarkable and eminent a station as that of Governor General of India. I can conceive nothing more painful to the mind of Lord Canning, supposing and believing as I do that that Proclamation was issued in a spirit of mercy, and that Lord Canning has throughout been actuated by a spirit of clemency and mercy, by a desire to conciliate, and by the desire of doing nothing which was not actually required by the severest justice. I think that Lord Canning has been acting all along in a spirit of kindness, mercy, and patriotism; and, believing all this, I cannot believe that anything could be more painful or grinding to his heart than the reception of such a document, even if he knew it were to remain for ever in the archives of the East India Company. But when Lord Canning knows that that document has been read throughout England, and will be read throughout India, his feelings must be past any power of description. And yet all this has been in positive ignorance as to the real meaning of the Proclamation. You yourself admit that information is wanting to explain the Proclamation. [The Earl of ELLENBOROUGH made a gesture of dissent]. Well, perhaps the noble Earl is not in want of information, but the great proportion of the community is so; and think the despatch was written in ignorance:—and I do not think that the noble Earl himself is able to decide between the contradictory interpretations of the Proclamation which had been given by the noble Earl and by many learned and experienced men.

My Lords, I now come to what I must consider the grievance of the whole case, and that is—that this despatch was written and published in this country before Lord Canning had any opportunity of making any remarks either upon the Proclamation or upon the despatch. This despatch, containing a severe censure upon the Governor General, was written upon the 10th of April, and published on the 7th of May, so that it appeared before the country without Lord Canning having had the smallest chance of offering any explanation, and thus a most fatal effect was produced upon the reputation of that good man. This despatch, no doubt, also will be translated into ten or twelve Native languages,

and in the course of a very few days after its arrival in India it will be circulated throughout the whole of Her Majesty's Asiatic dominions, and will be the subject of talk in every town, province, and bazaar throughout the empire; and that without a single word of explanation to show the right meaning of the Proclamation. What must be the effect? Why, it will be regarded as a declaration on the part of the Government that the Governor General had been totally deprived of all their confidence, and that his administration is worthless; his powers and energies will be entirely enervated by what will be regarded in India as a declaration that he does not enjoy the confidence of the Queen or of the Parliament of this country. And this, too, at a time when nearly all India is in a state of disturbance! Why, my Lords, to publish such a despatch at such a time was little better than madness. I believe that it may have the effect of encouraging those already in arms against us to a protracted resistance, if even it may not excite others to rebel; for many, seeing the terms in which their rights are spoken of, may think that the time has arrived for them to make a vigorous effort to recover what they are told are their rights. With what consistency can you retain the government of Oude after this despatch? and if you restore it, then you unsettle and disturb every other province in India, and you will be compelled to rule India, not with the sword in the sheath, but with the sword in full exercise. I confess, too, my Lords, that I feel very much the effect which will be produced by this despatch upon the opinions and sentiments of continental nations. It is heart-rending to read the comments in the principal foreign journals—I mean those which exercise a material influence abroad—and to think that my country appear before Europe in so disgraceful a light. Now at last we have discovered the policy whereby your Indian empire has been obtained. With these papers they may exclaim, "Now at last we have discovered the various modes to which you have resorted, and the fraud and violence that have characterized all your operations." Was there ever such a thing known before, as for a Cabinet to draw up such a statement of the policy of this country—to exhibit, as it were, a bill of indictment against the whole policy, by which we obtained possession of the empire of India (for it is nothing less, if you judge by anything set forth in these papers) and the manner in which we have administered it? Did any Government ever before hold up to execration the conduct of all the great and good men by whom that empire was added to the British empire, and among whom are to be found some of the greatest ornaments and supports of the British nation?

But we must also consider—and consider seriously—another very material point—the effect of this despatch upon the Governor General. I do not speak simply of my Lord Canning, although of all the gentlemen that I ever read of, I think he is among the most ill-used and most wronged, not only by the publication of the despatch, but by the sentiments therein recorded. Lord Canning, by his courage, wisdom, and energy, particularly during the latter part of this most arduous war, has, I believe, saved the great Indian empire to the British Crown. I do not here speak of Lord Canning as being materially affected by the remarks that have been made in this despatch, because Lord Canning has the means of vindicating his conduct. The Queen has still honours to give. If Lord Canning should return to this country, we know in what way the British people would express their hearty admiration of the man who has served them faithfully. You say that you do not wish for his recall. Why, then, do you use such language as renders it almost impossible for him to stay in India? But I do hope that Lord Canning will take a large and profound view of the whole matter. I trust he will demur to this despatch, and that he will appeal from Philip drunk to Philip sober—from the Government of the country to the country itself. If he does so, I have no doubt that his decision will be ratified by the almost unanimous approval of the whole people of these realms. But I speak, not of the Governor General himself, but of the office of Governor General. That office cannot be touched in the least degree by rebuke or censure publicly, without losing some of that respect that essentially belongs to it. It was regarded, hitherto, by the people of India, as the absolute and supreme authority—the uncontrolled arbiter of many provinces. Suddenly this despatch—this *verbosa et grandis epistola* is published, and the Natives discover that this mighty fabric of power can be completely subverted by a slight conversation between two gentlemen across the table of the House of Commons. I must say that if you have

reason to find real fault with the Governor General, it is your duty to recall him, but not to degrade the office. If my Lord Canning had been as guilty as Warren Hastings, you ought to have recalled him to this country to answer for high crimes and misdemeanours, and to have sent out some other person to institute a better system, according to your notions of government. But what folly can there be greater than to throw a slur upon this great office, to deprive it of all real importance, to reduce it to the condition of something like a popinjay, the only value of which is its being showy and lofty? You cannot govern India henceforth as you have governed it hitherto. Depend upon it that the state of the Indian mind is vastly different from what it was a few years ago. India has now the advantages of a press. By the circulation of that press, the Natives become speedily acquainted with everything affecting the interests of India. They no longer take things for granted as they used to do. They inquire, form their own judgments, and come to their own conclusions on Indian questions. You cannot now call upon the people of every nation and language in India to fall down and worship the golden image that you have set up. By publishing this despatch, you have left to the Governor General the externals of power, but you have taken away from him the whole essence of power. You must not wonder, if these same people turn round and refuse to reverence that puppet that you yourselves have taught them to insult. Something must be done, and that speedily, to restore the dignity and position of Her Majesty's representative in India. And that which must be done is this—without the least delay there must go out a manifestation to the Governor General and to the people of India, that the conduct of Her Majesty's Government is not sanctioned by the voice of Parliament any more than it is sanctioned by the voice or approbation of a generous and grateful people. The noble Earl concluded by moving:—

1. That it appears from Papers laid upon the Table of this House, that a Despatch has been addressed by the Secret Committee of the Court of Directors to the Governor General of India, disapproving a Proclamation which the Governor General had informed the Court he intended to issue after the fall of Lucknow:

2. That it is known only from intelligence that has reached this country by correspondence published in newspapers, that the intended Proclamation has been issued, and with an important modification, no official account of this Proceeding having yet been received; that this House is therefore still without full information as to the grounds on which Lord Canning has acted, and his answer to the objections made to his intended Proclamation in the Despatch of the Secret Committee cannot be received for several weeks:

3. That under these circumstances this House is unable to form a judgment on the Proclamation issued by Lord Canning, but thinks it right to express its disapprobation of the premature publication by Her Majesty's Ministers of the Despatch addressed to the Governor General, since this public condemnation of his conduct is calculated to weaken the authority of the Governor General of India, and to encourage those who are now in arms against this country.

Motion objected to; and a Question being stated thereupon;

THE EARL OF ELLENBOROUGH: My Lords, I so lately received your Lordships' indulgence when I stated shortly and clearly the circumstances under which I resigned my office, that I think I should trespass most unwarrantably upon your attention if I were, although invited by the noble Earl, now to repeat what I then addressed to your Lordships. I distinctly said that, in common sense, I alone was responsible for the publication of this letter, because I alone knew that it was about to be published. There is not a common jury in the United Kingdom which would not scout as absurd, a charge against any man for an act of which he necessarily knew nothing. The noble Earl has had the goodness to read, for your Lordships' information, a considerable portion of that letter itself, commenting as he went on. I shall not follow the noble Earl through those details. With respect to much of what the noble Earl said I shall only observe this—that all the facts stated are in the blue-books before Parliament, and are as accessible to all the world as anything that is known to the public of this country. All that is not in the blue-book is equally known to the whole people of Oude. This letter states the ground on which I—and I believe all the world came to this conclusion—was of opinion that the war in Oude bears more the character of legitimate war than of rebellion. But I must be allowed to read two passages in the letter which the noble Earl has abstained from reading. They are these—not unimportant:—

"We desire to see British authority in India rest upon the willing obedience of a contented people. There cannot be contentment where there is general confiscation. Government cannot long be maintained by any force in a country where the whole people is rendered hostile by a sense of wrong; and, if it were possible so to maintain it, it would not be a consummation to be desired."

Those are the principles by which I stand. Those are the principles upon which I say the Government of India should be conducted. And I feel, indeed, that the question before your Lordships to-night is one far more important than anything affecting merely the existence of an Administration. It is practically this:—Shall the Government of India be conducted on the principles of justice and clemency, or shall it be conducted on the principles of severity which appear in that Proclamation of Lord Canning? I hoped, when I wrote that letter, that the Proclamation never would be promulgated. I had every reason to believe that the strongest representations had been made to Lord Canning against its promulgation by persons the most entitled to know the effect which it would produce. I was in hopes that these representations would prevail. But this, at any rate, I know—that if that Proclamation were published it was absolutely necessary that immediately there should appear a letter to undo the mischief, to mitigate the danger which must arise from the promulgation of principles of such excessive severity. No one can doubt that the act of Lord Canning is confiscation. Your Lordships have been referred to the restraining clause in the Proclamation. What does that clause set forth? It says that persons who support the Government shall obtain the restitution of their property. Why, that is because the confiscation took the whole of it away. Now, there is the greatest possible difference between the confiscation in Lord Dalhousie's Proclamation and confiscation in that of Lord Canning. The former was prospective; it was denounced against those who should hereafter become rebels. The confiscation in Lord Canning's Proclamation is retrospective, and it strikes a whole people. I have been informed, and I have no doubt of the fact, that, however strong this expression of "the proprietary right" may appear to your Lordships, when it is transferred into the languages of India its strength must be greatly increased by any possible translation. But, my Lords, consider what is confiscation. It has not been known in Europe to this extent for 800 years. The only example of anything resembling it is in the time of William the Conqueror. True, we have had confiscation in Ireland. It is said that large portions of that country have been confiscated three times over. But has the result been peace? Has the result in Ireland been prosperity? Do not all those who have considered the subject trace to confiscation all the disasters which have occurred in that country? In India, however, confiscation is unknown. No Mohamedan conqueror has ever perpetrated that which is perpetrated through Lord Canning's Proclamation. Whatever have been the changes of dynasty, the storm of war has swept over village communities, and the property of individuals from the lowest to the highest has always been respected. The wise conquerors of India changed little but the Ruler—they left everything standing—and on that account it is that they were enabled to establish a permanent Government. The noble Earl has thought fit to allude to what I did in Scinde. My Lords, in Scinde I struck the rulers to the ground because they had been guilty of treachery against the British Crown—because they had attacked the British Resident Minister immediately after the conclusion of a treaty of peace. But I confirmed to every man his property; and that was the secret of our strength in Scinde and of the permanent tranquillity of that country. There has not been one hand raised against the British Government since the battle which destroyed the last of the Ameers who were contending for the sovereignty. In two months that country was subdued; and at the present moment there is not a portion of the British empire in India which is more faithful than Scinde. Why? It is faithful because their property has been respected.

My Lords, we are told that we ought to form no opinion with respect to this Proclamation until we have explanations. I ask, why have we not explanations? Explanations should precede, or at least accompany, a measure of this great importance, and not follow it—if they do follow it at all—at the interval of a month. But what time had Lord Canning to communicate to the Government here respecting the policy he intended to adopt? Lord Canning directed the Commander in Chief, when he retired from Lucknow, to leave a garrison in the Alumbagh. He then, intended, as soon as he could get together a sufficient force, to attack and take Lucknow. Upon that measure he determined entirely on political, not on military grounds: he took upon himself the whole responsibility of that measure. A General, acting on purely military grounds, would first have obtained full possession of his own country—would have cleared Rohil-

cund, have pacified Bareilly, have restored tranquillity to Berar. Lord Canning, on the contrary, overruling all stratagetical considerations, and in search of what civilians call *prestige*, which had nearly been our ruin in the course of the last year, insisted on the concentration of all our forces for the attack on Lucknow. He knew he would have Lucknow. The movement on that place commenced on the 4th of March. Sir Colin Campbell had arrived at Cawnpore, and had completed his victory there three months before that time. Why did not Lord Canning communicate meanwhile to his friends here? Is it possible that he should not have thought over what he should do when he got possession of the place? I say he ought to have communicated his then prevailing intentions, and to have sought the opinion of the Government, so as to act with their approval on such an important measure. But since then a month has elapsed. Why have we not now an explanation? My Lords, there is no explanation. There are some things which cannot be explained. Confiscation is one of these. It is incapable of explanation. It stands in all its naked deformity—the most cruel infliction which can ever be passed upon a country. If there were to be confiscation, however, surely it should have applied only to the guilty. Who ever heard of inflicting a punishment so universal as to strike every man in a country, innocent as well as guilty? My Lords, we have in India now twenty-one regiments of disarmed Sepoys. We have three regiments of Native cavalry and three of Irregular cavalry disarmed—altogether twenty-seven regiments. The position of these disarmed regiments has justly been a subject of the deepest anxiety to the Government of India. It is necessary to keep British troops to watch them. There are 2,000 or 3,000 of them within a night's march of Calcutta, where quite recently a panic was actually occasioned by them. Of these troops one-half are Natives of Oude. They cannot have been engaged in the rebellion. They have been almost maddened by the attacks made on them in the course of the mutiny, and which they have learned from the newspapers. They have been threatened with hanging, with being blown from guns, with transportation; and they are now under a panic, hardly knowing what they are to do. But imagine the position in which they will be placed if they read the Proclamation. What must be their feelings when, while disarmed and incapable of committing any act against the Government, however indignant they might be at the dishonour they had sustained—what must be their feelings, I say, when they find that all their property is at once confiscated, and that they have not a home to go to? More than this—the Mahomedan mosques, the Hindoo temples, all are supported by the land of the country. The Mahomedans and the Hindo conquerors have alike respected the rights to this property. The whole of this, however, is confiscated; the whole means of maintaining both religions are unwisely, rashly taken away. All the provision for objects of charity, for orphans and widows, is swept away. Not one single exception is made, save only in the case of the six individuals mentioned in the Proclamation. Such things, my Lords, are enough to madden every man throughout the country, therefore I thought to myself—"I will write, and at the earliest possible moment after that Proclamation is published, I will send my letter as an antidote, that the people may know they are to be ruled with justice and clemency."

My Lords, consider now what is our actual position. We have taken Lucknow. The hot weather is coming on; when we heard last, the most severe, the most dangerous period of the year had commenced. Are we occupying Oude? We have not a man to occupy any part of the country. The Proclamation is a nullity, except as to the effect produced on the minds of the people. The Commander in Chief has now marched on Bareilly with half of his troops—one brigade is gone to Azimghur, to relieve the detachment under Colonel Milman, which is shut up there; the Ghoorkas are gone home; another brigade remains at Lucknow. Between the right and the left of our position there is an interval of 400 miles; and the centre of that position, Oude, in which we hold only this large garrison—the brigade at Lucknow—has, I firmly believe, been converted into a sea of fire by Lord Canning's Proclamation. Surely it was necessary for me, whose duty it was to do what I could to preserve the tranquillity of India, to repair, if possible, these great evils, and to send out a message of peace and mercy to the people of that country. I am told that in so doing I am weakening the authority of the Governor General. My Lords, my despatch weakens his authority for evil; it strengthens him greatly for all

The Earl of Ellenborough

purposes of good. I trust, when he receives it, he will think it better to part with evil counsellors. I do not believe Lord Canning himself was the author of this Proclamation. It is contrary to what I have ever heard of his conduct and of his feelings. I believe it to have proceeded from other sources. I believe that he has placed himself in dangerous hands—in the hands of men who have learned nothing, and have forgotten nothing—who imagine that after this dreadful convulsion they can re-establish, as it stood, civilian authority in India. This, my Lords, is a great error, and it is of the utmost importance that Lord Canning should feel that justice and clemency, and consideration for the people of India, are the governing principles of those who are at the head of affairs here, and are also the principles which it is absolutely necessary he should adopt. But I am told that this despatch will tend to encourage resistance on the part of the people now in arms against us. My Lords, I should meet such a charge with an indignation I could hardly express did I not feel its utter absurdity. Why, I was the first in this House who warned your Lordships that the danger was coming, who advised you to prepare for it, to place the country under arms, and to be ready to engage in a great and a perilous war. Was it probable, having given you that advice a year ago, that when I became in a measure responsible Minister for the conduct of the war in India, I should do any act which would encourage the resistance of the very men I had to oppose? But consider for a moment what is the position of these armed men in Oude who are under the condemnation of this Proclamation and the measures which it will render necessary. They were men who had been fighting with the rope round their necks. My object was to remove that rope. They were men who had been fighting without hope. I wished to give them hope. The Proclamation left them without homes — without land which would enable them to subsist. I gave them the hope of returning to their homes, to their villages, to all the comforts of their families. That was the object of my letter. Was that to encourage resistance, or to give the only hope of salvation to the people? In a previous letter which was published I distinctly used the word "amnesty." It is my firm belief—and I have heard it of many and from many in India—that there is no hope of ultimate success but by an amnesty. My Lords, the son of a great and noble Friend of mine—the late Duke of Wellington—has had the goodness to put into my hands this evening an unpublished leaf from some additional letters of that noble Duke, in which I find these words, which, although referring to a comparatively unimportant matter, show distinctly the mind with which he regarded subjects of this nature. Speaking on the matter of Noojee Gouru Patul he says:—

"But I acknowledge that unless there is reason to believe that this man is employed in intrigues for Canojee I would rather take no notice of them. I am for the principle of amnesty, as referable to all inferior agents; I have recommended it strongly to the Peshwah's durbar, and I am convinced that if it had been adopted at an early period the critical circumstances of the present moment would not exist. It is the principle upon which we have settled Mysore and the ceded districts, and that upon which we have made our way to this place. Eternal enmity against every petty agent concerned against us or our allies will never answer."

My Lords, that is true wisdom. I followed the noble Duke's advice when I acted as I have told you I acted in Scinde. The result has been the tranquillity of that country. I know, my Lords, from history and from observation, that there is no part of the world in which—perhaps from their rarity—justice and clemency when united with power have so much influence as in India. They have been the really effective weapons of all the great conquerors in the East. It has not been by striking down their enemies in the field, but by wise and prudent provisions for the maintenance of property and of all the ancient rights of the people, that they have established and continued their power. They claimed nothing but to rule; they maintained the people as they found them.

And now, my Lords, allow me very shortly to observe upon the position in which we stand at present. During the last twelve months we have thrown upon India the whole of our disposable force, We have—I will not say run great risk—but we have gone to the utmost possible extent in despatching to India a military force. I have said, not in this House only, but I also took occasion to say in a paper which I published, that it is impossible for us with our present military institutions to furnish a sufficient force for carrying on a lengthened and dangerous war in India. But, there are, my Lords, other dangers which have always been found ultimately more fatal to a State. I allude to the dangers of a financial difficulty. At the pre-

sent moment the expense connected with the British troops we have in India is equal to the expense of the whole Native army we had at the commencement of the mutiny, and your Lordships may be surprised to hear, but it really is the fact, that, notwithstanding the great reduction in the number of the Native troops in Bengal, the additions to the army in the Punjab, to the army of Madras, and to the army of Bombay, have raised the numerical strength of the Native army almost to the level at which it stood when the war commenced. My Lords, how are these expenses to be met? We have this year borrowed very nearly £10,000,000. We have been fortunate in the receipts from some items of the revenue; there was a large balance in the Treasury; and with all these advantages we have for this one year been enabled to go forward; but what have we to expect for the future? Your Lordships know well that there is nothing so delicate or so sensitive as financial credit. I feel absolutely convinced, unless the Government of this country should impose upon the Government of India the principle of clemency as that which is to guide it towards Natives who may be in what is called rebellion against them, that the war will last for a period the end of which I cannot foresee; financial credit must fail if that war should so continue; and I beg your Lordships to bear in mind what would be the position of this country if we were unable to provide, on the security of India, the funds absolutely necessary for carrying on the war. It is with a view to these great questions—the future amount of force required, and the future means of carrying on the war—that I earnestly desire and entreat your Lordships to consider upon what principle we shall act towards the people of India. I am satisfied that in the two passages I read to your Lordships I stated the true principles upon which alone you can proceed; and I feel assured that if your Lordships or the other House of Parliament should by your votes upon the Resolutions now proposed to you and to the House of Commons induce, as you would, the people of India to believe that you approve the policy of the Proclamation, and disapprove the policy announced in the letter, you will occasion in India a war of a social character. You may have succeeded in wars purely political against Princes; but I speak the language of all those who know India best when I tell you that in a social war you must fail, for you will unite all men of all creeds against you. I earnestly adjure your Lordships to avoid that great danger; and when I urge upon you clemency as the rule of the conduct of your government, I only adopt the advice I have myself derived from all the greatest men who before our appearance in India dominated in that country and of all the greatest men who have illustrated our own history.

THE DUKE OF ARGYLL: My Lords, some persons are accustomed to regard this House as a cold and unimpassioned assembly—and so, perhaps, for the most part it is; but those who have been present during the progress of this debate, and who have listened to the discussions which have taken place during the last week, must feel that there are at least some occasions on which the House of Lords can be deeply moved. I know, my Lords, the explanation of this circumstance which is given out of doors. It is said by many, who do not understand the character of this House, that the question before us is one of a personal nature, and that the reason why so deep a feeling has been exhibited with reference to the despatch is because the Governor General of India is a Member of the aristocracy and of this House, and has on both sides of the House many personal friends. I believe, my Lords, that this is not the case; but, on the contrary, I should be disposed to congratulate my noble Friend Lord Canning upon the position in which he now stands. There was a time, a few months ago, when Lord Canning did need support in this House and in the country. Although his character had long been known among public men, yet, from his somewhat retiring habits, I believe his character and capacity were not fully understood by the public out of doors. I, for one, was not surprised to find that during the tremendous convulsion of our Indian empire—when every post brought us accounts of the most horrible atrocities committed against our countrymen—there should have been some doubt and distrust as to the character and capacity of the man who was charged with the government of India. That time has, however, passed, and I would congratulate those who have been—as I had not the honour of being—the early friends and associates of Lord Canning, upon the complete triumph he has gained, and the complete contradiction which has been given to the predictions we formerly heard. I congratulate my noble Friends—some of

whom I see on both sides of the House—that the high qualities which they know Lord Canning to possess in private life and in public council have been applied with success to the administration of our eastern empire; and, although we are not always able to estimate accurately the importance of contemporary events, I will venture to say that nothing the present Government can do can affect in future time the character or reputation of Lord Canning, and that it will be remembered to his immortal honour, that in the midst of the tempest which swept over India he was the first man who raised his voice in favour of justice and mercy. He has, by his wisdom, prudence, resolution, and moderation, left a reputation which nothing can affect; and I will venture to predict that in future times the administration of India by Lord Canning will be remembered when the administration of the English Government by noble Lords opposite will be utterly forgotten.

My Lords, my noble Friend who introduced this subject in an eloquent and exhausting speech has most truly repudiated, on the part of himself and my noble Friends near me, any personal feeling towards the noble Earl the late President of the Board of Control; and I can say with confidence that there is no man who has taken such a prominent part in public affairs, and who has been accustomed to use such strong, I might almost say such violent language sometimes, towards his political opponents—there is no man, I repeat, against whom there is less of personal feeling. We all respect his character and admire his abilities, and I must say that during the time we occupied the Ministerial benches, though that noble Earl employed the most potent batteries against the Government, yet if any one of his late colleagues ventured to attack the Government we were sure to have his voice against them. It has been said also that, although this may not be a personal matter, the present Motion is a party move. Now, I do not in the slightest degree wish to depreciate political organization. I only wish we had more of it at the present moment in both Houses, for then we might have, what otherwise we never shall have, an honest Government—an efficient Opposition. But I believe that the general feeling of this House is a conservative feeling in favour of all existing Governments; but the feeling now, instead of being in favour of the present Government, is against them, because we all feel that in reference to Indian matters and the details of Indian administration the Government we are bound to support is not the Government here, but the Government in India. We all feel that upon the action of the Indian Government the welfare of the Indian empire must depend, and that in the maintenance of its authority, especially in a time of great difficulty, its security and existence are involved. We have been all moved on the present occasion into this degree of comparative excitement, because we are convinced that the Government of India will be materially weakened, not only by the publication, but by the tenor of the despatch itself. The matter is not confined to the question of publication, though with respect to that I am at a loss to understand the explanation which has been given. What are the facts? It was on Thursday last week that the announcement was made in "another place" that this despatch would be produced, and its general character was given. There was, I believe, a Council on the following day; and the Ministers were all fully aware during Thursday night and the whole of Friday that the production of the despatch had been promised. Therefore, if at that time they had foreseen that its publication would be attended with such ruinous consequences or prejudicial effects, to use the expression of the noble Earl opposite, to the Indian empire, why did they not come down to Parliament and explain that a question had been suddenly asked and imprudently answered, but that on consideration they found that the despatch ought not to be produced, and on their responsibility state that its production would be prejudicial? Do you suppose that any one Member of this, or of the other House of Parliament would not have been glad, under the circumstances, to accept that excuse and to allow the Government to withdraw their promise? But, after having had these twenty-four hours to consider the matter, they came down to the House, and having apparently made up their minds at the last moment that certain passages should be left out, they allowed, with that exception, the despatch to be produced. Now, I venture to say that, among the passages produced there are some, which have been quoted by my noble Friend, calculated to have almost as prejudicial an effect as any that have been omitted. The truth is, that the Government thought that the despatch would be popular in this country,

and expected to make political capital out of its publication; and yet they now turn round on their colleague, who is generous enough to sacrifice himself for them by declaring that he is solely responsible for the publication. I maintain that from this narrative of facts it is plain that the whole Cabinet is responsible for the publication of the despatch, at all events in its shorter state, if not to its extent. That responsibility is entire, and cannot be separated. Indeed, you cannot look at the despatch without seeing in every line that it was intended for publication. "Blue-book" is written in every line. If it had been written only for the private eye of the Governor General, and had not been intended to produce an effect in India, do you suppose it would have been written in such sententious paragraphs, and in the form and style in which it is drawn up? Indeed, the colleagues of the noble Earl have confessed that it was written for publication, and was a proclamation to the people of India. I think, however, that the feeling raised in this House has not been raised solely on account of the publication, but also on account of the tone and temper of the despatch. Let your Lordships consider the paragraph quoted by my noble Friend near me. No one would have blamed the Government for expressing a disapprobation of the policy of the Indian Administration, and for sending out orders to change that policy; but if they were determined to change that policy they ought so to manage, that the people of India should receive the change from the local Government and not from an overruling power in England: yet they have taken care to publish to the world that they have overruled the Governor General? In what a position will that leave him! The noble Lord who last spoke, has read two paragraphs from the despatch which he says contain his policy. They are maxims adopted by every man civil, or military—they are mere truisms, which, though couched in very sonorous language, are really very common-place. The noble Earl says that all the statements in the despatch are to be verified by the blue-books; but in reference to a most important paragraph about the annexation of Oude, I venture to say that there is not one statement in that paragraph which is correct. I refer to paragraph 10. The noble Earl, a few nights ago, told another noble Lord that if he came forward to attack the policy of annexation, he ought to state it in the words of Lord Dalhousie. The noble Earl should have taken his own lesson. I must say that for the annexation of Oude, Lord Dalhousie is not alone responsible; the Government of Lord Palmerston cannot separate themselves from him, for they had interfered more than is usual for the home Government. One of the assertions of the 10th paragraph is that the Government of India in India, in annexing Oude, professed to proceed upon the provisions of the treaty of 1801. That is not correct, but is directly opposite to the fact, inasmuch as Lord Dalhousie distinctly declared that a necessarily preliminary step to his proceedings was that the treaty of 1801 should be declared to be at an end. I say, then, that the first assertion of the noble Earl is not correct. The second is that the treaty of 1801, in respect to the right which it gave us to interfere in the affairs of Oude, was modified or limited by the subsequent treaty of 1837. That, also, is not true, for the treaty of 1837 increased our power of interference, and made it more definite. I do not clearly understand the third assertion, but as far as I can make it out it means that the fact of the treaty of 1837 not having been ratified in England was not made known to the King of Oude as regarded the provision which empowered us to interfere with his government. I believe that assertion to be incorrect. The treaty of 1801 bound the King of Oude to govern his territories according to our advice, but it specially provided that the Government should be conducted by his own officers. There was no remedy provided in case of an infraction of the treaty; there was simply a general promise. Lord Dalhousie declared that treaty to be at an end. But the treaty of 1837 went further, for it not only provided that the King of Oude should govern his territories according to our advice, but it empowered us, in case he did not do so, to take the administration into our own hands and to retain it for such time as we might think necessary. That was not limiting, but increasing our power as compared with the treaty of 1801. Upon the non-ratification of the treaty of 1837 I shall only say that, as regarded the only obligation which it imposed upon the King of Oude, the disallowance of the treaty was intimated to him, but, unfortunately, no such intimation was made with respect to the disallowance of the other provisions. The non-ratification left him precisely in the

same position in which he stood before. It made his situation no worse and ours no better. Seeing, then, that the 10th paragraph of the despatch contains an erroneous statement of the whole facts of the case, and involves a charge of treachery and deceit against former Parliaments and former Governments, I submit that the Cabinet as a whole are responsible for the injurious effects which will flow from it both in England and in India. If the despatch is to go forth sanctioned, with respect to substance as well as publication, by the English Government, the most disastrous consequences will arise—I believe, indeed, they have actually arisen—as regards our reputation in foreign countries. The other day I heard a distinguished foreigner say that he had been accustomed abroad, especially in France, to defend our rule in India, but that if the despatch of the 19th of April was to be acknowledged and vindicated by the Government he would not for the future have a word to say in our behalf. I cannot help coupling all these facts with another somewhat ominous reference to the conduct of the present Government. Shortly before they came to office, a noble Lord, for whose character I have the highest respect, expressed in "another place" that opinion relative to the annexation of Oude which we find virtually embodied in the despatch, and even went the length of declaring that he, for one, was prepared to restore Oude to the King. Now, I do say that such statements coming from members of the Government, backed by an official despatch from the Board of Control, place the Governor General, in regard to one of the most important theatres of war, in a very difficult and embarrassing position. I do not wish to detain your Lordships by entering into any discussion upon the annexation of Oude; that is a question upon which, both as regards policy and justice, two different opinions may fairly be held; but I am sure you will all admit that it is now the duty of every English Government to accept the annexation of Oude as *un fait accompli*, and not to raise any discussion upon it, except so far as it may affect the policy to be adopted towards other Native States. Upon that subject I shall not enter on the present occasion; but I do regard it as a most dangerous circumstance that the Government of England should not merely have published, but should have committed the authority of the English Crown to a despatch which uses such discreditable language towards the Governor General of India, and throws by implication such grave charges against the honour and reputation of our country.

My Lords, I cannot but feel that a strong expression of the opinion of Parliament is necessary to reinstate the Governor General in that position of authority from which he has to a certain extent been removed by the conduct of the Government. It is true that great political or party contests are not now decided in this House. The fate of a Cabinet seldom depends upon any vote come to by your Lordships. But the opinion of the House of Lords carries great weight with it both at home and abroad, and I confess I do not think that the mere retirement of the noble Earl from the Board of Control, so long as the sentiments expressed in his despatch receive the sanction of the existing Government, is sufficient to restore to the Government of India that authority of which it has been so recklessly deprived. The present Government have committed a number of the gravest errors which can be charged against any Ministry. There has been a most dangerous attempt to make political capital out of one of the most difficult and delicate questions of Indian administration. There has been a want of due respect to the Governor General, who has ruled your empire during a period of extreme peril with extraordinary ability and success. There has been a violation of those conditions which ought to regulate the relations between the Imperial Government at home and the local Government of India. There has been a still more flagrant violation of the rules which ought to regulate the conduct of every Government, with reference to the acts and proceedings of their predecessors. Lastly, in order to damage the reputation of a former Governor General—the Marquess of Dalhousie—language has been used which casts discredit upon the character of the English Government and indirectly upon the honour of the Crown itself.

THE EARL OF CARNARVON said, he would not follow the example of the noble Duke by questioning the honesty of this or that party, or by characterizing the present Motion as he had characterized the despatch as an attempt to gain political capital, nor would he entangle himself in any discussion upon the annexation of Oude; but he would leave to his noble Friend the late President of the Board of Control the task, if he thought it worth while, of defending his

despatch and the terms in which it was expressed. There were three Resolutions before them, but they raised but one question—they amounted in point of fact to a vote of censure on the Government for the publication of the despatch; but the noble Lords opposite, wisely he thought, had not confined themselves to that charge. During the course of the discussion the objections urged against the Government resolved themselves into three points—the publication of the despatch, the policy of the despatch, and the haste with which it was written and sent out, without waiting for explanations from the Governor General. With respect to the first point, he might recall to the recollection of their Lordships that at a most momentous and critical period, before the proclamation of the war with Russia, the Government of the day produced, without reluctance and without censure, letters and reports of a far more confidential and secret nature than any which the present Administration had laid before Parliament. They did not hesitate to produce the accounts written by Sir Hamilton Seymour of the confidential conversations between him and the late Emperor of Russia, and they would have treated with indignation any attempt which might have been made to impugn their conduct upon that occasion. There might occasionally be a despatch of so peculiar a nature that its contents ought not to be made public; but as a general rule it was a condition of Parliamentary and public life in England that there should be full publication of writings as there was full freedom of debate. It was to the advantage of the country and of public servants themselves that every word that they spoke and every syllable that they wrote should be exposed to full scrutiny and examination. He was therefore somewhat surprised to find the publication of this despatch objected to by those who on most questions loved to represent themselves as the friends and advocates of publicity. Did noble Lords complain of the publication in India, or the publication in England? If of the former, let him remind them that the Governor General could, with a single word, stop the circulation of the letter; and the press in India was at this moment almost silent; if of the latter, he must say that the objection came with an ill grace from those who had always been the advocates of the influence of public opinion, of full freedom of debate, and of complete scrutiny of all public acts.

The Earl of Carnarvon

Both the noble Lords who had addressed the House from the opposite benches had commented at considerable length upon the despatch, but they had sedulously abstained from making a single remark upon another paper which was part and parcel of the same transaction—the Proclamation of the Governor General. The despatch was the correlative and sequel of the Proclamation. Looking at this matter in the calmest manner possible, he must say that he thought that the Government had more reason to complain of the conduct of noble Lords opposite than they had to complain of the Government. There was a vast difference between these papers. The despatch was in its very essence a private document, and was intended to be secret, except in a particular contingency. It was an accident that it ever became public. The mischief, if mischief there was, under ordinary circumstances, was confined to that despatch. The Proclamation, on the contrary, was from its very nature a public document, which must necessarily circulate far and wide the mischief with which it was impregnated. The evil in one case might be greater than in the other. But putting all this aside, and granting that the publication was as criminal as it was said to be, his noble Friend the late President of the Board of Control had admitted that the publication of this despatch was his own act and deed, of which the other members of the Government were not cognizant and to which they were not parties; and the ground was therefore swept from under the feet of noble Lords opposite. The whole point of the complaint was the publication of the despatch. When it was stated, *ex confesso*, that the Government was not liable for that publication, the whole matter resolved itself into a combined attack upon a single individual. That individual had admitted his responsibility; and, therefore, to agree to these Resolutions would be neither, fair, generous, nor just. He had no wish to paint the case against Lord Canning in too strong colours. He was quite ready to believe that when Lord Canning issued the proclamation he intended to mitigate in practice the rigour of its provisions; for the conduct of Lord Canning during the earlier periods of the revolt was not such as to warrant the belief that he was inclined to adopt an intemperate and violent line of action; and the restraining clause in the copy of the Proclamation which had appeared in the newspapers showed that it was Lord Can-

ning's intention not to act up to the letter of the manifesto. But in dealing with this subject the Government had to consider not what was in the breast of Lord Canning, but what was contained in the Proclamation, and what effect it was likely to have upon the people of India and of Oude, and they would judge the Governor General by his published words and his overt declarations. And what would be the interpretation, what alone could be the interpretation which could be put upon this Proclamation by the people of Oude. Let their Lordships remember that those to whom it was addressed were men who for the last six months had been engaged in a desperate and bloody struggle, in which—he was not complaining of that—they had received no quarter or mercy of any kind. They were now bowed down and crushed beneath the force of our arms, and what other construction could they put on this Proclamation, but that it was published with the full determination to carry it out in all its rigour? They would look upon it as the last act in the great drama. It was said that there were in the Proclamation certain exceptions; but in his opinion the presence of those exceptions would render the Proclamation all the more terrible to those not included in them. Had the Proclamation denounced general confiscation without any exceptions, the Natives would have known that some persons who were innocent of all rebellion, or who had remained passive, must in practice be excepted from its operation, and each man would have hoped that he might be one of these. The exception of six persons mentioned from the rigours of the Proclamation, however, would convey to the Native mind an idea of a close weighing and balancing of merits and circumstances, and all the other proprietors would conceive that it was to be rigorously enforced against them. He need hardly dwell upon the effects which would follow such an interpretation, because they had already been described by the noble Earl. At the same time he might remind their Lordships that this Proclamation referred to three classes of persons—those with whom no terms were to be held; those who at great risk to life and property, and in spite of great temptations, had remained true to their allegiance, and who were to be rewarded by being allowed to enjoy what they already possessed; and the remainder of the population, who were subjected to this sweeping confiscation. That population doubtless comprehended two great classes—on the one hand men who had at heart been opposed to and wished to overthrow our rule, but who, as there had been no quarter in battle, would now think that there was to be no pardon after victory — and, on the other hand, the disbanded Sepoy regiments, and a very numerous body of men who, carried away by impulse or by some mistaken sense of loyalty to the Royal family of Oude, or influenced by the contagious example of friends and relations, had, almost before they were aware of it, been swept away by the tide of rebellion, and had unknowingly been committed to this strife with us. Between these two broad classes the Proclamation drew no difference. It threw the whole *onus probandi* on the population; it assumed their guilt, instead of, as would usually be done, assuming their innocence. That Proclamation must either be acted upon wholly, partially, or not at all. If acted upon wholly, it would be monstrous and impolitic; if acted upon in part, where would be the justice of confiscating the property of one man and abstaining from confiscating that of another equally guilty? If it was not meant to be acted upon at all, would not its issue, as a mere threat and *brutum fulmen*, be an undignified proceeding on the part of the Indian Government? As to the allegation that it was unwise to send out the despatch without waiting for an explanation of the Proclamation from the Governor General, the fault did not lie with Her Majesty's Government, but with the right hon. Gentleman the late President of the Board of Control (Mr. Vernon Smith), who, receiving a private letter from Lord Canning referring to the subject, did not think it of sufficient importance to communicate it to the noble Earl who had succeeded him in his office, but did think it of sufficient importance to communicate it to the noble Viscount late at the head of the Government. The Government had been asked why they had been in such a hurry to send out their despatch when they might easily have delayed it. Was it a time to talk of delay when the House was on fire, when the whole country was convulsed, and civil war raged throughout India? To have procrastinated at such a juncture would have been to compliment away the highest interests on a paltry point of official etiquette. He rejoiced that this despatch

had gone forth, to use the words of his noble Friend, "as a message of pardon and peace" to the people of Oude. The noble Duke who had last spoken would remember that, after the rebellions of 1715 and 1745 in Scotland, the Governments of those days, although they disarmed the people and destroyed the power of the chieftains, sedulously respected the rights of property. In Ireland, even under the iron rule of Cromwell, confiscation had never been carried to such a length, and where there had been confiscations, the result was misery and calamity to the people. In England, in Europe, anything like a wholesale confiscation of a country was unprecedented, and hitherto unknown. He hoped their Lordships would not sanction the notion that they were to have one standard of justice for the East and another for the West; that they were to have one law for England and a different one for India. The existence of this or that Government was comparatively a matter of minor importance, but it was of the greatest importance that in laying anew the foundations of our Indian empire, we should decide whether that empire should be based on clemency, mercy, and justice, or on severity, injustice, and the lust of power.

THE DUKE OF SOMERSET said, the noble Earl who had just sat down admitted that the publication of the despatch of the noble Earl was highly injurious.

THE EARL OF CARNARVON: I never said anything of the kind.

THE DUKE OF SOMERSET understood the noble Earl to speak in that sense; but he would fly at higher game than the Under Secretary of the Colonies. The House would recollect what the noble Earl at the head of the Government did when a question was asked as to how the despatch came to be published. At first it was said to be a mistake—that a question was put suddenly in the other House of Parliament, and that the Government were obliged to answer that question. Now, he could not think that the Government were so easily caught as that. He did not believe it was so easy to get a Government to say what they did not like. But now came a different story, and they were told that it was not by accident at all that the despatch was published—that it was the act of the noble Earl the late President of the Board of Control. If that were so, he could only say that if a Cabinet Minister, without consulting his colleagues, determined to send out to India on his own responsibility, at a critical time, a public document in the nature of an anti-proclamation to that of the Governor General, he took upon himself a very serious responsibility. The noble Earl at the head of the Government the other evening defended the late President of the Board of Control with so much spirit—so heartily approved, apparently, of everything he had done—that no one would have supposed he intended to sacrifice his colleague the very next day; but having first thrown over his India Bill, he had next thrown over his Indian Minister with it, and now his decks were clear. He now admitted that, whatever opinion might be entertained of the Proclamation, it was most unwise to publish to the world the severe censure and criticism which had been passed on the Governor General of India. He never knew any one so ready to stand by his Friends as the noble Earl, and so clever in dressing up a case; and when he was obliged to throw his noble Friend overboard, the case must be very bad indeed. They never should have had the admission that the publication of the despatch was inexpedient were it not for the notice of Motion which had been given on this subject. The noble Earl the late President of the Board of Control commenced his despatch by condemning the annexation of Oude in the strongest and distinctest terms. Everything was said by it that could be said on behalf of the Native rulers of Oude, while everything in favour of the Crown of England was wholly omitted. Former Proclamations issued by our Government had charged the Sovereign of Oude and his ancestors with deliberate and systematic violation of treaties; but this despatch gave them credit for having been uniformly faithful to all their engagements. But was it not a part of the treaty that the King of Oude should preserve good order within his dominions? They guaranteed the King of Oude against external aggression; and this being so, were they to permit tyranny and profligacy to run riot within that kingdom? It was not easy to determine the precise moment when the Sovereign authority should interfere, but unless they were to sanction any amount of tyranny, devastation, and profligacy, there must be some period when it would be their duty to interfere, and put an end to such a state of things. He would not on that occasion, however, go into the question as to whether it was right or wrong to annex Oude; but the noble Earl

the late President of the Board of Control ought to have remembered that the annexation had been confirmed by two Governments, and it was therefore, in his opinion, a great error to send out a vague despatch calling that policy into question. On one occasion the noble Earl at the head of the Government had told them that all his sympathies were with the troops, but now they appeared to be all enlisted on behalf of the Natives. ["No, no!"] Well, on a few evenings before the noble Earl rather seemed to sympathize with them, and even spoke of their "loyalty" when he wanted to excite sympathy in their behalf. He certainly had been surprised to hear the arguments which had been used by the noble Earl the late President of the Board of Control, although they would not have astonished him if they had been used by another person and in another place; for, if the Attorney General, who he believed was retained in the case of the King of Oude, had used them before a legal tribunal, no one could have helped admitting that he had made the best of his case. For his own part, he thought that, somehow or another, it was the desire of every Governor General to acquire territory, and nothing could be more dangerous. As regarded the conduct of Lord Canning, a few months ago it was the fashion to say that he wanted spirit and energy, and to upbraid him with showing too great clemency; but Lord Canning, actuated by a sense of right, paid no attention to those upbraidings, and he believed that when all the circumstances connected with this Proclamation were known, it would be found that he had been guided by a spirit of justice, and not by a spirit of vengeance. He believed that, if Her Majesty's Government had sent out a letter to Lord Canning explaining to him their views, and that they wished him to act in a spirit of clemency, it would have answered every purpose. He regretted the course which had been adopted, the more especially as it had been adopted towards a Governor General, who deserved anything but the ungenerous treatment which had been exhibited towards him. It was unworthy of the Government, and he much doubted whether it would have had the sanction of the noble Earl at the head of the Government if he had been made aware of all the circumstances. At present it was impossible, from want of information, to form any opinion as to the wisdom of the Proclamation; in fact, he did not think that any one knew who the six gentlemen were whose names were mentioned in it. He was neither for one party nor the other. Why, to look at the noble Earl at the head of the Government, it was evident there was no pleasure in being in office; and he had no such ambition. As regarded the despatch itself, it contained several truisms, but not very closely connected with each other or with the subject; and he should have expected a better composition from the experience of the noble Earl, whose beautiful Somnauth despatch would be in their Lordships' recollection. The noble Duke then proceeded to read parts of the despatch accompanying the passages with criticisms which were inaudible, but which caused much laughter from the noble Lords who were within hearing.

THE LORD CHANCELLOR: My Lords, we are very much indebted to the noble Duke for enlivening the debate with a little pleasantry, but he must forgive me for saying that I think he has not added very much to our instruction. Any one who had come into this House and listened to our debate with that attention which its very interesting character deserves, would have supposed that my noble Friend who has proposed these Resolutions to your Lordships had called upon you to decide upon the policy of the Proclamation and the propriety of the despatch; and he would be astonished to find that the noble Earl had submitted to your Lordships a point of the very narrowest description, and had called upon you merely to express your disapprobation of a premature publication of a despatch addressed to the Governor General. My Lords, I cannot help observing in the outset upon the peculiar wording of the Resolutions of my noble Friend. He does not condemn, nor does he call upon your Lordships to condemn, the publication altogether; what he complains of is the premature publication of the despatch. So that he appears to consider that a period might arrive when the publication would be desirable. I cannot help thinking that my noble Friend believes there is a possibility of such an explanation being given by Lord Canning of the nature and character of the Proclamation as might render the publication of the despatch desirable. My noble Friend was perfectly justified in presenting these Resolutions to your Lordships, under the impression that the publication of this despatch had been an act of Her Majesty's Government, and that it was liable to cen-

sure; but I should have thought that after the manly and noble declaration of my noble Friend the late President of the Board of Control the other night, in which he assumed to himself any blame which might attach to that publication, and in which he, for the first time, announced to his colleagues the generous sacrifice which he had made of himself, my noble Friend, under one of those generous impulses which characterize him, would instantly have risen to abandon the Motion of which he had given notice. My noble Friend, on the contrary, has endeavoured, under the altered state of circumstances, to justify himself for persevering in his Motion, and has suggested a metaphysical analogy of personal identity, and insisted upon that which nobody ever disputed—the unity and combination of a Cabinet, and its responsibility for all the acts of all its Members. I should appeal from the metaphysics of my noble Friend to common sense, to which my noble Friend the late President of the Board of Control also appealed. With respect to the responsibility of a Cabinet for the acts of each of its Members, I apprehend that responsibility must cease when a particular Member of a Cabinet assumes to himself the blame of any acts, and quits the Cabinet in consequence. ["No, no!"] Some noble Lords seem to intimate some dissent. I should like to know whether the noble Lords on the Opposition benches would like their Governments to be tried upon a different principle—whether they think that any error of an individual Member should attach to the whole of the Cabinet, and that the whole of it should be visited with the punishment of resignation. I cannot think that the principle of responsibility can be pushed to this inconvenient and absurd extent; because to hold that any person who selects the Members of a Cabinet is to be so thoroughly responsible for every act which they may perform, to be so bound up with them, that if they commit an error in any respect he must justify and adopt it, and in consequence resign, it appears to me to be a principle which would be productive of the greatest possible inconvenience to the public, and which could not be carried out without rendering united government impossible.

I pass from this, to approach more nearly to the consideration of the question which is immediately before your Lordships. My Lords, I shall not follow the noble Duke near me into any consideration of the propriety or impropriety of the annexation of the territory of Oude to the British dominion; but there are certain circumstances connected with the population of Oude which appear to me to have a most important bearing upon the consideration of the policy of this Proclamation. Your Lordships are aware that the principal part of the Indian army was recruited from the population of Oude; that they constituted the best part of our Sepoy force; that the greater part of those persons were hereditary landholders in the territory of Oude; that they generally left their wives and children, in their native country when they joined our ranks; that they served us with apparent fidelity, but at the same time with a constant reference to the end of all their labours and all their dangers—namely, when their service was past to return home, and to settle themselves again upon their native soil. Persons who had these local attachments and early associations connected with the soil of their country were likely also to feel an attachment to Native rule, even although it might not have been such as a European might desire; and there was nothing so likely, not merely to shock their feelings, but to irritate their minds, as to transfer the sovereignty of their country from the Native rulers to the British dominion. With these feelings, the act of annexation took place. Their country was forcibly taken away from its rulers, and transferred to British dominion. All their early attachments, all their local associations were rudely invaded, and they were driven into that revolt which has brought so much misery with it and desolated so many of the fairest provinces of India. They fell before the irresistible power of the British arms. They were subdued, and they lay humbled and prostrate before us. The principal question, then was, how we were to deal with a people thus circumstanced—how they were to be treated in a manner consistent with justice, humanity, and policy. Justice, unhappily, required a few terrible examples—a wholesome severity within certain limits. But with regard to the mass of the people, I am not afraid to confess that I think great allowance ought to have been made for men who were driven into revolt by some of the strongest motives which actuate the human breast. I believe that this opinion is shared by every member of the Cabinet. Under these circumstances, a Proclamation was brought to their attention, which Proclamation appeared to them

to violate every principle upon which they thought the Governor General ought to act. That Proclamation was, as my noble Friend the late President of the Board of Control has described it, a Proclamation of wholesale, sweeping, indiscriminate confiscation. It may be easy to criticise the terms of this Proclamation, and to assume that it only applied to a limited extent, or to a limited number of persons. But let any one read the Proclamation, and see if any mistake can be made about it. It declares most distinctly that, with only five or six exceptions, the proprietary right in the soil, not merely of a portion, but of the whole of the province of Oude, is confiscated to the British Government, which will dispose of that right in such a manner as it may see fit. Can anybody doubt that to the person to whom it was addressed this will go forth as a measure of indiscriminate confiscation? Even your Lordships, with all your ingenuity, can put no other certain interpretation upon it than that I have stated; and could those persons have received any other impression than that they lay entirely at the mercy of the British Government—that they were not merely exposed to confiscation, but that the sentence had actually gone forth against them? The restraining clause adverted to by the noble Earl (the Earl of Shaftesbury) shows, as my noble Friend (the late President of the Board of Control) distinctly explained, that the confiscation must have taken place, because it speaks of restitution. What, then, was to be done under these circumstances? Here was a Proclamation violating every principle upon which Her Majesty's Government were disposed to act with regard to the Natives of India. Were they to remain silent? Were they to allow this Proclamation to go forth, and patiently wait for explanations of which they had not the slightest intimation? I quite admit that if at the time the Proclamation was sent over, or shortly afterwards, Lord Canning had intimated that it required an interpreter—that some explanation was necessary, and that he would furnish it at the earliest opportunity—the Government would have been much to blame if they had not waited for such explanation before they sent out the despatch. But no suggestion of this kind being received from any quarter, it seemed necessary to the Government to prevent immediately the mischievous consequences which they believed would result from the issue of such a Proclamation; and, accordingly, the despatch which has been so much criticised, but to which I subscribe in every part, was, on the 26th of April, sent out by my noble Friend. Now, the noble Duke (the Duke of Somerset) is extremely humorous on certain passages of that despatch. I can only assure him, however, that his light opinions on this subject are not shared in by the public. I believe it is the particular part of the despatch which he most severely criticised, which it has been said ought to be written in letters of gold. At the risk of exposing myself to the censure of the noble Duke, I will read those two passages again, and ask your Lordships whether they deserve the character he has affixed to them:—

> "We desire to see British authority in India rest upon the willing obedience of a contented people. There cannot be contentment where there is general confiscation. Government cannot long be maintained by any force in a country where the whole people is rendered hostile by a sense of wrong; and if it were possible so to maintain it, it would not be a consummation to be desired."

These are the sentiments which actuated the Government in the despatch so severely criticised or ridiculed by the noble Duke. But, my Lords, I think a fallacy has run through the whole of the discussion this evening. The Resolutions condemn the publication of this despatch. But my noble Friend (the Earl of Ellenborough) has generously, and in the most manly and straightforward manner, assumed the whole blame of that publication. Surely, then, if the Government are exonerated from the publication, common sense, and fairness, and justice, require that the Government, as a Government, should be exonerated from responsibility. If this is so, then it must be assumed that they did not intend to publish the document, and that it was to be a secret despatch. Yet the whole argument of my noble Friend (the Earl of Shaftesbury) has turned upon the mischief which would arise from its publication in India in weakening the authority of the Governor General; whereas, if it were intended as a secret despatch, it was not open to criticism at all. Of course some of your Lordships, if the duty had devolved upon you, might have written the letter with a great deal more mildness and forbearance. Many who did not feel the danger of this Proclamation so strongly as my noble Friend might have expressed themselves in more guarded language. But my noble Friend felt the necessity of immediate action, and he expressed himself in the manly

and honest manner which characterizes him. I have admitted that the Government would have been to blame if, expecting any explanation from Lord Canning, they had not paused until they had ascertained his real intentions with regard to the Proclamation; and the noble Earl who has proposed this Motion seems to consider that the only fault in the publication is that it was premature. But the whole world was not in ignorance as to the intentions of the Governor General in regard to the explanation he proposed to send. There was one individual, at least, in this country who had received notice of his Lordship's intention to furnish such an explanation, but who most unhappily did not think it part of his duty to communicate it to the Government. My noble Friend the Foreign Secretary made the other evening a graceful acknowledgment of the readiness of the noble Earl near me (the Earl of Clarendon) in communicating any public letters received by him after his retirement from office. My Lords, this is not an Act which calls for gratitude, but it is, I apprehend, the duty of a Minister to present to his successor all the information which he thus receives in connection with his department. The conduct of Mr. Vernon Smith, however, to my noble Friend (his successor at the Board of Control) certainly presents a remarkable contrast to what seems to be the practice in these cases. A noble Marquess not now in his place (the Marquess of Lansdowne) explained to your Lordships the circumstances under which the communication of this important passage in the letter may have escaped the attention of the right hon. Gentleman. Making every sort of allowance, however, for the domestic affairs in which he was engaged, it appears that the right hon. Gentleman actually communicated with Lord Palmerston as to the propriety of transmitting this particular passage to the President of the Board of Control. [Earl GRANVILLE here interposed an observation.] The noble Earl says that the right hon. Gentleman stated nothing of the kind.

EARL GRANVILLE: No! I said that the right hon. Gentleman stated something of the kind.

THE LORD CHANCELLOR: I am quite content with "something of the kind." Just let us see what is the course taken by the right hon. Gentleman. He had a letter which contained these words:—

> "I intend to issue a proclamation to the talookdars and great landowners of Oude, which will reach you by the mail. I did hope to have accompanied it with a full explanatory despatch, but more urgent business has prevented my doing so from hour to hour."

And then, it appears, he consulted Lord Palmerston, or "something of the kind," as to the propriety of communicating this passage to my noble Friend. See, then, the situation in which he places himself. It was not through forgetfulness or inadvertence that he failed to communicate it, but through deliberate purpose and intention. He took counsel on the subject—[Earl GRANVILLE: "No, no."] At any rate the right hon. Gentleman took his own counsel; he consulted himself and he considered it not at all necessary to communicate this passage to his successor in office. Now, I cannot help thinking that even the noble Lords near me must feel that in acting thus the right hon. Gentleman failed in his duty. What, then, was the situation in which my noble Friend was placed? That despatch was not sent to Lord Canning until the 20th of April. The right hon. Gentleman (Mr. Vernon Smith) had received the letter eight days before; he had therefore ample time for bringing it under the notice of my noble Friend; and, no doubt, had my noble Friend heard that any explanation was expected from Lord Canning, he would have withheld his despatch. Who, then, is answerable for the sending out of that despatch? My noble Friend, who objected to the Proclamation, who thought it was dangerous, who had no idea that any explanation of it was to be given, and who therefore sent out his despatch to arrest the progress of the mischief which he anticipated; or the right hon. Gentleman (Mr. Vernon Smith), who might have prevented all the difficulty which has ensued by a timely communication of the important fact that an explanation would be furnished, for such a statement would undoubtedly have prevented the despatch being sent out? What, then, is the situation of your Lordships under these circumstances, when you are called upon to decide, not whether the publication of the despatch is to be disapproved, but whether its premature publication by Her Majesty's Ministers is a matter which you ought to reprobate? Your Lordships have it before you distinctly that Her Majesty's Government were not as a body responsible for such publication. Is it not, then, a most surprising thing that this distinguished as-

sembly should be debating during a whole night a matter which has been conceded by the regret expressed by my noble Friend (the Earl of Ellenborough) that the despatch has been published? Are we not placed in a most extraordinary position by the Resolutions of my noble Friend, which call upon your Lordships to consider whether you will condemn a supposed act of Her Majesty's Government which is now admitted on all hands not to have been an act of that Government? I feel, my Lords, that a most unfortunate course has been adopted in this instance. I had hoped, as I have already said, that after the manly delaration of my noble Friend the late President of the Board of Control, the noble Earl (the Earl of Shaftesbury) would have felt it his duty, not merely to himself but to your Lordships, to abstain from pressing his Resolutions. I believe this discussion is wholly unnecessary, and I think the best mode of meeting the Motion is by moving the Previous Question.

Previous Question moved.

LORD CRANWORTH said, he entertained the highest opinion of the ability and he might add the loyalty of his noble and learned Friend (the Lord Chancellor), but he must say he thought some of the sentiments he had expressed would have come with an ill grace from any of their Lordships, and that they were peculiarly inappropriate, coming from one occupying so high and distinguished a position. His noble and learned Friend had complained that the debate had taken a course which was not in strict conformity with the terms of the Resolutions; but no one had departed more flagrantly from the question actually before the House than his noble and learned Friend himself. He regretted to say—but truth compelled him to do so—that the speech of his noble and learned Friend seemed to be a covert defence of the rebel army of Oude. It was well known that one half of our Sepoy army have been enlisted in Oude, and it was those men whom—whether intentionally or not he could not say—his noble and learned Friend had been justifying. He must be allowed to say that such sentiments came with peculiarly ill-grace from one who filled with so much ability the high and important position occupied by his noble and learned Friend. His noble and learned Friend complained that the Motion was unnecessary, because the only delinquent had made himself a voluntary sacrifice, and the rest of Her Majesty's Government were not responsible for what had been done. He (Lord Cranworth) did not mean to enter into any abstract discussion as to whether cases might not occur in which faults committed by a single member of a Government might be sufficiently atoned for by the sacrifice of such an individual, because he thought it was clear that in this instance the act was not that of the noble Earl (the Earl of Ellenborough) alone, but the act of the whole Government. In establishing that point he must claim the right to allude somewhat in detail to what had taken place in the course of the last three weeks in the other House. He claimed that right because, although he was not in general entitled to refer to debates in the other House, yet if Her Majesty's Government chose to make use of the other House as the place in which the organ of the party announced their policy, he maintained that there was no rule which would prevent him from alluding to what took place there. He would undertake to show that the noble Earl was not the person who was solely, or even, as he thought, mainly responsible for what had been done. On the 23rd of April—the Friday intervening between the 19th of April, when the despatch was written, and the 26th of April, when it was sent off—a number of questions were put to the leader of Her Majesty's Government in the House of Commons on the Motion that the House should adjourn to the following Monday. An hon. Member made some inquiries with reference to the instructions to be sent to Lord Canning in reference to the treatment of the mutineers, and the Chancellor of the Exchequer stated that instructions had already been sent out, or were prepared and were ready to be sent out, to the Governor General, recommending him to act with justice, but at the same time with clemency and moderation. After some discussion had taken place upon other matters his right hon. Friend the late President of the Board of Control (Mr. Vernon Smith) rose and said he could not allow the observations of the Chancellor of the Exchequer to pass without saying that in the instructions sent out to Lord Canning Her Majesty's Government had not directed him to do anything which he would not do without such instructions, for that the noble Lord had been directed to act upon principles of clemency and toleration so far as was consistent with the demands of justice. His right hon. Friend (Mr. Vernon Smith) complained of obser-

vations derogatory to Lord Canning which had been made in the House of Commons, referring, as he (Lord Cranworth) supposed, to something that had fallen from the First Lord of the Admiralty. Upon that the First Lord of the Admiralty said that any condemnation on his part of Lord Canning had been merely hypothetical, and there the matter dropped. Subsequently, however, the Chancellor of the Exchequer stated that, although it was true that such instructions had been sent out to Lord Canning, they implied no censure whatsoever upon the noble Lord. This circumstance proved that the Chancellor of the Exchequer was fully alive to the grave impropriety of allowing Mr. Vernon Smith's suggestion that a censure has been cast upon Lord Canning to go uncontradicted. He felt how improper it would be to state publicly that any such censure had been expressed. On Thursday last, in reply to a question, the Secretary to the Board of Control said the despatch should be produced; and the Chancellor of the Exchequer, knowing what the contents of that despatch were, not only said that it should be produced, but, in reply to a question as to its nature, stated that it was a despatch which disapproved Lord Canning's policy "in every sense." [A noble LORD interposed a remark]. He (Lord Cranworth) only spoke on the authority of the ordinary sources of information. It had been so stated in all the public journals. The right hon. Gentleman thus made himself a party to a statement which rendered the production of the despatch inevitable. But he (Lord Cranworth) was prepared further to express his opinion that the despatch was one which nothing would justify. He would assume, for the sake of argument, that the annexation of Oude was a most disastrous and unjust act, and that Lord Canning's Proclamation was in every respect unjustifiable. But what was the course which the Government should pursue in that case to an officer removed by the distance of half the globe? If they disapproved of his policy but continued him in office they might have sent out a remonstrance to him, written in such a tone that one gentleman might receive from another; or if they thought that he indicated a policy disastrous to the interests of the country, they might have required his recall. But there was one course never open to any Cabinet, acting with any regard to their own honour or to the honour of those who served under them, and that was to send out a despatch couched in words which he disliked to call insulting, though that word was nearest the truth, but which made it difficult for the public officer abroad to decide which he should allow to prevail—his own sense of personal honour, or his sense of public duty. The string of truisms which was sent out was as insulting as the rest—such as "we desire to see the British authority in India rest upon the willing obedience of a contented people;" for the only rational explanation of such a paragraph was that the Government did not think that Lord Canning thought so; and when the despatch said "there cannot be contentment where there is general confiscation," it was as much as an assertion to the effect that Lord Canning was acting in such a way as to create a general discontentment. The noble Earl at the head of the Government said the other night that the despatch merely expressed the anxious hope of the Government that, in carrying into effect the doctrines put forth in the Proclamation, Lord Canning would find it proper to mitigate their severity. If such had been the tone and temper of the despatch it would have been perfectly fair to make such a communication, if they so thought fit, to Lord Canning; but he thought it had been established that the leader at least of the House of Commons was an accessary to the publication of the despatch, and that all the Government adopted the publication the next day—as, indeed, they could not then help doing, for concealment after what had occurred would have been worse than publication. The complicity, therefore, of the whole Cabinet was established in acts which nothing could justify—namely, both in the publication and the writing of the despatch. With respect to the Proclamation he maintained that their Lordships had not before them all the *data* on which to form an opinion, though he did not believe that a correct interpretation had been put upon the Proclamation. It was, however, unfair to Lord Canning to say that it confiscated all the property of the people of Oude. The Proclamation stated that the first care of the Governor General would be to reward those who have been steadfast in their allegiance, and, therefore, he declared that six persons were henceforth the sole hereditary proprietors of the lands which they held when Oude came under British rule. That might not mean that they were to be the only hereditary proprietors, but merely that their tenure was to be absolute or allodial, as contradistinguished

from feudal. The Governor General went on to say that a proportionate measure of reward and honour, according to their deserts, would be conferred upon others in whose favour like claims might be established; and that, with the foregoing exceptions, which included both the classes mentioned, the proprietary right in the soil of the province would be confiscated to the British Government. He firmly believed that this much-abused Proclamation would turn out to be a wise and just and politic proceeding, and that it was what might be termed the suzerainty that was attacked and not the actual possession. These talookdars were a sort of feudal chiefs who held their territories, some by gift from the Crown, but the greater number by usurpation. Each of them kept from 3000 to 4000 armed followers, and wasted the land at their pleasure. It was the right of these men, and these only, that Lord Canning's Proclamation attacked. The noble Earl in his despatch assumed that the property of the great mass of the community was confiscated; but that was an error, all that was stated being that those who resisted the Government should be put down with a strong arm, while those who had remained faithful should have their land, and the rest should be dealt with as justice and policy required.

THE EARL OF DONOUGHMORE expressed his opinion that this was a most unfair and uncalled-for Motion, and notwithstanding all the disclaimers of the other side of the House, he felt it originated entirely in party feeling. He conceived that the noble and learned Lord who last spoke had found what in vulgar language was called a mare's nest, for in referring to what fell from the Chancellor of the Exchequer he had mixed up two despatches, written on two different occasions. The Resolutions now before the House condemned the Government for only one thing, and that was the premature publication of the despatch; but, in the speeches of the noble Lords opposite there was expressed a distinct approval of the Proclamation itself, which announced the policy of confiscation. If noble Lords opposite were of that opinion, why did they not call upon the House distinctly to approve the policy of the Proclamation and condemn that of the despatch? Instead of taking that straightforward course they asked their Lordships to blame the Government for an act of which the late President of the Board of Control had assumed the entire responsibility. He was glad, however, that they had gone into the question of policy, for he admitted that the Government were responsible for the principles laid down in the despatch, and he was ready to defend those principles. As to the interpretation of the Proclamation, any one who understood plain English must come to the conclusion that the confiscation extended to the whole soil of the province of Oude, and was directed against the entire people. That interpretation was borne out by the letter of Mr. Edmonstone to the Chief Commissioner, from which it appeared that some of the rebels who submitted themselves at once were to be disarmed and sent to their homes, but were to be told that their lands could not be restored. It was a significant fact that in those parts of India where the least interference had taken place with the proprietary rights of the people—in Bengal Proper, for example, in Scinde, and in the Punjab—there had been little or no disturbance of the peace. Wholesale confiscation was unknown in modern history. The rebellions in Poland and Hungary were not followed by confiscation of property, nor did those in Scotland entail any such consequence except to a few of the leaders. He believed it was the memory of the confiscations in Ireland which made it so difficult to attach the Irish people to the British Crown. He could not sit down without saying one word with respect to the treatment which the noble Earl (the Earl of Ellenborough) had received from noble Lords opposite. He had been made the subject of all sorts of jibes and sneering observations. Noble Lords seemed to forget who it was of whom they were speaking, and what important services he had performed in India. He would tell them, in 1842 Lord Auckland, who had been appointed Governor General by a Liberal Ministry, left India a prey to danger and disturbance; the bones of our soldiers were whitening in the Koord Cabul Pass; one portion of our army was besieged in Jellalabad, another detachment had been put to the sword at the gates of Ghusnee, and Nott was retiring from Candahar; such was the position of affairs when his noble Friend assumed the Government of our Indian empire. How did he leave it? He avenged the slaughter of our army, replaced and re-established our frontiers, in one short campaign added to our empire one of its most noble and fairest provinces, and left India with peace at home

and security abroad. This was the man whose opinion upon Indian subjects noble Lords opposite had treated with so little respect, but who had shown by his acts how thoroughly he understood our position in India and the policy which we must pursue in order to maintain and preserve it.

EARL GREY: My Lords, the noble Earl who has just sat down commenced his speech by characterizing this as a merely party Motion. I think that, considering the manner in which it was brought forward by my noble Friend near me, and considering the character which he bears in this House and in the country, that accusation might well have been spared. For myself, as a supporter of the Motion, I must disclaim being actuated by any party motives. Since the Whig party was virtually dissolved in the year 1852, I have sedulously kept myself free from all party ties. I was no partisan of the late Administration. I never professed a confidence which I found it impossible to place in them. I disapproved their policy upon many most important subjects, and your Lordships can bear witness that when I did so I did not shrink from plainly stating my opinions. I was glad to support them whenever I could conscientiously do so; but when I thought them wrong, I never in any instance failed to express the opinions which I entertained. When that Administration fell, and was succeeded by that of the noble Earl opposite, I was so far from having any feeling of opposition to the new Government that my earnest desire was that they might be able to conduct the affairs of the country with credit to themselves and with advantage to the public. I believe that frequent changes of Government are attended with great national evils, and therefore it was my earnest desire that they should so conduct affairs that it might be in my power to give them an independent support. These were my feelings with respect to the party generally; and most certainly I was very far indeed from having any hostile feeling towards the noble Earl whose conduct is the subject of this discussion. I differed widely from the views of that noble Earl on some points, and therefore it was natural that I should expect that it would happen to me to disapprove the judgment which he might form upon various matters; but at the same time I admired the noble Earl's talents, I had a high opinion of his knowledge of the affairs of India, and I admired even more than his talent the sincere desire to promote the public advantage and the superiority to all personal and selfish considerations for which I gave him credit. These were my feelings; and, therefore, when I was last week informed of what had taken place in the House of Commons, I felt deep regret, not only from my apprehensions as to what might be the consequences in India of these proceedings, but also because I foresaw, with concern, what must be their effect upon the stability of the Government. I say the effect which I foresaw these disclosures must have upon the stability of the Government, because, from the first moment that I heard of the declaration which had been made in the other House of Parliament, it seemed to me to be absolutely impossible that the matter should be allowed to rest where it was; and that, however inconvenient it might be to risk another change of Government, still greater evils would ensue if the two Houses of Parliament should be content to pass by without notice what had taken place. What I object to, on the part of Her Majesty's Government, is the publication—the premature publication—of this despatch. The noble Earl who has just sat down has asked why do not we raise a larger issue—why have not my noble Friends near me called upon the House to approve the Proclamation or to disapprove the despatch? For this very simple reason—We are not in possession of information which will enable me at least to form any decided judgment on these points. If the Proclamation were to be understood in the sense which the noble Earl has put upon it—if it were indeed the announcement of a general confiscation of the lands of a great mass of the population of Oude, I should say with the noble Earl that a policy like that would deserve serious reprobation; and, if I believed that that was the effect of the Proclamation, my disapprobation of the course pursued by Her Majesty's Government would be, not that they had censured such a Proclamation, but that, in sending out a censure of such a measure, they had not also recalled the Governor General. But, my Lords, after all that has taken place, I totally disbelieve that that is the proper interpretation of the Proclamation. We are told that it is plain English, and that it says as distinctly as possible that it confiscates the proprietary right of these persons; and the noble and learned Lord on the Woolsack, applying, as is very natural to a person of his

great legal knowledge, English notions of landed property to Indian affairs, has, as it appears to me, fallen into a great error. I profess very little acquaintance with India. It is a branch of our policy to which, occupied with other matters, I have hitherto paid comparatively little attention; but I do find that men of the greatest talents and of the greatest experience in Indian matters explain this Proclamation in a very different sense. If I understand them, what they say is, that what we are used to call the proprietary right to the soil rests, in India, universally in the Government, that the Government is the general landowner, and under the Government the land is held by the occupiers and cultivators. Now, it has happened in many parts of India, and particularly, I believe, in Oude, that these proprietary rights of the Government or of the Crown have been partly given to and partly usurped by various persons; and these persons stand towards the cultivators in the position generally occupied by the Crown; they receive from them a sort of rent or tribute, and either pay a small proportion to the Government or retain the whole for themselves. In some cases this right has been given as a reward for past services; in others as a payment for services which have still to be performed; and in many, I believe, it has been usurped. This right is held by a comparatively small number of persons, and in Oude it is said that it has been usurped by men who grossly abuse it, and heavily oppress the great mass of the population; they withdraw from the Government the revenue on which it depends for its existence, and they grind the poor cultivator in the dust. It is this right, held by a few persons, and which upon general considerations of policy it would have been desirable to get rid of, in order to make a more equitable settlement between these middle men, if I may call them so, and the cultivators — it is this right and this right only, with which Lord Canning, according to this view of the subject, proposes to deal. I do not venture to assert that this is the correct view of the measure of Lord Canning, but I do say that it is the view taken of it by some very high Indian authorities, and which seems to derive at least an appearance of being right from the very terms of the Proclamation. The Proclamation speaks of bringing the persons to whom it applies, and who should fail to merit the indulgence of the Government, to reside at Lucknow; and it is utterly impossible to suppose that the class of proprietors to whom this measure is to be applied, can be the great mass of the occupiers of the soil — the removal of so numerous a body to the capital would obviously be impracticable. The paragraph, then, seems clearly to refer to a comparatively small number of persons. But I do not venture to pronounce any opinion on this subject. I await Lord Canning's explanation, which, as the Resolution states, has not yet been received. The late President of the Board of Control has severely censured Lord Canning for not sending that explanation. Now, knowing as we do, how much the Governor General's time has been occupied, and how much he has been oppressed by the toils and anxieties of his position at such a crisis—believing, as all who are competent to judge of Indian affairs have long done, that the Government of India must mainly be carried on in that country, and that it is not the province of the home authorities to interfere constantly and vexatiously with the discretion of their chief representative —I think the Governor General, as long as he is permitted to hold his high and responsible office, is entitled to a generous confidence, and ought to be supported in carrying out the measures which he believes to be best. Until the reverse is proved, the Government are bound to assume that his measures are right. This being so, I say you ought to be in no hurry for an explanation of the grounds on which he has acted. But you have not received from Lord Canning the Proclamation in the form in which it was finally issued; and until that is the case, every man with the most ordinary acquaintance with the mode of transacting official business knows that you have no right to expect a full explanation from him. When I had the honour to hold the seals of the Colonial Office, I often received an intimation from a Governor that he proposed to take such and such measures. These I invariably treated as the mere expression of intentions, still liable to be changed; and I never looked for a full explanation of the views of a colonial Governor until I had been officially informed that the measures, which it was his duty to explain, had been actually adopted. Much has been made of the letter from Lord Canning to Mr. Vernon Smith. I do not deny that this letter ought to have been communicated by that gentleman to his successor, but far more has been made

of this omission than it deserves. There was a merely casual reference to the Proclamation in that letter; and, wholly irrespective of that communication, Her Majesty's Government were bound to expect that when they received the Proclamation as finally issued, it would be accompanied by a complete explanation of the grounds on which it was based. But I do not find fault with the Government for writing, with their then information, a despatch, or even a severe despatch. Far from it. I certainly take a different view from that of the noble Earl of the effect of this Proclamation; but I admit that, with his view of that document, it was not only his right, but his duty, at once, without waiting for an explanation, to write to Lord Canning conveying his opinion of what ought to be done. I think, indeed, that he should have adopted a different tone. I cannot approve the unqualified manner in which he assumed that the Governor General was wrong. The principles of the most ordinary justice, I should have thought, would have led him to treat the matter as one on which more information was required, and might be expected. But, be that as it may, I do not join in condemning the noble Earl for writing a despatch, even in the tone which he thought proper. The latter part of the despatch I think perfectly right and proper. He does not direct Lord Canning to recall his Proclamation, but tells him to act upon it in a certain spirit—a spirit which I entirely approve, and one perfectly consistent, I believe, with the Governor General's own feelings. But that which I disapprove, and which I think this House is bound to disapprove, unless it wishes to see the greatest mischief attend the future government of India, is that the noble Earl should unhappily have deemed it consistent with his duty to lay that despatch before Parliament. It is in my mind impossible to exaggerate the evils that must result from that proceeding. But my noble Friend (the Earl of Shaftesbury) has already dealt with this point in a manner which leaves nothing to be added by me. There is only one point further. When I say I do not condemn the writing the despatch, there is one part of the despatch which ought never to have been written. I allude to the passage relating to the annexation of Oude. I do not pretend to have studied with sufficient care the difficult question of the annexation of Oude; but I am bound to confess that, as far as I am able to form an opinion from what I know, the leaning of my judgment is unfavourable to the policy of that measure. But be that policy right or wrong, I concur with my noble Friend in saying that it was a dereliction of duty on the part of the Ministers of the Crown, with the high authority they possess, to brand in the face of Europe and of Asia the previous Government of their Royal Mistress with the stain of treachery and injustice. Anxious as I am for the honour of the country, I say the language in which that despatch is couched with regard to the annexation of Oude is utterly unjustifiable even were the facts as they are stated. I am persuaded, though the policy of that step may not, on the whole, have been such as I can approve, that the terms of censure applied to it in this document are as undeserved as, even if they had been deserved, they would have been unfitting as proceeding from the present Ministers of the Crown. The publication of this despatch, before they received the explanation of Lord Canning was, then, the main fault committed by Her Majesty's Government. And it is a fault of which Parliament is bound to take serious notice. Look at the effect likely to be produced both in India and in Europe if we allow it to go forth that this despatch is published by Her Majesty's Government with the approval—or rather without the marked disapproval—of the British Parliament. The noble and learned Lord on the woolsack tells us that we ought not to express our disapprobation of the premature publication "by Her Majesty's Ministers." He says it is admitted that it was not published by "Her Majesty's Ministers," and that, after the chivalrous and self-devoted declaration of the noble Earl opposite, we have no right to fix the responsibility for this upon the whole Government. Now, my noble Friend who made the Motion has explained, in a manner which admits of no reply, the absolute necessity of treating Cabinets as a whole. They must be jointly responsible for the acts of the entire Government. If the contrary principle is once established, it is impossible to say what evil might result. We should have divided Governments, Ministers intriguing against each other, and all those mischiefs known to have existed in old times. There would be an end to everything like firm and settled Governments in the country. The noble and learned Lord then went on to appeal from what he called the metaphysics of my noble Friend

Earl Grey

to common sense, which pointed out that a Government could not be held responsible for the acts of a single colleague done without their knowlepge. Well, my Lords, I agree with the principle that a Government cannot be held responsible for the acts of a colleague of which they are unaware and of which they disapprove; but at the same time that rule is liable to this qualification, that if a Government do not mean to be responsible for the acts of a colleague, of which they were unaware, they must disavow those acts at the very first opportunity which offers itself, after they become acquainted with them. Their disapprobation must be signified to their colleague, not after the matter has become the subject of a Parliamentary discussion, but before; and I say that, after what passed in Parliament upon Thursday and Friday last, I cannot admit that the principle laid down by the noble and learned Lord is applicable to the present case. I say that by what took place then, the Government adopted the act of their colleague, and made themselves responsible for it. I go further still, my Lords, and I say that to draw any distinction between the noble Earl the late President of the Board of Control, and the right hon. Gentleman the leader of the Government in the other House of Parliament is absolutely impossible. The hon. Gentleman the Secretary to the Board of Control (Mr. H. Baillie) merely said that the despatch should be produced; and if the matter had ended there, no great mischief would have been done, for upon reconsideration by the Cabinet, it might have been determined that the promise was a rash one, and an appeal might have been made to Parliament not to press for its production, on the ground of its being injurious to the public service. That appeal would, I have no doubt, been acceded to, and no mischief would have occurred. Such an appeal, however, was rendered absolutely impossible by the Chancellor of the Exchequer, who expressed his disapproval of the Proclamation of Lord Canning in terms so strong that the production of the despatch from that moment became a matter of necessity. The mischief was done by the declaration of the Chancellor of the Exchequer, for after it was made it became inevitable that the friends of Lord Canning would require to know in what terms the censure was conveyed to him. It appears to me, for these reasons, that your Lordships ought to adopt the Resolutions of my noble Friend, and I, for one, shall give them my cordial support. I am more surprised, my Lords, than I can say at the manner in which these Resolutions have been met. I believe that in our Parliamentary history this is the first occasion upon which a Government has met a vote of censure by the Previous Question. In some cases it has been met by a direct negative, and in old times the method of meeting a vote of censure was by an Amendment converting the vote into one of approval; but I believe that there is no one instance in which a Government has been satisfied with the Previous Question. Nay, more, I may remind your Lordships that on different occasions the Previous Question has been moved by independent Members who were unwilling to agree to a direct vote of censure, but who have thought that the Government had rendered itself open to an indirect censure; and, indeed, the Previous Question has always been taken by a Government to imply a censure, and has been invariably resisted; and I think that to move the Previous Question on an occasion like the present is the most extraordinary course which could have been adopted.

THE DUKE OF NEWCASTLE said, he would have been content to give a silent vote upon the question had it not been that he stood in a somewhat different position from many of their Lordships; for, having been engaged in other duties during the last ten days, he had not been present at any of the discussions which had taken place on this subject. He could assure noble Lords opposite that he had come up from the country that day with every disposition and anxiety to avoid giving a vote hostile to Her Majesty's Government, if he could conscientiously do so; because, like his noble Friend who spoke last, he had no desire to remove the present Government from office, or to reinstate that Administration which had lately occupied the Treasury bench. He deprecated constant changes of Government, and he had been as anxious to uphold, or at any rate not be compelled to oppose, the Government of his noble Friend opposite as he had ever been, to give a general support to the Ministry which preceded it. He did not agree with his noble Friend who spoke last in his entire approval of the form of that Motion, for he considered that the issue raised was too narrow a one, and it appeared to him at first sight to be framed to catch votes rather than to raise the real and substantial issue. He did not care about party

struggles in that House, for he had no concern with either one party or the other; but he had a much more important concern, and that was that the issue of that debate and of the struggle which was about to take place might not conduce to the injury of our Indian empire. He did not know what was likely to be the result of the division either in that or in the other House of Parliament; but, after what had passed, he thought that, if the Resolutions of his noble Friend were defeated by moving the Previous Question, it would produce an impression among the people of India that Parliament was at best indifferent upon the subject; and he therefore, for one, was not prepared to adopt that course. The noble Earl the Vice President of the Board of Trade (the Earl of Donoughmore) and the noble Earl the Under Secretary to the Colonies (the Earl of Carnarvon) had adopted the declaration which had been made by the noble Earl lately the President of the Board of Control—that the despatch was not written merely for the guidance of the Governor General, and to explain to him the views of the Government, but that it might serve as an antidote to the Proclamation of Lord Canning. Now, that could only mean that the noble Earl intended from the first that the despatch should be published and made known to the whole population of India. And he should have imagined—although now he was bound to accept the denial of Ministers upon the subject—that that motive must have been made known to his colleagues when the noble Earl explained his views and intentions to the Cabinet. Passing that by, however, he found that the two noble Earls to whom he had referred had now, to a great extent, confirmed the view of the noble Earl; for the noble Earl the Under Secretary for the Colonies distinctly said that he looked upon the despatch as a message of peace to the people of India, and in that sense he approved of it. Now, how could the despatch be a message of peace to the people of India, if it were to remain shut up in one of the Governor General's red boxes? This, then, was the state of the debate when the noble and learned Lord on the Woolsack rose and moved the Previous Question. The noble and learned Lord said that the Government disapproved the publication of the despatch, and he expressed, in distinct terms, his own disapproval of the despatch under existing circumstances as now developed; for, he added that, if Mr. Vernon Smith had made known the letter which he received from Lord Canning, all the mischief would have been avoided. Under those circumstances, instead of moving the Previous Question, surely the noble and learned Lord ought to support the Resolutions, even if they contained a condemnation of the despatch itself, as well as of its publication. The noble Earl, the late President of the Board of Control, challenged those who disapproved the policy of the Government to bring forward a Resolution approving the Proclamation of Lord Canning. In the present state of information such a step would be absurd; but looking to the antecedents of Lord Canning, he had a right to expect that that noble Lord would be able to justify the Proclamation. The noble Earl the Vice President of the Board of Trade says, that any person who understood common English could only put one interpretation on the Proclamation. The noble Earl might be a very good judge of common English, but he apprehended that he was not a very good judge of the laws respecting the tenure of land in India. At any rate, he could assure him that several who had passed many of their years in India, and who were thoroughly conversant with Indian concerns, took a totally different view of the effect of the Proclamation. They said that it did not extend to the whole, but merely to a very small portion of the population of Oude; that it was a confiscation only of the territorial powers and privileges of what we might call in European language the great vassals, or tenants *in capite*, and that it did not affect the small proprietors and tillers of the soil of that country. This view might be wrong; but at present their Lordships ought not to be called upon to approve the Proclamation; nor did he think that they were entitled, on the other hand, to condemn it; but he did think that there was nothing to justify a despatch couched in such language, and that the publication of it was an offence against the empire as well as a public servant; and his vote in favour of the Motion would be given in the conscientious belief that it would somewhat lessen the mischief that he believed would be done by this despatch. And now he hoped he might be allowed to say one word on behalf of an absent friend, with whom he had been on terms of the closest intimacy for a great number of years, and who had, he believed, been assailed as cruelly as any man who had ever

The Duke of Newcastle

served his country in circumstances of the greatest difficulty. If the censures upon the Governor General were deserved, notwithstanding his affection for his friend, he would not stand up in his defence; but it was merely upon hypothetical grounds that their Lordships were asked to condemn him; and therefore let them recollect what his conduct had been, and how far they were entitled to anticipate that he had acted in the manner that had been charged against him. Lord Canning's conduct had not only been firm and decisive, but it had been characterised by other qualities equally rare and valuable. One of the greatest aggravations of his condition at the beginning of the mutiny was, that he was unsupported by the English population around him. Lord Canning was not driven to acts of undue severity by their threats, nor to acts of unseemly concession by their fears. There were hours of great peril, in which fierce demands for blood surrounded him on every side; and what course did he take? He ventured in the face of those demands to speak of clemency. There were hours of despair at Calcutta, but he did not listen to the timid counsels of those around him. So far as we know at this moment, it was owing to Lord Canning that this miserable war had been confined within its present limits, wide as those limits unfortunately are, and had not become that most fatal and horrible of all wars—a war of religion and race. Under these circumstances he thought that the arm of the Governor General should be strengthened, and that it should not go forth that the Parliament of this country approved the rebellion in India or thought that the people of Oude were waging a legitimate war. The Resolutions proposed by the noble Earl might conduce to this result, and should have his support.

THE EARL OF DERBY: My Lords, I am not disposed to complain of the tone or language either of the noble Earl opposite (Earl Grey) or of the noble Duke who last addressed your Lordships, and I readily and freely admit that neither the noble Earl nor the noble Duke is actuated in the slightest degree by party feeling on this question. I believe that no one in this House is so free from any peculiar bias or party feeling as are the noble Earl and the noble Duke. Least of all do I feel disposed to complain of the closing observation of the noble Duke, in which, with a warmth of feeling which does him credit, he vindicated (as he supposed it was necessary) the character of his absent friend. For my part, in endeavouring to deal with this question, I can assure the noble Duke and the numerous friends of Lord Canning,—and he has many on both sides of the House,—that nothing is further from my desire than to utter even a single expression against the character or conduct of that noble Lord, with the single exception of the Oude Proclamation. Lord Canning in his administration of Indian affairs, placed, as he was, in circumstances of great difficulty, has exhibited a great amount of firmness, and on former occasions a most laudable spirit of humanity, for which I give him infinite credit in the position in which he found himself. But, remembering this, the greater is my regret to find that a man who has acted on such principles has been led to issue what I consider so unfortunate and ill-timed a Proclamation. But while I entirely acquit the noble Earl and the noble Duke of any political or party motives, I cannot carry my complaisance so far as to assume that this question has been debated and will be decided purely and simply on its merits without reference to political or party considerations. It is true the noble Earl who opened this discussion announced that he came forward as one who stood in a sort of neutral position, and that no man could suspect him of party bias. "My sympathies," said the noble Earl, "are always on the side of those who sit on the opposite benches." Now, I do not dispute that his sympathies may be on this side, but I must say that his votes are more frequently given on the other. And when the noble Earl declares himself free from all party feeling, I cannot help having it suggested to my mind that if these Resolutions were to be proposed by a person uninfluenced in any way, it might have been better had they been brought forward by one not so closely connected with the noble Lord who was at the head of the late Administration. I do not know what were the noble Earl's motives when he gave this notice on Monday last. I don't know whether he attended it, but I presume he had communicated to him the result of that Sunday meeting which I am told was not entirely for religious purposes. I mention it merely as a singular coincidence. On Sunday last a meeting was held at the house of the noble Lord who was at the head of the late Government, at which it is supposed (and I believe on very good authority) that the subject of

this Motion was discussed; and it does so happen that the noble Earl, intimately and closely connected with the noble Viscount, gives on Monday in this House notice of his intention to submit a Resolution to a similar purport. Now, whether or not the noble Earl is so entirely uninfluenced as he is desirous of being considered, I must say this House is very greatly changed from what I ever knew it before if the attendance I see here on both sides does not indicate some little idea that a party question is at stake. If, however, I ever doubted whether any political or party question was involved, I should have been undeceived altogether by the tone of this debate, the whole tendency of which has been to convert the very simple and very innocent Motion of the noble Earl into one of censure upon the Government. This is put forward broadly, distinctly, clearly; and after that to tell me this is no political or party question passes even my belief.

My Lords, two subjects have been mixed up in this debate which ought to be kept separate. The one is the merits of the original Proclamation and of the secret despatch; and the other is the subsequent publication of that despatch, and the responsibility of Her Majesty's Government with regard to it. These are two perfectly distinct and separate questions. As to the substance of my noble Friend's despatch, I adopt it—I adhere to it—I stand by it. With regard to the publication of that despatch, I had no knowledge of it, I was not consulted about it, and I regret the fact.

To begin, then, with the Proclamation of the Governor General and my noble Friend's comments upon it. There is one thing which has given me unfeigned satisfaction in the course of this discussion. Several most valuable admissions have been made on the other side of the House. Setting apart certain expressions used by my noble Friend, the noble Earl who opened this discussion said he should not find much fault with this despatch had it been addressed to Lord Canning as a secret despatch for the purpose of guidance or even of reproof. Subsequently we have had more valuable admissions still; for I believe the noble Earl (Earl Grey) said that if the Proclamation was susceptible of the interpretation given to it by my noble Friend (the Earl of Ellenborough) no terms of censure could be too severe for it. This much, then, will at all events, result from the discussion. It will show that, setting aside the meaning of Lord Canning's Proclamation, the unanimous opinion of this House is that wholesale confiscation in Oude would be an unjustifiable course of proceeding, and that clemency to the vanquished ought to be the rule adopted. That is the unanimous opinion expressed. Noble Lords on the other side of the House put themselves prominently forward to proclaim this doctrine, and declare that that is Lord Canning's meaning. The noble Earl who introduced the Motion said he was convinced that the Governor General of India did not mean what he was supposed to mean. With all my heart and soul do I desire it may turn out that that is so. Your Lordships are to recollect, however, that the despatch upon which so much criticism has been bestowed was one written by my noble Friend, and fully adopted by the Government, upon the receipt of a Proclamation which appeared to us to convey in no doubtful terms a doctrine very contrary to that which it is now declared to contain. We received that Proclamation. My noble Friend had, a month previously to its arrival, laid down in a despatch to Lord Canning what were his own views and the views of the Government as to the course which ought to be pursued. That despatch was dated the 24th of March, under the belief that before that time the city of Lucknow would be evacuated by the rebels, and that no considerable body would remain in arms against us throughout the country; and it proceeds to intimate the policy which the Government thought it desirable should be adopted:—

> "To us it appears that, whenever open resistance shall have ceased, it would be prudent, in awarding punishment, rather to follow the practice which prevails after the conquest of a country which has defended itself to the last by desperate war, than that which may perhaps be lawfully adopted after the suppression of mutiny and rebellion,—such acts always being exempted from forgiveness or mitigation of punishment as have exceeded the licence of legitimate hostilities."

After recommending a general disarmament, and as far as possible a general amnesty, it declares that "in every amnestied district the ordinary administration of the law should as soon as possible be restored." In order to show the *animus* of my noble Friend towards Lord Canning I beg your Lordships' attention to this passage:

> "In carrying these views into execution you may meet with obstruction from those who, maddened by the scenes they have witnessed,

may desire to substitute their own policy for that of the Government; but persevere firmly in doing what you may think right; make those who would counteract you feel that you are resolved to rule, and that you will be served by none who will not obey. Acting in this spirit, you may rely upon our unqualified support."

That was the language used by my noble Friend on the 24th of March; those were the principles laid down; and then, not of course in answer to this despatch, for it could not have been received, but following on its issue, came the Proclamation, which undoubtedly appeared to us to be couched in a very different spirit. There is no question that that Proclamation intimated to the Talookdars, the Chiefs, and the inhabitants of Oude, that, with a very few specified exceptions, the whole proprietary rights of the soil was confiscated to the Crown. Instructions certainly accompany it, addressed to the Chief Commissioner of Oude; but, as my noble Friend most justly remarked in his despatch, these instructions did not go to the people of Oude. They received the bare and naked Proclamation, and nothing more. Well, then it is said, "Oh, but this does not at all mean what you suppose it does; it only means that the Talookdars and great men will be divested of rights of lordship, which thereafter will be vested in the Crown, but it never crossed Lord Canning's mind to interfere with their private rights." I should like to know, however, what would be thought by the noble Earl or the noble Duke if Parliament should pass an Act in reference to their respective counties confiscating to the Crown all "the proprietary rights of the soil." Their tenure being thereafter that of copyholders under the Crown, with no guarantee for the future security of their possessions; I rather suspect they would imagine, seeing such a term in an Act of Parliament, that they must look sharply about them or else they would soon have not an acre left. There may be some abstruse, hidden meaning in this Proclamation, intelligible to the people of India; but my belief is that upon receiving this information they would deem it to be a notice to all the inhabitants of Oude, high and low, rich and poor, that, with the few exceptions there specified, every man should be deprived of the land on which alone he depends for subsistence. The naming of six persons—and six only—who were to be permitted to retain their inheritances, as they held them at the time of the annexation of Oude, seems to me, so far as those persons were concerned, hardly a fair mode of proceeding. It appears to me that they were placed in a most invidious and, I think, hardly in a very safe position. You had scarcely conquered the country; you were surrounded by a population most hostile to you; and you select persons who have adhered to you faithfully — who, under great trials, have resisted all temptation to quit your cause—singling them out by name, and telling them that they alone of all their countrymen shall remain in possession of their lands, and that as a signal reward for their distinguished fidelity they shall be permitted to retain those lands, "subject only to such moderate assessment as may be imposed upon them." If this is the way in which you reward your friends, I must say I don't know what you mean to do with regard to your enemies. But it is said it was not intended to dispossess these persons of their lands. Now, my Lords, let us see—apart from the mere terms of the Proclamation itself—what was the gloss put upon it in the letter addressed to the Chief Commissioner in explanation. There are three classes of persons specified in the Proclamation, according to their different degrees of guilt and comparative innocence. With regard to the second class—that is to say persons who have taken up arms against the Government, but who "have done so less heartily, and upon whom for other causes the Chief Commissioner may not see reason to put restraint; these, after surrendering their arms, might be allowed to go to their homes, with such security for their peaceable conduct as the Chief Commissioner may think proper to require;" and the letter goes on to say—I entreat the House to mark this—that "the permission to return to their homes must not be considered as a re-instatement of them in the possession of their lands, for the deliberate disposal of which the Government will preserve itself unfettered." Now, if there is any sense or meaning in language, this passage means that although these persons may be permitted to return home they are not to be re-instated,—not in their territorial rights, but in the possession of their lands. With regard, therefore, to the whole land of Oude, the Government holds itself at perfect liberty to dispose of that land as it may think fit. It was, I think, impossible in the face of the Proclamation, and of the language I have read, to suppose for a single moment that Her Majesty's Government could put upon it such an interpretation as has now,

by way of apology, been attached to it by noble Lords opposite.

Having received this Proclamation, not as being already issued, but as about to be issued, it was the duty of Her Majesty's Government to consider what course they ought to pursue. We thought, my Lords, it was a matter of the utmost importance that not a moment should be lost in intimating our apprehensions as to the dangerous consequences which might be produced by the issue of such a Proclamation. We were not without hopes that our despatch, which was in strict unison with the principles we had before laid down, might by possibility reach Lord Canning in time to enable him to reconsider the terms of his proclamation, and to issue one which was not liable to the construction that might be placed upon it. We are told that we ought to have waited to receive explanations from Lord Canning. My Lords, if we had had the slightest idea that such explanations were coming—I do not say we should have waited, because it would have been our duty to notice the Proclamation—but we should very materially have modified the language of the despatch. We received the Proclamation officially; we received no private communication whatever—we were not likely to receive such a communication, because Lord Canning could not be aware of the change of Government; and if communications of that nature had been sent—as private communications are sent by every Minister and Governor explaining their public acts—it was not to us that such explanation would have come. But such an explanation did come, and it arrived at a period when its communication to Her Majesty's Government might have been of the utmost importance,—when, if it had been communicated to them it might have materially modified the tone and language of my noble Friend's despatch. Why was not that explanation communicated to us I should like to know? The noble Marquess (the Marquess of Lansdowne) said the other night that Mr. Vernon Smith received the explanation at a very late period. Subsequently, I believe, the noble Marquess was satisfied that Mr. Vernon Smith received it at a period when it might have been communicated to us, and have had some effect; but we were told that Mr. Vernon Smith was in Ireland attending his son's wedding, which was of much more importance than any subject of this nature. That, however, is not Mr. Vernon Smith's account of the transaction. He says, "I did receive a letter from Lord Canning; I know it was addressed to me as President of the Board of Control. I did not think it utterly unimportant, because the moment I received it I went"—to whom? To the Ministry by whom Lord Canning expected it would have been received? No; but to the head of the Government which had just been displaced, and who was in opposition to the existing Ministry. In the course of this evening it has been denied that Lord Palmerston was consulted on the subject of sending this extract of a private letter to Her Majesty's present Government. All I can say is that the report of what appears to have taken place elsewhere gives the following as the words used by Mr. Vernon Smith:—

> "I may state, however, that I read it the moment I received it to my noble Friend the Member for Tiverton, to whom it did not appear, any more than to myself, that it was necessary to communicate it to the Government."

Now, my Lords, Lord Palmerston may or may not have given any advice, but if we are to believe Mr. Vernon Smith—and I cannot hesitate to believe a statement which he makes so solemnly—the first thing he did was to communicate this passage to the head of the late Government, who did not think any more than himself that it was necessary to communicate it to the Minister to whose department it related. All I can say is that I think the noble Viscount (Viscount Palmerston) must have very materially changed his views with regard to the expediency and necessity of communicating information bearing upon public matters which may be contained in private letters; because not long ago I had the honour of receiving a communication from the noble Viscount, enclosing a letter which he informed me had been rescued from the wreck of the *Ava*, and which, inasmuch as it related to public affairs, he thought it his duty to transmit to me. Now, that despatch, rescued from the wreck of the *Ava*, which the noble Viscount—anxious, as he always is, to discharge his duty to the public—forwarded to me, contained information that a petition for the recall of Lord Canning which had been sent to this country, and had been returned to India that it might be transmitted through Lord Canning, had been sent to the Governor General to be so transmitted. That was the sole information contained in the despatch; yet that piece of information, three months old, was

considered by the noble Viscount so important that he deemed it his duty not to lose a minute in communicating it to me as the head of Her Majesty's Government; but a statement of the Governor General, written as he supposed to a Minister of the Crown, intimating his intention to forward explanations respecting a very important official document appeared to the noble Viscount so utterly insignificant that neither he nor Mr. Vernon Smith thought it expedient to make any communication on the subject to Her Majesty's Ministers. Again, I say, this passes the limits of my credulity! I know not what other statements or letters may have been received by Mr. Vernon Smith; but this I will say, that although it is possible, I think it is barely probable, that in the course of two months and a half, or nearly three months, the Governor General of India should not have communicated one single private line with respect to public affairs to the Minister who immediately presided over the Indian department. He may have kept that extraordinary silence, but I very much doubt the fact, and I think it is almost incredible. Certain it is, however, that not one line have we ever seen, nor have we since we came into office had the slightest means of judging what, upon any one question, were Lord Canning's views of policy. Well, my Lords, in the absence of all such information, we were bound to act upon the Proclamation and the public documents we possessed; and reading that Proclamation in the sense in which we regarded it we thought not a moment was to be lost, and that language could hardly be too strong to express our apprehensions of its consequences and our disapproval of its tone and temper. I shall not quote the various passages to which reference has been made. I shall not quote the language held in the despatch with regard to the Proclamation as we understood it, and as we received it; but this I will venture to say, without fear of contradiction, that the tone and temper of that Proclamation were strongly disapproved by the highest and most competent authorities on India in England; that, from its tone, and the time at which it was issued, it was regarded as likely to lead to most alarming consequences—that I believe there were remonstrances against its publication, and that I know that many most eminent men have written home expressing their deep regret at the system of apparently wholesale confiscation which it would establish. If I could mention the persons to whom I refer, their names would command the highest respect; but I am at liberty to name one gentleman with whom, until yesterday, I had not the slightest personal acquaintance. When I mention the name of Sir George Clerk it will, I think, be admitted that no one is more competent to form a judgment on this subject. I requested Sir George Clerk to forward me a copy of a despatch which was sent out by my noble Friend (the Earl of Ellenborough) only last Monday; and in doing so Sir George Clerk says—

> "May I take the liberty to observe to your Lordship that, so far as I know those countries, I should say that the sentiments with which Her Majesty's Government have regarded it, if allowed to prevail, will right the ship; but if a different course should be persisted in British dominion over it cannot be restored in any degree of security by means of all the European troops England can afford to send to such a climate or to such a distance."

These are the deliberate opinions of a man who, more than any other, knows the circumstances and feelings of the people of India; and he interprets this Proclamation as we interpret it; he interprets "confiscation" as we interpret it, and he says that unless the recommendations of the Government should be attended to, and if this system of severity should be persisted in, no amount of force that you can send from this country will enable you permanently to maintain your authority in peace in India. Is not that a justification of the Government for having taken the earliest moment to protest against a course of proceedings which they thought would necessarily lead to the most fearful consequences? Let us recollect what is the condition of Oude. There every landholder is a soldier and every soldier is a landholder; and a system of universal confiscation addressed to a population of armed men—many trained in your service, and many feudal proprietors, having numerous armed retainers—universal confiscation, I say, applied to such a population, with some exceptional indulgences of which no person could feel secure, was a certain means not to put an end to strife, but to protract this into a desultory and most embarrassing war, and to extinguish the hope of peace and security for months and perhaps years to come. We found it necessary to protest at the earliest period against the possibility of such lamentable results, and we thought it necessary to point out to the Governor General that

which appeared contrary to the spirit of his Proclamation, that the principle of mildness and forbearance with occasional instances of severity, instead of severity with occasional instances of clemency, was the only sound way of bringing back the population to allegiance and content. I will not use any expression likely to give offence to the noble Duke opposite, but I do not share in that laughing tone in which he treated the enunciation in the despatch of those great, sound, and holy principles which I believe it to be of the utmost importance should be made known to the people of India as the principles which guide the conduct of the British Government. I do not ridicule what the noble Duke was pleased to call plain truisms, nor do I think the country will be inclined to ridicule them.

My Lords, having expressed my entire concurrence in the statements contained in the despatch on the supposed, and I think naturally supposed, meaning and intention of the Proclamation, and having expressed that concurrence in them, not as a representation addressed to the people of India, but as a representation in a secret despatch to the Governor General, I now proceed to the further question respecting the publication of the despatch and the responsibility for its publication. But before I go further I must just advert to one argument which has been made—namely, that it is absolutely clear that this despatch was from the first intended for publication, otherwise there would not have been found in it what the noble Duke opposite was pleased to call such "sonorous phrases." Now, whatever may be the character of this despatch, I do not for a moment doubt that it was the intention and desire of my noble Friend that the despatch should remain on record. It was not a private letter, but a secret despatch; not at the time to be communicated, except to the Governor General, but to remain on record as an indication of the policy which my noble Friend and the Government were prepared to pursue. Therefore, of course, it did not take the form of a mere private and confidential letter, but of a recorded despatch, pointing out the views entertained by the Government. I come now to the question of publication, and I confess that I am there compelled to differ from the views of my noble Friend the late President of the Board of Control. I stated at the very earliest opportunity afforded me that I regretted the premature publication of the despatch. I think it was unfortunate that, without any previous notice, a question should have been asked by a Member of the other House, and answered by a subordinate Member of the Government without communication with any of the Cabinet Ministers, except, I presume, my noble Friend the late President of the Board of Control, and that a declaration should have been made pledging the Government to produce the despatch. I will come presently to the question of the limited liability or joint responsibility of the Cabinet, but will now advert to what had fallen from the noble and learned Lord opposite (Lord Cranworth). He said that, setting aside the question, whether all the Ministers were bound by one colleague, he would go further back than the Thursday of last week, and would revert to a previous Friday, in order to show that the Chancellor of the Exchequer, in answer to some question, announced that he would lay on the table a despatch which was by no means intended as a censure on the Governor General, and the noble and learned Lord inferred that that despatch, which cast no censure on the Governor General, was the despatch which he said censured that high officer. But the fact is, that it was a prior despatch. It was the despatch of the 24th of March, with respect to which the discussion took place on the 23rd of April, and which was ordered to be printed on the 26th; and the noble and learned Lord has confounded two separate occasions and two separate despatches. With respect to the despatch to which the present Motion referred, what happened was this:—a question was asked without notice, and the Secretary of the Board of Control hastily announced his intention of laying the despatch on the table. That question was followed by another question from another Gentleman, who asked whether the Government approved the policy of Lord Canning in issuing the Proclamation. Mind, at that time, the despatch had been promised to be produced; and whether the Government stated their approval or disapproval of the Proclamation, or left the fact to be disclosed when the despatch should be produced next day, was a matter of indifference. But what was the answer given by the Chancellor of the Exchequer? He said, "The policy of confiscation intimated in that Proclamation we disapprove in every sense." Great stress has been placed on these words, "in every sense;" but he was re-

ferring to the policy of confiscation, and in every sense of justice and policy he meant that the Government disapproved of that policy. The same night the late President of the Council (Earl Granville) came over to me, and told me what had taken place in the House of Commons, and further than so hearing, that such question had been asked and answered, I had no knowledge on the subject. The noble Earl, the late President of the Council, however, expressed his hope that, as the production of the despatch had been promised, it would be laid on the table that night, because, otherwise, there would be no opportunity of discussing before the departure of the mail, which left on the Monday. We replied, that we could not lay it on the table that night, but would do so to-morrow, and that, for the convenience of the noble Earl and Lord Canning's friends, a copy should be sent to the noble Earl; and it was sent before the despatch was laid on the table of the House. On the following day there was a Council at the Palace, by which we were detained; but when we came to examine the despatch, we found in it some paragraphs which we thought it more for the public convenience should not be produced. The sole object of those paragraphs was to point out the circumstances of mitigation which separated the case of revolted subjects from that of mutineers, and, of course, in reasoning the point, all the extenuating circumstances were put forth with a plainness and openness with which they certainly would not have been stated if the document had been intended to meet the public eye. When we saw the character of those paragraphs, we desired to have them omitted from publication, and with that view we sent down to the House of Commons; but before the messenger arrived, the Secretary of the Board of Control, not having had any previous communication with us, had, in consequence of the promise of the night before, laid the whole despatch on the table of the House. I regret that the whole despatch was laid on the table, and upon the whole I regret that any part of the despatch should have been published at so early a period; but I cannot say that I regret the character or contents of the despatch. On the contrary, I think the policy indicated in it is a just, sound, and necessary policy, and we should have been neglectful of our duty if we had omitted to take the earliest opportunity of enforcing that policy on the Governor General, more especially at the moment when we thought he was going to abandon it.

Now, with respect to the liability of all the members of a Cabinet for the act of a single member, I wish to say that no man can put forth more distinctly or clearly than I do the constitutional doctrine that every member of the Government is responsible for the acts of every other member, whether those acts were previously known or not, provided the members of the Government continued to act together as a Government. Remaining in office and acting together, all the members of the Government take upon themselves a retrospective responsibility for what their colleague has done, which they can in no way attempt to shake off. But the case is very different when the Government are charged with having done a certain act, and they say, "We did not do it; it was done without our knowledge by one of our colleagues." "Never mind," it is then said, "you are all responsible for the acts of your colleague." "But," we reply, "in consequence of the very act which you impugn, he has ceased to be one of our colleagues." "Never mind," it is said again, "you are still responsible; when you knew nothing about the act he was your colleague, and you were therefore responsible for that of which you knew nothing; and now that he has ceased to be your colleague, you continue responsible for an act of which you knew nothing when it was done, and which you condemned as soon as it was brought to your knowledge." My Lords, that may be constitutional law, but to me it appears to be the grossest and most absolute absurdity; and sure I am that if it is constitutional law, it is not, and never has been, constitutional practice. I need not go back a long way to place before your Lordships a circumstance which I think is somewhat parallel. But before proceeding further, I may notice a remark which fell from a noble Earl opposite. "That excuse," he said, "would have answered your purpose very well if upon the instant the promise of publication was made in the House of Commons you had jumped up and disclaimed it, and said to the President of the Board of Control, 'You are no longer a member of the Government.' But," continued the noble Earl, "it was not till forty-eight hours afterwards, and when a notice of Motion had been given in one if not both Houses of Parliament, that you bethought you of putting upon one of your number

tremely that this Motion should bear the slightest appearance of being directed against him personally. I wish to protest in the strongest manner against being supposed to feel any personal hostility to the noble Earl. I never had any such feeling, and I trust that I shall continue to entertain for him that respect to which some great qualities both of mind and character which he possesses entitle him. But his speech absolutely avoided all the difficult part of the question. He did not defend one word of his despatch, except two sentences which nobody has attacked. He merely, in eloquent and energetic terms, placed it before the people of India as a remonstrance against the conduct of the Governor General. I also paid particular attention to the noble and learned Lord on the Woolsack. It is one of the things—and, to tell the truth, I do not at the present moment remember many others—for which I am grateful to the present Government, that it has been the means of introducing the noble and learned Lord to this House. I believe that his character, his personal popularity, and his ability will always make him a valuable acquisition to this House, and a powerful addition to the strength of the party he espouses. But I must say that I never heard a speech which appeared to me to carry with it less weight and to contain less argument than did that of the noble and learned Lord. Under how great a difficulty he laboured was shown by his continually diverging to the left and to the right to get hold of something which would enable him to go on speaking for a minute or two. He gave us some lessons—not in politics, because we heard from him language defending the rebels in Oude against the Queen's authority. [The Earl of DONOUGHMORE interposed an observation.] I did not interrupt the Vice President of the Board of Trade in his very animated and eloquent speech, and I really think he might allow me to continue without denying what I believe are mere matters of fact. The noble and learned Lord did most undeniably defend the conduct of the rebels in Oude, and gave as a reason for his defence that they belong to a State legitimately at war with us. I may be mistaken, but such language appears to me to be something very nearly trenching upon treasonable matter.

THE LORD CHANCELLOR: I beg the noble Earl's pardon. I never said one word about the kingdom of Oude being legitimately at war with us, neither did I defend the conduct of the rebels. I explained the circumstances under which it was likely that the Proclamation would be very injurious to the public interests.

EARL GRANVILLE: Without wishing to question the recollection of the noble and learned Lord, I have a very strong impression that his observations went further than he has stated. The noble Earl at the head of the Government laid a good deal of stress upon the admission made by a noble Lord behind me, to the effect that if the Government supposed the Proclamation bore the interpretation they put upon it, they did right in sending a remonstrance to Lord Canning. If that admission can do them any good, I am quite ready to give them the benefit of it. Our case is this:—We do not go into the annexation of Oude, we do not discuss the matter of the Proclamation, although it has frequently been made the subject of remark this evening; but what we say is, that when the Proclamation arrived it was competent, nay, it was desirable, that the Government should send out to the Governor General such remarks as they thought fit; but that the letter which was sent was not at all such an one as ought to have been written, and that its publication was gross ill-treatment of the Governor General, and was calculated to weaken his authority and to produce great harm in India. The noble Earl defended certain portions of that despatch, but not one word did he say about the clauses relating to the kingdom of Oude. I therefore conclude that it is admitted that that portion of the letter is not defensible. He remonstrated with some noble Lords on this side for expressing some doubts as to this despatch being intended to be a secret one. As soon as the noble Earl states that it was so intended, I will admit that that doubt is unfounded; and yet there are circumstances which would lead me to the conclusion that that despatch was not intended to be a secret one, an impression which has been very much strengthened by the observations made by the noble Earl late the President of the Board of Control, who, twice in the course of his speech this evening, stated that he desired the publication of that despatch. Making allowances for certain exuberances of style, I do not believe that if that despatch had been meant merely as a warning to the Governor General to pursue a course of policy different from that which he seemed about to adopt, it would have been written in that magniloquent language which gives it the

appearance rather of a Proclamation than of a secret and confidential letter of instructions to a confidential officer. About twelve months ago the present Chancellor of the Exchequer made a long and eloquent speech "in another place," in the course of which, after condemning the annexation of Oude—having never taken any step to obtain a Parliamentary censure of that proceeding—he said:—

"You ought to issue a Royal Proclamation to the people of India, declaring that the Queen of England is not a Sovereign who will countenance the violation of treaties; that the Queen of England is not a Sovereign who will disturb the settlement of property; that the Queen of England is a Sovereign who will respect their laws, their usages, their customs, and, above all, their religion."—[3 *Hansard*, cxlvii. 479.]

Whether that is right or wrong, it appears to me to be almost an abstract of the secret letter written nearly a year afterwards by the noble Earl. The right hon. Gentleman went on to say, "Do this, and do this not in a corner, but in a mode and a manner which must attract universal attention." And I defy you to point out anything done in a more notable and extraordinary manner than the publication of this despatch. I do not say that it is wrong of Her Majesty's Ministers to entertain the opinion that the annexation of Oude was wrong; what I do say is, that if they condemn that policy, if they share the opinion of their colleague, who, two months ago recommended, amid the ironical shouts of the House of Commons, that Oude should be restored to the King, the proper mode of carrying out those opinions would be by means of a formal Parliamentary Motion; and that they ought to have given instructions to Lord Canning indicating the policy which they meant to adopt with regard to that kingdom, instead of indirectly shadowing out that policy in a despatch conveying a severe censure upon that noble Lord. I am glad that the Proclamation has been discussed to-night, and I am glad that noble Lords have called the attention of the House and of the public to the opinions of some well-informed men upon this subject. The noble Earl tells us that several of the highest authorities in India disapproved this Proclamation. Will he lay on the table of this House the letters in which this disapproval is expressed?—for I need hardly remind your Lordships that there is nothing more unparliamentary than to refer to documents in proof of a statement when those documents are not regularly before us. Is he aware of the date at which the objections of these high Indian authorities were taken?—because it makes a great difference whether they were taken to the original draught of the Proclamation, or to the modified form in which the Proclamation was subsequently issued, in order perhaps to obviate those very objections. Until the noble Earl gives us this information, his assertion as to the opinion of these high authorities in India is utterly idle and valueless. As to the despatch before us, I cannot conceive how your Lordships could think it a proper document to publish. The noble Earl opposite, having given up one portion of it without attempting to defend it, I do not think it necessary to enter into that point. As has been well observed, the despatch contains as eloquent a partisan statement of one side of the case, and that not the side of the Queen and Government of England, as could possibly be made. Passing now from the despatch, I come to the question of the responsibility of the Cabinet for its publication. A noble Earl (the Earl of Shaftesbury) has laid down for us the doctrine of the joint liability of the Cabinet, indicating where it begins and ends. As the noble Earl said, down to a certain period in our history there was not such joint responsibility, and the want of it proved very mischievous. Since that time this principle has existed, and it is most desirable for every reason to maintain it. So clearly is this a constitutional doctrine that one of the most eloquent supporters of the noble Earl, on that very Motion to which he has referred, laid it down that there may be division of labour in a Cabinet, but no division of responsibility. I do not argue for a forced application of that maxim. It would have been perfectly childish, for example, to assert that if it had appeared that the noble Earl had written this despatch without consulting his colleagues, and afterwards published it *proprio motu*, you could bring any charge of real complicity against those colleagues, who would have had no participation in and no cognizance of what he had done. I therefore hold that the case of Lord John Russell, which has been alluded to, does not present the slightest parallel to the present one. [A noble Lord dissented.] The noble Lord shakes his head, so that I must recount the leading circumstances of that case, to show that I am correct in my statement. Lord John Russell was accused of taking a certain line—an unpopular line, and one not concurred in by the Government—in regard to

the propositions discussed at the Vienna Conferences. After he returned to this country and resumed his place in Parliament, he made a speech that was construed as not being in consonance with the course he had adopted at Vienna. That was purely a personal matter—the Government had absolutely nothing to do with it; and, more than this, no political consequences could possibly ensue from the question thus raised. I will say this, that the accusations made against that noble Lord were very unjust; and if his colleagues had had an opportunity of doing so, we should have stood by him; but my noble Friend resigned, as the noble Earl opposite has done. But it was impossible for us to assume the responsibility for a thing with which we had positively nothing to do. ["Hear, hear!"] Noble Lords may cheer; but I ask them, where is the parallel between that case and this? The noble Earl told us the other day that as soon as the Proclamation arrived he thought it necessary to express his views upon it, and that those views were sanctioned by the Government. The Cabinet agreed in condemning Lord Canning's Proclamation, and in sending out the despatch. There is surely complicity in that. Next, as to the publication. It is admitted that there was communication between the noble Earl and Mr. Baillie, and that both Mr. Baillie and the Chancellor of the Exchequer had the sanction of the noble Earl for producing that despatch to the House of Commons. And here let me correct a misunderstanding which had gone abroad—that I asked in this House for the production of this despatch. The facts are, that on the evening that the question was put in another place I came into this House in a great hurry, and stated that I had just heard, though I was not quite sure of its accuracy, that the leader of the Government elsewhere had avowed the disapproval by the Government *in toto* of the policy of the Proclamation. It now seems I was too classical in my rendering of the right hon. Gentleman's answer, and that what he said was, that they disapproved it "in every sense." I then asked the noble Earl (the Earl of Ellenborough) whether that answer was made with his cognizance and after communication with him. The noble Earl replied, that he had not had communication with the Chancellor of the Exchequer, but that the right hon. Gentleman was cognizant of the despatch in answer to the Proclamation. I did not ask him to produce the despatch, but I ventured to repeat the question. I was not, like Mr. Bright, perfectly acquainted beforehand with the policy of the Government on the subject; I merely asked whether it was true that the despatch conveyed so severe a censure of Lord Canning's Proclamation as had been reported. The noble Earl then observed, "The best answer I can give you is, that I will present the despatch to-morrow morning." Was the despatch then published? No, not until the next day. It is true that that evening I also went to the noble Earl, and said—"I understand you are going to present that despatch, which is likely to produce immense consequences; we have only a night left before the mail starts; could you not present it this evening?" The noble Earl said he had no objection if Lord Derby had none. The latter noble Earl, however, demurred, the course being unusual; and the President of the Board of Control then remarked, "I am going home; I will send you the despatch." I observed, "It will be of no use to me if I may not show it to some of my political friends." I received it on the understanding that there was to be no publication, and I can assure the noble Earl that his injunction was strictly carried out. But was it nothing for the Government to have twenty-four hours for reflection? When the noble Earls opposite became aware of the sensation produced in this and the other House by their announcement, did they not consider for a moment how the mischief could be best averted? Why did they not carefully read the despatch over again, and pause to ask themselves whether it was not calculated to weaken the authority of the Governor General, and entail great evil? I will not insult the understanding of their Lordships by supposing that they did not think it would do great evil. And if they saw that, why did they not come manfully down to the two Houses and say, "We are ready to encounter some criticism and even some obloquy; but for reasons of public policy which we cannot consistently specify, we cannot be parties to the publication of our despatch." I believe that they were bound to do this. Indeed, they did it to a certain degree. The late President of the Board of Control stated that he and the noble Earl opposite and the Chancellor of the Exchequer had consulted together, and thought it would be better to omit certain paragraphs. But surely that was assuming the whole responsibility

of the affair, unless you can show, which I utterly deny, that the publication of the remaining paragraphs was perfectly innocent and harmless. It may be said the declaration of the Chancellor of the Exchequer created a difficulty; but that simple declaration of a censure of the Proclamation, mischievous as it might be, would not have been half so mischievous as the elaborate arguments of the despatch in favour of those whom it is the object of the Indian Government to reduce to submission. I say, then, that the Government participated fully in this act, and became accomplices in the publication of the despatch. No doubt, it would have been a drawback to have to deal a blow against the President of the Board of Control; but was that to be considered in a great question of this magnitude? What does the argument of the noble and learned Lord on the woolsack amount to, in plain language, but this:—"The noble Earl has taken all our sins on his own back; for God's sake, on his back let them lie." This House must for several reasons stand in a false position if it agrees to the Previous Question—certainly an unprecedented Motion for a Government to meet a vote of censure with upon an important part of their policy. It will go forth that we support a Government which adopts the strange and paradoxical course of saying that they do not wish to recall, but to support the Governor General, and yet they take the most effectual step to weaken and undermine his authority. The noble Earl (the Earl of Derby) has, on this occasion, when we are called upon to come to a most serious decision, carefully avoided stating what course of policy the Government intend to pursue. We do not know if the Government have sent any despatch to Lord Canning, previous to the despatch of the noble Earl, telling Lord Canning that their policy with regard to India had changed. I myself do not know if the Government have any definite policy, or if they have prepared and matured any measures to carry out their somewhat vague and indefinite views. I trust that your Lordships will give an opinion upon these Resolutions, and I do not think that any man in his senses can impugn their justice; and I trust that, however much we may be taunted with having been actuated by any party feeling, at the same time credit may be given to some of us for being actuated, not by mere party feeling alone, but by real indignation at the treatment of the Governor General of India, and, still more, by alarm and apprehension that if the mischief which has been produced be not checked, irreparable injury will be the result. For these reasons, my Lords, I shall most cordially support the Resolutions of my noble Friend.

Previous Question put, *i.e.*, "Whether the said Question shall be now put:"—Contents 158; Not-Contents 167: Majority 9.

Resolved in the *Negative*.

CONTENTS.
(PRESENT.)

Devonshire, D.
Newcastle, D.
Norfolk, D.
Somerset, D.

Ailesbury, M.
Camden, M.
Lansdowne, M.
Townshend, M.
Westminster, M.

Abingdon, E.
Airlie, E.
Albemarle, E.
Carlisle, E.
Cawdor, E.
Chichester, E.
Clarendon, E.
Cowper, E.
Denbigh, E.
Effingham, E.
Ellesmere, E.
Essex, E.
Fitzwilliam, E.
Fortescue, E.
Granville, E.
Grey, E.
Ilchester, E.
Minto, E.
Munster, E.
Portsmouth, E.
Saint Germans, E.
Shaftesbury, E.
Spencer, E.

Falmouth, V.
Sydney, V.
Torrington, V.

Carlisle, Bp.
Derry and Raphoe, Bp.
London, Bp.
Ripon, Bp.
St. Asaph, Bp.
St. David's, Bp.

Arundell of Wardour, L.
Ashburton, L.
Audley, L.
Aveland, L.
Belper, L.
Boyle, L. (*E. Cork and Orrery.*)
Broughton, L.
Camoys, L.
Campbell, L.
Carew, L.
Chesham, L.
Clandeboye, L. (*L. Dufferin and Clandeboye.*)
Congleton, L.
Cranworth, L.
Dacre, L.
Dartrey, L. (*L. Cremorne*
De Mauley, L.
De Tabley, L.
Ebury, L.
Fisherwick, L. (*M. Donegal.*)
Foley, L. [*Teller.*]
Glenelg, L.
Hatherton, L.
Hunsdon, L. (*V. Falkland.*)
Keane, L.
Leigh, L.
Lilford, L.
Lismore, L. (*V. Lismore.*)
Meldrum, L. (*M. Huntly.*)
Montcagle of Brandon, L.
Petre, L.
Poltimore, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Rivers, L.
Saye and Sele, L.
Sefton, L. (*E. Sefton.*)
Skene, L. (*E. Fife.*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Stewart of Stewart's Court, L. (*M. Londonderry.*)
Strafford, L. (*V. Enfield.*)
Sudeley, L.
Suffield, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Teynham, L.
Truro, L.
Vivian, L.
Ward, L.
Wensleydale, L.
Wrottesley, L.
Wycombe L. (*E. Shelburne.*)

(PROXIES.)

York, Archbp.

Leeds, D.
Sutherland, D.
Portland, D.

Anglesey, M.
Breadalbane, M.

Cottenham, E.
Craven, E.
De Grey, E.
Devon, E.
Gainsborough, E.
Harrowby, E.
Home, E.
Innes, E. (*D. Roxburghe.*)
Leicester, E.
Lindsey, E.
Lovelace, E.
Morley, E.
Radnor, E.
Scarbrough, E.
Strafford, E.
Suffolk and Berkshire, E.
Waldegrave, E.
Yarborough, E.
Zetland, E.

Leinster, V. (*D. Leinster.*)
Gloucester and Bristol, Bp.
Manchester, Bp.

Brougham and Vaux, L.
De Freyne, L.
Dorchester, L.
Dormer, L.
Erskine, L.
Fingall, L. (*E. Fingall.*)
Fitzgibbon, L. (*E. Clare.*)
Gardner, L.
Godolphin, L.
Granard, L. (*E. Granard.*)
Hamilton, L. (*L. Belhaven and Stenton.*)
Holland, L.
Howden, L.
Kenlis, L. (*M. Headfort.*)
Kenmare, L.
Kilmarnock, L. (*E. Erroll.*)
Kintore, L. (*E. Kintore.*)
Londesborough, L.
Lovat, L.
Lurgan, L.
Melros, L. (*E. Haddington.*)
Minster, L. (*M. Conyngham.*)
Monson, L.
Mont Eagle, L. (*M. Sligo.*)
Mostyn, L.
Oriel, L. (*V. Massereene.*)
Overstone, L.
Panmure, L.
Portman, L.
Ribblesdale, L.
Stafford, L.
Stourton, L.
Stuart de Decies, L.
Vaux of Harrowden, L.
Vernon, L.
Wenlock, L.
Worlingham, L. (*E. Gosford.*)

NOT-CONTENTS.

(PRESENT.)

Chelmsford, L. (*L. Chancellor.*)

Beaufort, D.
Buckingham and Chandos, D.
Cleveland, D.
Manchester, D. [*Teller.*]
Northumberland, D.
Rutland, D.
Wellington, D.

Abercorn, M.
Ailsa, M.
Cholmondeley, M.
Exeter, M.
Salisbury, M.
Winchester, M.

Amherst, E.
Bantry, E.
Bathurst, E.
Beauchamp, E.
Belmore, E.
Bradford, E.
Brooke and Warwick, E.
Cadogan, E.
Cardigan, E.
Carnarvon, E.
Dartmouth, E.
De La Warr, E.
Derby, E.
Desart, E.
Doncaster, E. (*D. of Buccleugh and Queensberry.*)
Ellenborough, E.
Erne, E.
Graham, E. (*D. Montrose.*)
Hardwicke, E.
Howe, E.
Lonsdale, E.
Lucan, E.
Macclesfield, E.
Malmesbury, E.
Mayo, E.
Nelson, E.
Orkney, E.
Pomfret, E.
Romney, E.
Sandwich, E.
Seafield, E.
Stamford and Warrington, E.
Stanhope, E.
Stradbroke, E.
Talbot, E.
Verulam, E.
Westmoreland, E.
Wilton, E.
Winchilsea and Nottingham, E.

Bolingbroke and St. John, V.
Canterbury, V.
Clancarty, V. (*E. Clancarty.*)
Combermere, V.
De Vesci, V.
Doneraile, V.
Dungannon, V.
Exmouth, V.
Hardinge, V.
Hutchinson, V. (*E. Donoughmore.*)
Lifford, V.
Sidmouth, V.
Strathallan, V.

Bangor, Rp.
Cashel, &c., Bp.
Chichester, Bp.
Llandaff, Bp.
Rochester, Bp.

Abinger, L.
Bagot, L.
Bateman, L.
Bayning, L.
Berners, L.
Bolton, L.
Braybrooke, L.
Brodrick, L. (*V. Middleton*).
Calthorpe, L.
Castlemaine, L.
Clanbrassill, L. (*E. Roden.*)
Clinton, L.
Clonbrock, L.
Colchester, L.
Colville of Culcross, L. [*Teller.*]
Crofton, L.
Delamere, L.
Denman, L.
De Ros, L.
Dinevor, L.
Downes, L.
Feversham, L.
Forester, L.
Foxford, L. (*E. Limerick.*)
Gage, L. (*V. Gage.*)
Grantley, L.
Kenyon, L.
Ker, L. (*M. Lothian.*)
Kilmaine, L.
Kingston, L. (*E. Kingston.*)
Lovel and Holland, L. (*E. Egmont.*)
Polwarth, L.
Raglan, L.
Ravensworth, L.
Rayleigh, L.
Redesdale, L.
Sandys, L.
Seaton, L.
Sheffield, L. (*E. Sheffield.*)
Sondes, L.
Southampton, L.
Stewart of Garlies, L. (*E. Galloway.*)
Saint Leonards, L.
Tenterden, L.
Walsingham, L.
Willoughby de Broke, L.
Wynford, L.

(PROXIES.)

Richmond, D.

Bath, M.

Abergavenny, E.
Aylesford, E.
Beverley, E.
Buckinghamshire, E.
Cathcart, E.
Chesterfield, E.
Guilford, E.
Hillsborough, E. (*M. Downshire.*)
Leven and Melville, E.
Manvers, E.
Mount Cashell, E.
Onslow, E.
Orford, E.
Portarlington, E.
Poulett, E.
Powis, E.
Rosslyn, E.
Selkirk, E.
Strathmore, E.
Tankerville, E.
Vane, E.

Bangor, V.
Hill, V.
Melville, V.
St. Vincent, V.

Ardrossan, L. (*E. Eglintoun.*)
Blayney, L.
Boston, L.
Clements, L. (*E. Leitrim.*
Cloncurry, L.
De L'Isle and Dudley, L.
Dunsandle and Clanconal, L.
Farnham, L.
Gray, L.
Heytesbury, L.
Hopetoun, L. (*E. Hopetoun.*)
Howard de Walden, L.
Middleton, L.
Moore, L. (*M. Drogheda.*)
Plunket, L. (*Bp. Tuam, &c.*)
Ranfurly, L. (*E. Ranfurly.*)
Saltersford, L. (*E. Courtoun.*)

Scarsdale, L.
Sinclair, L.
Templemore, L.
Tyrone, L. (*M. Waterford.*)
Wigan, L. (*E. Crawford and Balcarres.*)

House adjourned at One o'clock, A.M. (Saturday), to *Monday* next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, May 14, 1858.

MINUTES.] PUBLIC BILLS.—2° Ecclesiastical Corporations Leasing; Oxford and Cambridge Universities, &c., Estates.
3° Poor Law Amendment.

PUBLIC BUSINESS.—THE WHITSUNTIDE HOLIDAYS.

THE CHANCELLOR OF THE EXCHEQUER, in rising to make the Motion of which he had given notice, said, that perhaps it would be convenient for the House to know that it was the intention of the Government to move that the House do adjourn from Friday, the 21st instant, to Friday, the 28th. He should conclude by moving to postpone the Orders of the Day until after the Notice of Motion relative to the Governor General of India.

Motion *agreed to.*

NEWFOUNDLAND FISHERIES.

QUESTION.

MR. HANBURY said, he would beg to ask the Secretary of State for the Colonies whether any change has taken place in our position relative to France or the United States, by Treaty or otherwise, with regard to the Newfoundland Fisheries; and whether the British Squadron has been increased on that station?

LORD STANLEY said, he thought the House would be perfectly satisfied if he confined himself to a simple and true statement of the facts. He had to state that no change whatever had taken place in the position of this country, either relative to France or the United States with regard to the Newfoundland Fisheries. With regard to the second part of the question, he had to say that the amount of the force which had been increased for the protection of the Fisheries was left to the discretion of the Commander in Chief on that station.

INDIA.—INFORMATION WITHHELD FROM THE BOARD OF CONTROL.

NOTICE.

MR. LYGON said, he had a notice on the Paper to call the attention of the House to the information understood to have been withheld from the Board of Control; and, if it had not been for the surprising statement which was made to the House last evening by the right hon. Gentleman opposite (Mr. Vernon Smith), he should have proceeded with his Motion; but, as that statement must necessarily influence the course of the impending debate, he would not proceed further at present.

OUDE.

PROCLAMATION OF THE GOVERNOR GENERAL.—DESPATCH OF THE PRESIDENT OF THE BOARD OF CONTROL.

RESOLUTIONS MOVED.

MR. CARDWELL: Sir, I rise to invite the judgment of the House upon what I believe to be one of the most remarkable series of occurrences that has been witnessed in the history of British administration. I trust I shall not occupy the attention of the House at great length, for I mean to say nothing that does not rest either upon facts patent and indisputable, or upon the statements of those whose conduct it is my painful duty to impugn. It appears that, upon the 12th of the month of April last, there was received in this country a letter from the Secretary of the Government of India to the Commissioner of Oude, covering a draught of a Proclamation which it was intended should be promulgated in Oude as soon as the fall of Lucknow was known. That important document was immediately taken into consideration by Her Majesty's advisers; and, that I may make no mistake in relating what took place, I will state it to the House in the language of those advisers themselves. These were the words of the Chancellor of the Exchequer:—

"I think it right to take this opportunity of stating that when we received notice of this intended Proclamation we took the subject at once into our consideration."

And in the language of the Earl of Ellenborough:

"The letter to which the noble Earl has alluded, enclosing the Proclamation, was received on the 12th of April. The answer was not written till the 18th of April. It was dated the 19th of April; and it was not sent off until the 26th of April. There was, therefore, ample time for considering what the letter reflecting upon the Proclamation should contain, and also for further consideration after it was written, as has been

shown by my noble Friend near me. Reflection only more strongly induced me to think that it was absolutely necessary to send the letter as it was originally written. When I read that Proclamation I felt it was my duty at once to express my own sentiments on the subject, which were adopted by my noble Friends."

So there can be no doubt that, with respect to the writing, the approval, and the transmission of that despatch, it was the deliberate act of Her Majesty's Government collectively. It is known to the House that the India Board, under the statutes which regulate the government of India, possesses the power of sending through the Secret Committee of the Court of Directors those despatches concerning the treatment of the Native Princes and States which in their judgment require secrecy. That course was pursued on this occasion; and that despatch, so collectively adopted by the Government, was sent out to India on the 26th of April through the Secret Committee of the Court of Directors. With regard, therefore, to the document itself these things are clear—that it was the collective act of Her Majesty's Ministers—that it was sent to India through that particular channel, the Secret Committee of the Court of Directors. What was the tenor of the document is familiar to the House, for the Members have had it in their hands. I shall hereafter have occasion to describe it to you, but I shall describe it, not in language of my own, but exclusively in the language of those who indited it, and are responsible for it. So much, then, for the writing and sending of the despatch. From the 26th of April to the 6th of May no important information comes within my knowledge; but on the 6th of May it became known, through the columns of *The Times*, that a Proclamation had been promulgated in Oude, not the identical draught Proclamation to which I have before referred, but a Proclamation, in the language of the Earl of Derby, materially modified from that draught Proclamation. I say it became known to us incidentally from the columns of the newspapers, that that Proclamation, materially modified, had been published in Lucknow. Things being in that position, the hon. Member for Birmingham (Mr. Bright) came into the House of Commons and put a question to the hon. Member for the county of Inverness, the Secretary to the India Board. To that question the hon. Gentleman returned an answer, which, so far as it relates to the despatch, I think I had better read *in extenso* to the House. After speaking of the Proclamation, he said—

"The Proclamation was, of course, taken into consideration by Her Majesty's Government as soon as it was received, and a despatch was written expressing the views and opinions with respect to it which the Government entertained. That despatch as well as the Proclamation itself there can be no objection to lay upon the table of the House, and I may add that the Proclamation was not made in consequence of any instructions which were sent out to the Governor General from this country."

Now, Sir, you will observe in that answer of the hon. Gentleman that publication was promised; but publication was not made. If the case had rested there—if the responsible advisers of the Crown, warned by that question, had met in consultation on the following day, and had been of opinion that a hasty promise had unfortunately been made, and that serious inconvenience to the public service and most prejudicial effects would follow if that promise were fulfilled, I appeal to this House whether, if after that deliberation, they had come to the House of Commons and stated on their responsibility that then, before the actual Proclamation made by Lord Canning had arrived in England, in their opinion it was contrary to the public interest to produce that despatch—I say I appeal to the House whether there is the smallest belief that this House would have insisted on the fulfilment of that promise? But I ask another question—if this House can be conceived to have been disposed to act in a spirit so unpatriotic and improper, was it not the bounden duty of the responsible advisers of the Crown at least to cast that responsibility upon us, and to quit themselves of their pledge by stating their belief that in fulfilling their promise they were inflicting a serious and irreparable mischief on the public interests of the country? That is a just description of the case after the question of the hon. Member for Birmingham had been put, and after the answer of the Secretary to the Board of Control. But it is well known that the case did not rest there. The hon. Member for Birmingham was not satisfied with so guarded an answer as was given by the hon. Member for the county of Inverness. He rose again to put this question to the House:—

"I hope the Government will be good enough to inform the House what the general tenor is of the despatch which the hon. Gentleman has mentioned, in order that the decision of Her Majesty's Ministers upon this subject may as soon as possible go forth to the country."

What followed? In the first place, the leader of Her Majesty's Government in this House repeated the promise which the hon. Gentleman the Member for Inverness had made. He said—

"A copy of the despatch will, of course, as my hon. Friend has stated, be laid upon the table of the House."

And he went on to say—

"I think it, however, right to take this opportunity of stating that when we received notice of this intended Proclamation we took the subject at once into our consideration, and the result was that we sent out a despatch to the Governor General of India, disapproving the policy which he indicated in every sense."

Has anybody forgotten the electric effect which that statement produced within the walls of this House? Has anybody forgotten that in every house in London, in whatever social circle we spent a portion of that evening, there was one universal eager question? And what was that question? Did people say to one another, "Is it true that the Secretary of the India Board has told the House of Commons that a despatch has been written by Lord Ellenborough, and that it will be laid upon the table very soon?" No such question was put. Everybody asked with eager curiosity, "Is it true that the Chancellor of the Exchequer has told the House of Commons that a despatch has gone to India disapproving the policy of the Governor General in every sense?" [MR. BRIGHT interposed an observation.] I thank the hon. Member for Birmingham for his interruption. I am discharging a task which I desire to discharge with perfect fidelity, and if I should be so unfortunate as to make the smallest misquotation in any statement I make I shall be truly indebted to any hon. Gentleman who may interrupt me. But, Sir, I have the passage in my hand, and I am repeating exactly the words which that passage contains. The words are these:—"We have sent out a despatch to the Governor General of India disapproving the policy which he indicated in every sense." I say the question on that night was this:—"Is it true that the Chancellor of the Exchequer has made a certain statement to the House of Commons?" and the reason why it was put was that everybody understood and felt the important consequences that hinged upon it. Then what happened the next day? On the following day—every Member of the Cabinet being, I presume, acquainted with the promise that had been given—there was a meeting at which, so far as I am aware, only three persons were present; and I shall read in the language of Lord Ellenborough what the nature of that meeting was:—

"At a late period of the day it was understood between my noble Friend, the Chancellor of the Exchequer, and myself that extracts only should be read, for it was considered inconvenient that particular passages should be made public."

Now, observe, the publication by production of the despatch has not yet been made. What publication has been made is only by the oral statement of the Chancellor of the Exchequer in the House of Commons. The head of the Government, the leader of the Government in this House, and the Minister for India, come to an understanding on the subject, and that understanding is that, with the omission of certain extracts, publication shall be made; and accordingly on that night publication is made in both Houses—in the House of Lords, in conformity with the understanding that had been come to, while in this House the whole of the despatch is given. Now, is it possible to say that the Minister for India was more responsible for that publication than the head of the Government or the Chancellor of the Exchequer? Nay, if there be any distinction between individuals, is it not plain that, whereas they had agreed expressly that this publication should be made—and I will likewise pay their colleagues the tribute of respect to suppose that within the twenty-four hours that intervened some indication of their opinions and feelings had been taken—there was one who had made a separate oral publication of his own. So stands the case with regard to the writing and publication of the despatch on Friday, the 7th of May. On the Monday following there occurred a circumstance that I think, in giving a narrative of these transactions, I ought not to omit; for since Lord Ellenborough thought it worth while to explain it, it is surely worthy of being noticed here. I mean the explanation he made with regard to the reported or surmised possession of information with regard to the secret despatch on the part of the hon. Member for Birmingham. There is in this matter something which I am not able to explain, because, as has been stated by Lord Derby, no notice of the question put by the hon. Member for Birmingham had been given, and yet he and Lord Ellenborough said the Secretary to the India Board had been authorised to take the course he did take in answering it. But how he came to obtain authority

if he had no notice of the question is, so far as I am aware, a point upon which no explanation has to this moment been given. I have thought it right to notice this circumstance in the present narrative; but I will make upon it no comment, because I am speaking in the presence of those who can give the explanation which I am sure it will afford them satisfaction to give. I then thought it my duty to give notice of the Motion which I have now the honour to place, Sir, in your hands; and on the following day Lord Ellenborough, chivalrously taking upon himself the whole responsibility of the difficulty in which the Government was placed, resigned. Now, these being, as I believe, the general circumstances of the case, I submit to the House whether it does not appear that the writing and sending of the despatch were the collective acts of the Government, and not the separate acts of any Member of that Government? and with equal confidence I submit to the House whether the publication of the despatch on Friday, the 7th of May, can justly be said to have been the act of one Minister alone, and whether, under the circumstances which I have shortly laid before you, it is not as much the act of every one of them?

Sir, those being the circumstances of the case, I shall now state to the House what is the nature of the Motion which I submit for its consideration, and what is the judgment I shall ask the House to form upon the very serious question involved. And here, in the first place, let me observe that on the Proclamation issued by the Governor General it is not my intention to ask the House to give any judgment. ["Hear, Hear!"] I cannot but be much indebted to Gentlemen for their cheers. I will now proceed to state my reasons for that determination, and I hope they will be equally satisfactory. In the first place, if I were to presume to ask the House for an opinion on that Proclamation I should be met by the irresistible statement that the Proclamation is not before us at all. What Her Majesty's Government have thought proper to lay before you is the draught of a Proclamation which I believe was never issued. Of the Proclamation which has been issued, and which in the language of Lord Derby, is "materially modified" from the Proclamation which has been laid before you, we have no knowledge but such as has been gathered incidentally from sources which cannot be made the ground-work of Parliamentary proceedings. But in regard to the Proclamation itself, while I will not ask any judgment on it, I think it my duty to state a fact, and that fact is this. In the blue-book of 1856 respecting Oude there is, under the signature of Mr. Edmonstone, addressed to Sir James Outram, and published at Lucknow, a proclamation to which those who describe the present Proclamation as a novelty will do well to turn their attention. It will be found that the persons against whom that proclamation was levelled are not the peaceful cultivators of the soil in Oude, not even the zemindars, as the word zemindar is understood at Calcutta; but that they are those persons with whom we have been made familiar in the volumes of Colonel Sleeman and in the blue-books, and who have been described, from the days of Lord Cornwallis to those of Lord Canning, as the curse and tribulation of Oude. But what I ask the House to condemn is the despatch itself of Lord Ellenborough, whether you regard it in its character of a secret despatch, or, still more, whether you regard it in its character of a published despatch. I do not know what notion Her Majesty's Government may have of the position in which the Governor General of India has been placed. But, if their sympathies with his position have been so little excited that they think it wise and right to address to him opinions which, be they right or wrong, have not been recommended upon their responsibility to the Crown, nor to Parliament for its sanction, we cannot but feel that his position of Governor General has become one of still greater difficulty, and that his action as a public servant must be seriously embarrassed. Lord Canning is there to support the Queen's Commissioner in Oude. He is acting as a public servant, with instructions as to the best mode of restoring the allegiance of the people of Oude to his Royal mistress and the Government of this country. Those to whom he is subordinate by official position have no doubt a right to advise the Queen to alter those instructions and modify his position, and they have a right to come to Parliament for the sanction of their views. But they have no right to paralyse the hands, and —if he were not a man of unusual courage, I would say—to palsy the heart of that distant servant of the Crown who is engaged in carrying out the behests of his Sovereign and his country. Lord Canning rules over an empire of 150,000,000 of

people, spread over an enormous territory, extending from the Himalaya mountains to Cape Comorin; but what do you suppose will be his freedom in governing India in his present circumstances if you tell him—as you have told him in this despatch—

"Suddenly the people saw their King taken from among them, and our Administration substituted for his which, however bad, was at least Native."

Sir, there is no objection to independent Members of this House expressing those opinions; but there is the greatest objection to these doctrines going out to India as the doctrines of the responsible servants of the Crown when it is the duty and necessity of the public servant to whom they are addressed to administer our government over more than 150,000,000 of people, many of whom look back to the time when, if they lived under a bad Government, they lived, at least, under a Native Government. Now, Sir, let the House look at the tone and temper of the Government. The House has read that passage which begins "Other conquerors."

Sir, I wonder that when Her Majesty's advisers considered the draught of that despatch there never occurred to any one of them the suggestion that when Lord Canning read those caustic words he might compare himself with "other conquerors" who had annexed other territories and had issued other proclamations. If so, they might have remembered that if the words "policy" of "clemency" had been honoured in connection with the government of India, that policy of clemency would go down to history, not associated with the names of other conquerors, but with the name of Canning. But when I come to consider this despatch not merely as read by Lord Canning, but as a document published in England and India, how shall I describe it? Sir, what are the duties of the Government to the Governor General of India? If you are dissatisfied with the Governor General, it is in your power and your duty to recall him. If you are satisfied with the mode in which he is performing his duty in difficult circumstances, then you ought to sustain and cordially to encourage him. If, so sustaining him, you differ from him on an important matter of policy, you will direct and control him—but in that spirit and temper which will not break off his cordial concurrence with the Government at home—above all things it is your duty to avoid anything which has the effect of paralysing that authority by which he is to do your work in India. Sir, what have you done? You have sent out to him and published a despatch which I have ventured in some particulars to criticise, but in regard to which, since it is in all your hands, I need not occupy your time. But I will ask you to listen to the language in which the Proclamation has been disclaimed by those who have indited and proposed the despatch. In the language of the right hon. Gentleman the Chancellor of the Exchequer, it was a "disapproval of his policy in every sense." [The CHANCELLOR OF THE EXCHEQUER: "Of his policy indicated."] In the words of the noble Earl at the head of the Government, it was "censure and condemnation." In the language of the Earl of Ellenborough it rose to "reprobation." What was the position of a Governor General occupying that difficult post after the annexation of Oude, which took place while he was on his way to India to take charge of his Government—suddenly finding himself immersed in the anxieties of this perilous rebellion—not recalled by the Government at home—not instructed by the Government to recall the Proclamation they condemned, but told that they disapprove of his policy indicated in every sense; and "censure," "condemnation," and "reprobation" being the words used to characterise his conduct in "another place"? And this to Lord Canning, to the man who stood erect, and I am afraid sometimes too much alone—who sustained his courage and calmness and compassion in the midst of that tremendous period of anxiety through which we have been passing, and from which we have not yet entirely emerged—a man who has attained the nickname of "Clemency Canning" for the conduct which has displeased some, but who has been the worthy representative of that Sovereign—

"Whose earthly power then shows likest God's
"When mercy seasons justice."

Well, if the writing of that despatch and its publication are unjust to Lord Canning what is its bearing on the British Crown? Whose commission does Sir James Outram bear, and what will be its character in Oude if such language is addressed to him and published? What is to be its bearing on our army there? Are they to shed their blood and put their lives in peril for a cause which is described in such language?

[*First Night,*

What will be its operation on the great cause of humanity? Are you prepared to reverse your operations and put an end to civil strife by restoring the throne of Oude to its Native rulers? and, if not, how else are you to put an end to those conflicts, except by establishing the authority and policy of the Government? What effect will it have on our friends in that country—on those who have made sacrifices and run hazards in our service—who have sheltered our countrymen and countrywomen in the hour of danger? Will it not carry dismay to their hearts when they see the publication of sentiments like these? What will be its effect on our enemies? Will it not encourage them in that resistance which many thousands of them are still in arms to offer? What has already been its effect upon our friends in continental Europe? Has it not dipped with gall every pen that loves to malign our policy and defame our character? Sir, for these reasons, and for many more that I could mention, I object to the writing and publication of this despatch.

But, Sir, here I may be told, "The case stood very well when you gave notice of your Motion, but an important circumstance has occurred which varies the position of affairs—the responsible Minister has resigned." Sir, I say that those who are responsible for this despatch have not resigned. I do not know what the feelings of others may be, but I know that I should have felt ashamed to come down to this House and declare that this Motion was levelled against an individual member of the Cabinet, and that with the retirement of that Minister the objects of the Motion had ceased and ought to be forgotten. Sir, I know that I shall have at least one voice in this House that will cordially sympathise with me in this opinion. I well remember when a vote of censure was proposed in this House which displaced the Government of Lord Aberdeen—I well rember the generous sentiments that fell on that occasion from the Chancellor of the Exchequer. I cordially agreed with him at that time, and I agree with him now. And, considering the applicability of his remarks to the present circumstances, and the high authority of the person by whom they were uttered, I will, with your permission, read them to the House. The Chancellor of the Exchequer then said:—

"The right hon. Gentlemen opposite who have addressed us have always argued this case as if the present Motion was an attack upon an individual Member of the Cabinet. The whole of this case has been argued by the Government as if this were a personal attack upon the Minister of War. Now, Sir, for my part, I disclaim, in language as clear as I can express my meaning in, that I entirely protest against that Parliamentary conduct which singles out one Member of the Cabinet, and, on the pretence of criticising the administration of his department, visits him with a censure, from which the other Members of the Cabinet, his colleagues, are to be exempted. I have had occasion in other instances to maintain these opinions, and I have now acted upon them. * * I have been asked by hon. Gentlemen who sit on the other side, whether I would support a vote of censure upon the Duke of Newcastle, and I have been assured by those hon. Gentlemen that such a Motion, if proposed, would be sure to be passed by a decisive majority. But I said, as I say now, that I never will, directly or indirectly, be a party to any Motion in this House the object of which is to select one Member of the Cabinet and make him the scapegoat of a policy for which the whole of his colleagues are equally responsible."

Sir, these are eloquent and true words. I rejoiced to hear from the right hon. Gentleman last night language with regard to Lord Ellenborough which did him credit. He spoke in bold and manly language, and expressed the regret which he felt at the resignation of the noble Earl in these words:—

"I have no doubt that the motive which induced Lord Ellenborough to take that not unconstitutional but unusual course was, that he knew very well, if the question had been put to those who lately had the honour of being his colleagues, their great regard for his personal qualities and their admiration of his genius would have led them unanimously to request him to withdraw that resignation."

That is language which, in my opinion, does the right hon. Gentleman great credit. But the right hon. Gentleman goes too far when he speaks for others besides himself. Two propositions are contained in what I have read—first, that they have not had the opportunity of expressing their opinions upon the subject; and, secondly, that if they had had that opportunity, they would have unanimously requested Lord Ellenborough to remain. That is not the statement of the head of the Government. That I may be accurate, I will read the words themselves:—

"There is nothing, my Lords, so painful to my feelings as the possibility of being suspected for any purposes of sacrificing a colleague, and I know not that I have ever in my life felt deeper pain than when I received from my noble Friend, not a tender of his resignation, but a copy of a letter in which he had already submitted his resignation to Her Majesty."

("Hear, hear!") I shall invite more cheers in the next sentence:—

"I was bound to consider not private and personal feelings only, but what was due to the great interests of the country. I was bound to consider whether it was desirable that the Government should stake their existence as a Government upon their liability for an act of which they were not in the slightest degree cognizant—whether they should take upon themselves the defence of that which they felt they could not wholly defend; or whether they should accept the noble self-sacrifice of my noble Friend, and thereby, through his generosity, allow his colleagues to have justice done to them. That course I did take. I never felt greater pain than when I came to that determination. But, guided solely by great public considerations, I felt that it was my bounden duty to accept the self-sacrifice of my noble Friend. Painful as I felt it to be to part from one for whom, personally, I had the highest respect and the most sincere regard—from one whose knowledge of India, whose long experience, whose devotedness to the cause of India, whose abnegation of self rendered him an invaluable colleague in our councils on India, and whose resignation was the greatest loss to the Cabinet—yet, swayed by still stronger considerations, I felt bound, but not without the deepest pain, to suggest that the resignation of my noble Friend should be received."

These are matters of feeling and opinion; but I beg to say that, having given notice of submitting this Motion to the House, I should have been extremely loth to infer that, by the resignation of a colleague in the Ministry, the Government had been relieved from the responsibility of his act, and that the motives which had induced me to propose submitting these Resolutions to the House were consequently at an end. The resignation of Lord Ellenborough does affect the question, but not, I think, in the way in which the argument to which I have been adverting would lead. In the first place, the language of the head of the Government which I have read to you relieves me altogether from the necessity of arguing when I impugn conduct which he admits is not capable of defence. In the second place, it allows the question to be viewed in an important constitutional respect. When I gave notice of this Motion, I felt that, if conduct like that of which I have been speaking passed unnoticed by this House, our sovereignty of India was perilled, and the vast Indian dependencies of this kingdom could no longer be regarded as safe to the British Crown. But now I want to know, is there no danger with regard to the Government of England? We have just passed a Resolution that we will intrust the government of our Indian possessions to a responsible Minister. Is there to be limited liability in the Cabinet? Is there to be no solidarity among those to whom the vast interests of the greatest empire of the world are intrusted by this House? The East India Company has set to the House of Commons an example which we shall do well to bear in mind in our deliberations. "Corpses" they have been called, but those corpses have too much blood in them to see the Governor General treated in this manner, while the statute law places his protection in their hands, without coming forward to record their confidence in his administration.

Sir, I regret that in making this Motion it has been my duty so long to occupy the time of the House. I have laid before you the facts of a case which I believe to have no parallel in the history of British administration. I have regarded it as a case deeply affecting the most important interests of this country. I believe the continued government of your distant dependencies depends upon it. I believe a new element has been imported into it materially affecting the constitutional government of this country. I have endeavoured to discharge my task by laying it clearly before you, without any exaggeration and without any artifice of rhetoric; and I now conclude by appealing to you to know whether you, the representatives of a generous and high-spirited people, will permit the Governor General of India, the author of the policy of clemency, to remain under the censure which has been cast upon him, or whether, by the expression of your sentiments, you will show that your sympathy and your support will ever be extended to those who with courage and with compassion under arduous circumstances maintain in a distant dependency the rightful cause of England. The right hon. Gentleman concluded by moving the following Resolution:—

"That this House, whilst in its present state of information it abstains from expressing an opinion on the policy of any Proclamation which may have been issued by the Governor General of India in relation to Oude, has seen with regret and serious apprehension that Her Majesty's Government have addressed to the Governor General, through the Secret Committee of the Court of Directors, and have published, a Despatch condemning in strong terms the conduct of the Governor General; and is of opinion that such a course on the part of the Government must tend, in the present circumstances of India, to produce the most prejudicial effect, by weakening the authority of the Governor General, and encouraging the further resistance of those who are in arms against us."

Mr. Serjeant DEASY said, he was sure that he should not ask in vain for the indulgence of the House while he stated the reasons which had influenced him to undertake the task of seconding the Mo-

tion. In doing so, he was particularly anxious to guard himself against any misapprehension of the views he entertained. If he regarded the Proclamation of Lord Canning as a measure, not to say of wholesale confiscation, but an act of undue severity to the people of Oude, he should be the last person to give it his sanction or support. Sprung, as he did, from a race, and coming from a country which had been made the subject of wholesale confiscation and wholesale proscription, the memory of which had not even now wholly passed away, it would ill become him to advocate wholesale confiscation and proscription in any dependency of the British Crown. But not only did the Resolution of his right hon. Friend carefully and properly abstain from pledging the House to any approbation of the policy indicated in the Proclamation which had been the subject of condemnation by Her Majesty's Government, not only did it leave them full liberty, when they should be supplied with complete information to take into consideration the scope and purport of that Proclamation, but he confessed that he had come to the conclusion that the Proclamation indicated no such policy as that which had been ascribed to it. Whether he viewed it with reference to the source from which it emanated, or its context and terms, or the facts connected with it, he came to an entirely different conclusion. The policy which he thought ought to be pursued towards the people of Oude was clearly and properly indicated in a letter from the late Minister of India, in which he gave the following instruction to the Governor General of India:—

"It appears that, whenever open resistance shall have ceased, it will be prudent, in awarding punishment, rather to follow the practice which prevails when a country has been defended to the last by its inhabitants, rather than that which might, perhaps, be lawfully adopted after the suppression of mutiny and rebellion."

He fully subscribed to that view; but that was not the question which the House had to consider. It was one thing to indicate their views of policy, and another to condemn and censure, and publish to the world the reasons by which the Minister was influenced in reversing the policy on which the Governor General had entered. The Proclamation was not a measure of wholesale proscription or undue severity. It emanated from a statesman who had been most conspicuous for the clemency which had guided his policy in India, and who had dared to stand between the people of India and an indiscriminate desire for vengeance which could scarcely be appeased. Was it likely that Lord Canning, in dealing with a people who might have some excuse for their hostility to us, would depart from the whole tenor of policy which had hitherto actuated him in the government of India, and embark in measures of wholesale confiscation and proscription? But what are the terms of the Proclamation? Does Lord Canning say that the whole property of Oude was to be confiscated, and that the whole population was to be proscribed? No such thing—the import of his Proclamation was entirely different. The words of the Proclamation were these:—

"The Governor General further proclaims to the people of Oude that, with the above-mentioned exceptions, the proprietary right in the soil of the province is confiscated to the British Government."

But what were actually the proprietary rights here spoken of as being subject to confiscation? In India the Government of a country was by right, and not only in theory, the owner of the land. And what was the case in Oude? The monarchs who had preceded us in Oude had granted out in large tracts what were called the "proprietary rights," and they had thus created a class of proprietors intermediate between them and the tillers of the soil, called talookdars and zemindars. The rights of these persons were thus described in the instructions of the Lieutenant Governor of the North Western Provinces to the officials engaged in the land settlement of those districts:—

"The ordinary form in such cases is, when a powerful man, by patent or by grant from a superior Power, or by favour of local officers, or by the voluntary act of the people themselves, has become an intermediate person between the Government and the village proprietors, collecting from the latter what they would otherwise have paid to the Government, and paying it in himself in one sum after such deductions to cover his own risk as may be settled on in the patent or original agreement."

That was exactly the position of the talookdars in Oude. The fullest information would be found respecting them in Sir William Sleeman's book and in the blue-book on Oude, and it would be seen that they had encroached not only on the rights of the superior Government, but also on those of the persons over whom they were set. It was with these proprietary rights, forfeited by rebellion against us, and with them alone, that Lord Canning's Proclamation dealt; and nothing would be more

calculated to benefit the actual tillers of the soil than that the Government should, if not confiscate, at least modify the rights which had been exercised by the former chiefs, and give the Natives the protection of which they stood so much in need. But the Proclamation was not such a sweeping unqualified measure of confiscation as had been represented. Lord Canning had included in his Proclamation a very important qualification in one of the paragraphs, which had not been sufficiently dwelt on :—

"To those among them who shall promptly come forward and give to the Chief Commissioner their support in the restoration of peace and order, the indulgence will be large, and the Governor General will be ready to view liberally the claims which they may thus acquire to a restitution of their former rights."

What could be more likely to tend to the pacification of Oude than to threaten these men with the confiscation of their rights if they continued to resist, but to promise them indulgence if they at once submitted? He would admit, that this qualification was not in the draft of the Proclamation laid before the Government when the letter was written to Lord Canning; but Ministers were in possession of it before the 8th of May when the publication of the despatch took place, of which he and other hon. Gentlemen complained. This paragraph of Lord Canning's was no departure from former precedents. Sir Charles Napier had done exactly the same thing when he conquered Scinde. The Ameers of Scinde, like the Kings of Oude, had in former times granted out large tracts of land on feudal tenure, and when Sir Charles Napier conquered that province he confiscated those rights, but he accompanied the forfeiture with a declaration that they would be restored to them on certain conditions. When Oude was originally annexed, Lord Dalhousie issued a Proclamation in language almost identical with that used by Lord Canning :—

"All officers, civil and military, all servants of the State, and all inhabitants of Oude are required to render implicit obedience to the officers of the British Government. If any person shall refuse to render such obedience, shall withhold payment of revenue, or dispute the authority of the British Government, he shall be declared a rebel, his person shall be seized, and his land confiscated to the State."

The event provided for by Lord Dalhousie had now occurred; the talookdars and zemindars had rebelled, and Lord Canning was only putting in force the sentence prospectively announced by Lord Dalhousie. There was every reason why the Government should have postponed their decision respecting the Proclamation, until they should have been in possession of that full information which alone could have enabled them to decide fairly upon it. As to the effect of the issuing of the Proclamation there could be no more satisfactory evidence than that of *The Times'* Special Correspondent, who stated that immediately it was put out, several chiefs came in and made their submission on the conditions upon the understanding that their religion should not be interfered with, that others were coming in, and that there was every prospect that this Proclamation, fairly carried out, would rapidly bring Oude to a state of tranquillity. But the policy of the Proclamation was not now before the House, but the conduct of the Government, as to which the House possessed the fullest information. They complained of two things—first, that the Government should have written and forwarded to India a despatch framed in terms of such stringent severity; and secondly, that they should have transmitted it without obtaining that fuller information which the lapse of a short time would have put them in possession of. He complained also that the Government by its conduct had exposed the country to imputations upon its honour, and had seriously imperilled the safety of its dominions by the premature publication of the document. Could anything be more unfair than to censure Lord Canning, and to refuse to recall him?—to load him with censure and obloquy, and yet to leave him to administer the government of India in these troublous times was a course of conduct which ought not to be pursued, and which could not be justified. Instead of remonstrating with Lord Canning, calling his attention to their former instructions, and indicating to him a line of policy which they wished him to pursue, the Cabinet had administered to him the sharpest rebuke that was ever given by a Government to any public man; and that, he contended, was the act not of one Member of the Government individually, but of the whole Government in its collective capacity. But he complained likewise of the precipitate and unaccountable publication of that despatch. That despatch proclaimed not merely to England, but to all Europe and to India, an elaborate condemnation of the policy of the Governor General, and a justification of those who were engaged in defying our authority and resisting our arms.

[*First Night.*

He declined to enter into any question with respect to the original policy which had resulted in the annexation of Oude. That was, as his right hon. Friend had said, *un fait accompli*, and when Lord Canning assumed the reins of government in India, Oude was, to all intents and purposes, a British province, and was occupied by British soldiers. Our authority there had since been defied, and availing themselves of the fearful catastrophe which threatened to engulf the empire, the Natives seized the whole province. Upon the details of those events he need not dwell. We sent out troops by thousands, commanded by a veteran general, to restore by force the authority which by force had been displaced. By the skill of our generals and the valour of our soldiers we had succeeded, and Lucknow was no longer the seat of a dynasty antagonistic to our power. But, in such a crisis what was the course adopted by the Government? They sent out a despatch, not merely censuring the Governor General for his Proclamation, and calculated to weaken his authority, to paralyze his power, and to lower his position, but actually containing an elaborate and authoritative vindication of those who were engaged in resisting our power—placing them in the rank of the Spanish patriots who opposed Napoleon, and our officers in the position of Napoleon's marshals. Supposing that Napoleon, in the plenitude of his power, had addressed such a document to his marshals in Spain, what would have been the effect produced on the Spaniards and on his army? Surely that despatch published by the Government here and translated into every dialect in India, would add vastly to the strength of our opponents, and would increase their moral and material power. He did not ask what justification there was for that publication, because he believed that it was admitted to be unjustifiable. Was the House to ignore such conduct on the part of those who were entrusted with the government of India? He contended, that if Acts like these were brought under the cognizance of a Parliamentary tribunal, and were not visited with the severest censure that could be bestowed upon them, constitutional Government was little better than a fiction and a sham. He confidently asserted that the House of Commons could not avoid expressing an opinion upon this important subject. They owed it alike to Lord Canning, to themselves, to the people of England, to the people of India, and to the Government to pronounce a decided opinion upon it. He said that they owed it to the Government, because, when a vote of censure was proposed, it was the duty of the House of Commons to come to an immediate and decisive conclusion upon the point; and it was not fair to the Government to allow them to remain under the imputation of a charge which, possibly, could not be maintained. He did not believe that the Gentlemen opposite would shrink from the issue, but would meet it as they ought, fully, and fairly; he did not believe they would meet this Motion by resorting to any of the expedients which in various quarters had been suggested; neither could he for a moment suppose that they would shelter themselves under what his right hon. Friend (Mr. Cardwell) had called "the generous self-sacrifice of Lord Ellenborough." He could not concede the doctrine that Ministerial responsibility was to be so limited. The Government was not a mere aggregate of Departments presided over by independent chiefs, but it was a union of statesmen taking the same views, acting upon the same policy, consulting and agreeing together, tendering in their joint character advice to Her Majesty, and responsible individually and collectively for the consequences of that advice. If it were necessary to go into that portion of the case, he thought that it could be shown beyond all controversy that the sending and publication of the despatch was not the sole and undivided act of Lord Ellenborough. The members of the Cabinet concurred, and he supposed still concurred, in the propriety of issuing and publishing that despatch. The right hon. Gentleman the Chancellor of the Exchequer himself was the first Cabinet Minister who promised its publication, and in pursuance of that promise it was made public; and the House had never yet heard a single expression from the right hon. Gentleman or from his colleagues indicating any regret that the publication of the despatch had taken place. The House had now to decide a simple issue:—Did they approve the framing and publication of that despatch, blaming Lord Canning and aiding and defending the insurgents? If they did, of course they would vote against the Motion of his right hon. Friend; but if they thought that the preparation and publication of that document were indefensible, he called upon them to support by their votes the Resolution that was now proposed; for they owed it to Lord Canning to make some reparation for the

Mr. Serjeant Deasy

grievous and unjust censure to which he had been subjected; they owed it to the country, they owed it to themselves and to their constituents not to permit an act to pass without reprobation by which our dominions had been exposed to such imminent peril. It might be said that the object of this Motion was factious. He did not think that the present Government had reason to complain of faction. He never knew a Government which had experienced greater forbearance at the hands of the majority. But forbearance had its limits. He thought that those limits had been outstepped, and that when acts were done by the Executive Government which were calculated to imperil the safety of our Indian empire and to protract the terrible struggle which had so long been waging, it was the duty of the House of Commons to interpose and to condemn those acts. He repeated that they owed it to Lord Canning to make some reparation; and reparation could not be effectually made by acceding to the motion for the Previous Question, or by supporting the amendment of the noble Lord (Lord Adolphus Vane-Tempest), and declining to pronounce an opinion upon the conduct of the Government. The only remaining course by which the honour and the interests of the country could be maintained, due assistance given to Lord Canning in the arduous position in which he was placed, and the character of that House upheld, was by acceding to the Motion of his right hon. Friend the Member for Oxford.

Question proposed.

* THE SOLICITOR GENERAL: I was at a loss, Sir, when I first read the Resolution which the right hon. Gentleman opposite has put into your hands, to understand whether its object was to defend, however indirectly, the policy announced by Lord Canning in the Proclamation which we are discussing; whether he meant to uphold those operations in India, the opposition to which he seems to think the conduct of the Government is calculated to prolong; or lastly, to facilitate operations in this country against the occupants of the Treasury bench, the opposition to which the right hon. Gentleman considers has already been deferred too long. I confess that, after listening to the speech of the right hon. Gentleman, I have come to the conclusion that it is neither the first nor the second of the objects to which I have adverted that he has in view. The third object which I have mentioned is one, indeed, which is perfectly legitimate, and the furtherance of it, I am ready to admit, has fallen into no unskilful hands. The right hon. Gentleman must nevertheless bear in mind that even in an assault upon a Ministry there are rules of strife which call upon a man boldly and manfully to state and to prove his case. But from those rules, as I think I shall be able to show the House, the right hon. Gentleman has thought proper widely to depart.

Sir, I must ask the House to observe that the Resolution of the right hon. Gentleman constitutes what is called a complex proposition. It must be resolved into its parts, and those parts are three. The right hon. Gentleman, in the first place, asks the House to pass no opinion upon the policy of the Proclamation which was issued by Lord Canning. In the second place, he seeks to censure the Government for having expressed an opinion upon that Proclamation; and in the third place, to condemn their conduct for having, as he alleges, published the despatch in which their adverse opinion was conveyed. Now, I maintain that if the House accepts the first part of this complex proposition, and evades expressing any opinion as to the policy of Lord Canning's Proclamation, it is impossible it can approach the consideration of that censure which the right hon. Gentleman wishes it to pronounce. It is impossible, with any degree of justice, to come to a decision upon the expediency of the condemnation unless you take into account the merits of that which is condemned. I therefore accept the terms in which the Resolution of the right hon. Gentleman is couched as a proof of the weakness of his case. He is afraid to challenge the verdict of the House of Commons upon the policy of the Proclamation. I decline, however, to accept the form of the Resolution, where it narrows and limits the issue which we are to try. I decline at the instance of the right hon. Gentleman to look at an Act of the Government and to shut my eyes to the occurrences by which that Act has been produced. I am quite prepared to meet the right hon. Gentleman in any discussion which he may feel disposed to raise as to the conduct of the Government, but in doing so I claim the right of taking into consideration the justice and the policy of the Proclamation in question. A judgment upon that Proclamation may be formed by having recourse to a very trite dilemma. Either it is right or it is wrong. If it is right,

and if the principles which it enunciates are principles just and politic, the Government, beyond all doubt, was wrong in censuring it at all, and still more wrong in making that censure public. But if, upon the other hand, the principles which are embodied in that Proclamation are neither consistent with justice, nor in conformity with sound policy, then I challenge the right hon. Gentleman to show upon what good grounds he calls upon the House to censure the condemnation of that which in itself is contrary to justice and to policy.

Now, let me ask to whom was this Proclamation intended to be addressed? Not to the Sepoys of India. They were mutineers in the strictest sense of the word. They had eaten our bread and received our pay. They were our sworn subjects, bound to us by every tie of allegiance and fidelity. They threw off that allegiance and rebelled. In the course of that rebellion they committed acts of murder, deeds of cruelty and treachery, cold-blooded, wilful, and deliberate. They were —or, at all events, many of them were— persons whose hands were stained by crimes of the deepest dye. Under these circumstances their lives and property were sacrificed by their crimes. But it was not to them, but to the King and people of Oude, this Proclamation of Lord Canning was addressed. What says Mr. Edmonstone, the Secretary to the Chief Commissioner of Oude? He states in the 19th paragraph that the Proclamation was addressed to the chiefs and inhabitants of Oude, and not to the mutineers. But what was the kingdom of Oude? Our relations with it were relations of conquest, and not of allegiance. I know it has been said, that Oude had voluntarily become incorporated with our dominions—that its people had willingly come into our allegiance, and that the hostilities in Oude were rebellion and not war. Sir, these assertions I deny, and my denial is capable of easy proof. I do not now desire to enter into the merits of the question of the annexation of that kingdom. That is a question which never has been, and in all probability never will be, discussed in this House as fully as it might deserve. In speaking of the subject, I will only say that the strongest feeling by which I was impressed upon reading the papers connected with it, and I have read them carefully, was the hope that history may be as lenient to us in regard to that transaction as we have been to ourselves. But, declining to open up that large question, I shall proceed to deal with facts about which there can be no dispute. In the year 1856, the treaty which the East India Company asserted was the treaty regulating our relations with the King of Oude, was a treaty made in 1801, which contained a clause guaranteeing to the Vizier, his heirs and successors, the possession of their territories, together with the free exercise of their authority within their dominions. In the year 1856, however, the East India Company considering that the kingdom of Oude was misgoverned, deemed that that misgovernment conferred upon them the right, I do not say whether justly or unjustly, to annex that territory to our possessions in India. How did they carry that right into effect? Substantially by means of conquest. A Commissioner was sent to Oude. A body of British troops crossed the Ganges. A treaty was presented to the King, who refused to sign the treaty; and he was consequently dethroned, his palace taken possession of, his property sold, his Ministers either made prisoners or held to bail. I do not say whether this was right or wrong—I will assume it to be right. But I still confidently ask whether the case of Oude was one of voluntary submission or of simple conquest and annexation? My answer to the question is that our relations with Oude were relations of conquest. All that was done there was done under protest, and that protest continued until the Sepoy revolt broke out. The people of Oude, which was under a forced submission, taking advantage of that rebellion, made war against England —war, I admit, stained by bloody and barbarous crimes, but still war. By the valour of our troops, poured into the country, the skill and energy of our Commander in Chief—and I cheerfully and gratefully add, by the skill and energy of Lord Canning—by the heroism almost unparalleled of small handfuls of men, aye, and women, who maintained their position in the country until our troops arrived—by all these means the contest in India has resulted in decisive, and I trust, a lasting victory.

But, now that we are victorious, let me ask what is the policy which as victors we ought to pursue? I am prepared to declare what that policy should be upon the broad grounds of justice. But first let me examine the question upon the narrower grounds of prudence and self-interest. Do you mean to hold Oude? If so, how do you propose to effect that ob-

The Solicitor General

ject? Is it by the aid of a standing army? You may achieve your end in that way, but its attainment will cost you dear. Do you desire the willing and cheerful submission of the people of Oude? How can you procure that submission? Is it not an important element in the question to gain the good will of the landowners of that country? A child could answer that question. Which of two things do you do, let me ask—provoke hostility, or conciliate good-will by taking from them that which they hold dearer than their lives? Let us go a step further. Do you desire to put down the mutiny of the Sepoys? Of course you do. Then it follows naturally that you must also desire to prevent the Sepoys from taking refuge and obtaining support in neighbouring States. Where is it most likely that they would obtain that support which would enable them again to make head against us? In the kingdom of Oude. If we have the people of Oude in our favour, they will assist us in beating down and delivering up those Sepoys who may take refuge in their country; but if you alienate the feelings of that people, the consequence is easy to foresee; you will throw them into the arms of the Sepoys—they will combine with the Sepoys, and you will have in that distant and separate territory to crush and to subdue, not merely the Natives of the territory, but also the Sepoys, who will certainly assemble there. Therefore, I say, upon the lowest ground of self-interest and policy, it is for the advantage of this country to conciliate the affections of the people of Oude.

But I desire to rest the case on broader grounds than these. Whatever other nations may do, England ought not to retrograde from those laws of war which civilization has introduced. How, then, upon the principles of justice and the practice of civilized nations, which this country is bound to observe, ought we to treat the property of a conquered people? My proposition is this—you make war with kings and Governments, but not with individuals. If in the course of war individuals commit crimes, they put themselves beyond the pale of that rule; but, except as to such cases, every individual is entitled to protection of life and property from the victorious nation. You might as well confiscate the lives of the conquered as their property. Are there not the highest authorities or precedents upon this point? The matter is so clear that really I am almost ashamed to ask the House to listen to the opinion of one or two great authorities upon this question. But let me read to you what the greatest civilian of the last century—Vattel—says. The Swiss civilian says:—

"But if the entire State be conquered, if the nation be subdued, in what manner can the victor treat it without transgressing the bounds of justice? What are his rights over the conquered country? Some have dared to advance this monstrous principle, that the conqueror is absolute master of his conquest—that he may dispose of it as his property—that he may treat it as he pleases, according to the common expression of treating a State as a conquered country; and hence they derive one of the sources of despotic Government. But, disregarding such writers, who reduce men to the state of transferable goods or beasts of burden, who deliver them up as the property or partrimony of another man, let us argue on the principles countenanced by reason and conformable to humanity."

Those are the words of a writer who lived 100 years ago. I will now quote you the opinion of a distinguished writer of modern times. Dr. Wheaton says:—

"In ancient times both the moveable and unmoveable property of the vanquished passed to the conqueror. Such was the Roman law of war, often asserted with unrelenting severity, and such was the fate of the Roman provinces subdued by the northern barbarians on the decline and fall of the Western Empire. A large portion, from one to two thirds, of the lands belonging to the vanquished provincials was confiscated and partitioned among their conquerors. The last example in Europe of such a conquest was that of England by William of Normandy. Since that period, among the civilized nations of Christendom, conquest, even when confirmed by a treaty of peace, has been followed by no general or partial transmutation of landed property. The property belonging to the Government of the vanquished nations passes to the victorious State; which also takes the place of the former Sovereign in respect to the eminent domain. In other respects, private rights are unaffected by conquest."

This is a question upon which the practice and views of other countries are also worthy of our attention. The House is aware that questions affecting the law of nations frequently come before the Supreme Court in America, and that Court is one from which we derive the most valuable information concerning national and international law. That Court, then, has said this:—

"The modern usage of nations, which has become law, would be violated, that sense of justice and of right which is acknowledged and felt by the whole civilized world would be outraged, if private property should be generally confiscated and private rights annulled. The people changed their allegiance; their relation to their ancient Sovereign is dissolved; but their relations to

each other and their rights of property remain undisturbed."

The hon. and learned Member for Cork (Mr. Serjeant Deasy) has given us his views upon this subject. He has told us that, whatever might be the principle, we had precedents, and precedents, too, in relation to India, from which Lord Canning had not departed. I deny that position, and I think I can soon justify my denial. The hon. and learned Member read us a Proclamation of Lord Dalhousie. That Proclamation is in the memory of the House; and what did that Proclamation state? Lord Dalhousie said, "If you, the zemindars and landowners, come in and submit to the new Government your rights to all your lands shall be protected." Sir, if Lord Canning had said this, I should have found no fault with his Proclamation. But, says the hon. and learned Gentleman, Sir Charles Napier did not follow that rule. Now, we have a history of what was done by Sir Charles Napier, and what does his brother say:—

"While his cannon still resounded on the banks of the Indus, he had made known that all persons, whether of high or low degree, were confirmed for the time, and would be so permanently, according to their behaviour"—[*ironical cheers*]—

Would be confirmed in what?—

"In the employments they held under the Ameers—[*cheers and laughter*]—and that all their rights and possessions would"—

there is no behaviour here—

"Be safe from confiscation, save those of the people who, contrary to the faith of nations, had assailed the Residency."

Well, but says the hon. and learned Member, at all events the people of Oude were not entitled to the rights of war and conquest. Those rights were out of the question for them. They were rebels; they were mutineers; and any man connected with the Government of this country or of India who should hint that they are anything but rebels and mutineers is false to his country and a traitor to the interests of Great Britain. Now, whom will the hon. and learned Member accept as a judge of the condition of the people of Oude? Will he take the Directors of the East India Company? Certainly they have not combined to state the case of the people of Oude more favourably for that people than was absolutely necessary; but there has been placed upon the table of the House to-night, and will be in the hands of Members to-morrow, a despatch from the Court of Directors to the Governor General, dated the 5th of this month, from which, if the House will permit me, I will read two paragraphs which contain the views of the Court of Directors as to the position of the people of Oude. Let the House remember that the hon. and learned Member for Cork says the people of Oude are rebels—it is not fair war they are waging, but it is mutiny and rebellion. Now, what says the Court of Directors?

"In dealing with the people of Oude, you will doubtless be moved by special considerations of justice and of policy. Throughout the recent contest we have ever regarded such of the inhabitants of that country as, not being Sepoys or pensioners of our own army, have been in arms against us as an exceptional class. They cannot be considered as traitors nor even as rebels, for they have not pledged their fidelity to us, and they had scarcely become our subjects. Many, by the introduction of a new system of government, had necessarily been deprived of the maintenance which they had lately enjoyed, and others feared that the speedy loss of their means of subsistence would follow from the same cause."

That was treason when Lord Ellenborough suggested it.

"It was natural that such persons should avail themselves of the opportunity presented by the distracted state of the country to strike a blow for the restoration of that Native rule under which the permitted disorganization of the country had been so long to them a source of unlawful profit."

When an excuse was made for the rising in arms of the people of Oude in a despatch, it is attacked by this Resolution, and we are told it was a betrayal of the interests of the country; but what is it when the Court of Directors speak of it?

"Neither the disbanded soldiers of the late Native Government, nor the great talookdars and other retainers, were under any obligation of fidelity to our Government for benefits conferred upon them. You would be justified, therefore, in dealing with them as you would with a foreign enemy, and in ceasing to consider them objects of punishment after they have once laid down their arms."

That is one paragraph of the despatch. I am fearful of wearying the House; but there is another paragraph which I would wish to read:—

"Of these arms they must for ever be deprived. You will, doubtless, in prosecution of this object, address yourself in the first instance to the case of the great talookdars, who so successfully defied the late Government, and many of whom, with large bodies of armed men, appear to have aided the efforts of the mutinous soldiery of the Bengal army. The destruction of the fortified strongholds of these powerful landholders, the forfeiture of their remaining guns, the disarming and disbanding of their followers will be among your first works. But while you are depriving this influential and once dangerous class of people of their power of openly resisting your authority, you will, we have no doubt, exert yourselves by every possible

The Solicitor General

means to reconcile them to British rule, and encourage them, by liberal arrangements made in accordance with ancient usages, to become industrious agriculturists, and to employ in the cultivation of the soil the men who, as armed retainers, have so long wasted the substance of their masters and desolated the land. We believe that these landholders may be taught that their holdings will be more profitable to them under a strong Government, capable of maintaining the peace of the country and severely punishing agrarian outrages, than under one which perpetually invites, by its weakness, the ruinous arbitration of the sword."

I say that that is a statesmanlike and manly despatch. It meets the case fairly, and it tells the truth. These men in Oude were not rebels, and it would be injustice to deal with them as rebels. The Court of Directors say, provided only they lay down their arms and become peaceable subjects, the holding of their lands shall not be disturbed. I put it to the House to say which is the truer description, which is the wiser and the juster policy. I have heard it asked—I do not think I have heard it in this debate, but it has been said so often that I think it well to refer to it—what could Lord Canning have done? Could he say to men who were in arms that he would preserve to them intact their rights of property? I say, "No; of course not." He should have said what Lord Dalhousie said, —"If you lay down your arms, and become peaceable subjects, promising allegiance to our rule, it is not with you we have made war, and you are safe." And if the Proclamation had been couched in language such as that, I venture to think no Government would have objected to it.

But the hon. and learned Gentleman the Member for Cork County, who seconded this Motion, has suggested a theory with regard to this Proclamation, which I cannot pass over. The right hon. Gentleman says, "It is altogether a mistake to suppose that Lord Canning's Proclamation was addressed to the people of Oude or that it interferes with what we call the rights of property. It is, in truth, he says, merely dealing with high and abstruse feudal and baronial rights, which have been a great curse to the country. But, suppose it were true that the Proclamation only meddled with feudal and baronial rights, I want to know from the right hon. Gentleman what difference he makes between a feudal right and any other species of right. He may think it an injurious thing to the country; but if it is a right of property, owned by the people of the country, high or low, I desire to know whether he can justify confiscation of that as distinguished from the confiscation of any other kind of property. The supposition, however, that this Proclamation meddles only with "feudal and baronial rights," is entirely without foundation. There is no shadow of a pretence for such a theory. To whom is it addressed? Is it to the talookdars and chiefs alone? On the contrary, it is addressed to the landowners of Oude. Moreover, what is to be confiscated? Why, the proprietary right in the soil of the province." But what is the proprietary right in the soil? Why, Sir, it is the right of property in the soil: it includes the right of the tenant, the right of the farmer, the right of the middleman, the right of the owner of the land, and feudal and baronial rights; and all these rights are confiscated. I challenge the right hon. Gentleman to point out a single word in this Proclamation which preserves to any man, except the six persons mentioned in it, any sort of right or property.

Well, Sir, I now come to that part of the Motion which censures the condemnation by the Government of the policy of this Proclamation. What are the facts as to this? There comes to this country the draft of a Proclamation which Lord Canning says he is about to issue as soon as the troops are in possession of Lucknow, an event which he expected to occur without delay. It comes home without the modifying clause which was afterwards introduced, and which I think every one will see was introduced by the hand of the Chief Commissioner. It came home without explanation. It was accompanied, so far as the Board of Control were concerned, with nothing but a letter from the Secretary to the Government of India at Calcutta to the Chief Commissioner at Oude, which appeared therefore to be the whole of the explanation which Lord Canning desired to give. Now let us consider for a moment what are the functions of the Home Government with regard to the Government of India. The right hon. Gentleman (Mr. Cardwell) says you have paralysed the arm of the Governor General. The Governor General sends important information to the Government at home on a question of great interest. Is it the province of the latter to pronounce an opinion on them or not? If the Home Government is to give no opinion, the right hon. Gentleman may be right; but if the Government is to give an opinion, I

say, I, for one, should have been ashamed to be connected with any Government which allowed a single mail to pass after this Proclamation was received without writing to the Governor General and stating explicitly and distinctly their views in regard to the policy contained in it. Sir, this was a case in which there was not a moment to be lost; nor was it one in which there could be any shrinking from the right through a fear of hurting the feelings of the Governor General. I respect Lord Canning as much as any man in this House respects him. Lord Canning is a man whose kind and considerate nature and whose upright and simple mind are such, that no person who has, however distantly, been an observer of them, can have any other feelings towards him than those of profound respect and considerable admiration; but when the destinies of a country are threatened—when the fortunes of 5,000,000 of people are at stake—all considerations that are merely personal must give way. This part of the subject lies in the smallest possible compass, and with it the right hon. Gentleman has not grappled. Was the Proclamation right or was it wrong? If the Proclamation was right the censure was wrong. And if the Proclamation was wrong the censure was right. I care not who the Governor General was, or what his past services may have been. I say here was a case in which a specific act was proposed to the Home Government. It was their duty to express an opinion on it. They have expressed that opinion, and as I maintain they have expressed it rightly.

Sir, I now come to the third and smallest part of the right hon. Gentleman's Resolution—that which refers to the publication of the despatch by the Home Government. On that part of the case my views shall be shortly and distinctly stated. I hold that it was the duty of any Government, the fact that the Proclamation having been published and become known to the people of England, to express in some form or other their opinion of the policy of that Proclamation, whether it was right or wrong. I repeat it was wholly impossible for any Government—the Proclamation having once been made public—to refuse to declare the views they entertained in respect to the policy propounded in it. This was not a question of foreign negotiation or diplomatic correspondence, in which it is a custom—a custom which some Members of the House of Commons consider a vicious one—for a Minister to say it would be inconsistent with the public advantage to reveal the different stages of a transaction which was still pending. This was a transaction completed and done. The Proclamation was published; the House of Commons was assembled; Ministers were in their places, liable to be called upon—and they were called upon—to say aye or no to "what is your line of policy on that Proclamation—do you approve of it or do you not?" The right hon. Gentleman (Mr. Cardwell) is mistaken in some of the facts which he has stated to the House. He said—inadvertently no doubt—but unfortunately for the argument he has endeavoured to sustain. He has stated, for example, that the Government had made a declaration disapproving of the whole policy of Lord Canning. Sir, the Government never did anything of the kind. The hon. Member for Birmingham (Mr. Bright) rose in his place in this House, and put this question to the Government, "A Proclamation has been issued confiscating the property of the kingdom of Oude; does Her Majesty's Government approve of that Proclamation or does it not? My right hon. Friend the Chancellor of the Exchequer, in reply to that question, said, "Her Majesty's Government disapproves of the confiscation of the property of Oude (that is to say, of the policy indicated in the Proclamation) in every sense." Sir, I hope I may say, on behalf of Her Majesty's Government, that they do disapprove of it still "in every sense." There are only two senses in which it can be approved of or disapproved of—the sense of justice and the sense of expediency. In both senses my right hon. Friend stated that he disapproved of that part of Lord Canning's policy, and that alone. In both of these senses the Government disapproved of it, and I hope the House will affirm their decision.

But the right hon. Gentleman opposite says, that in addition to the answer of the Chancellor of the Exchequer there is the publication of the despatch, and that, notwithstanding the resignation of Lord Ellenborough, the whole Government is responsible for that act. Now, what are the facts with reference to that publication? The right hon. Gentleman (Mr. Cardwell) gave notice of his Motion before the resignation of Lord Ellenborough. The noble Earl himself has, with that frankness and high honour which is not one of the smallest of his characteristics,

The Solicitor General

stated "in another place" what the facts connected with the production of that despatch were. The noble Earl has stated that the Secretary of the Board of Control did by his directions promise to lay upon the table of the House a copy of the despatch sent to Lord Canning in consequence of his Proclamation. Another noble Earl, a personal friend of Lord Canning, with justifiable haste, applied in "another place" to Lord Ellenborough for a copy of the despatch. Lord Ellenborough yielded to the entreaty of the noble Earl, and at the same time with a spirit of fairness and impartiality, which I am sure the House will appreciate, he thought it proper that that Member of this House, who had put the question to my right hon. Friend, should have the same advantage as that afforded to the noble Earl who applied for the despatch elsewhere. This led to the production of the despatch in this House; but hon. Members will remember that this was done without any other Member of the Government having been consulted on the subject. These two copies of the despatch were thus, in point of fact, made public. They were in possession of individuals not bound to secrecy, and the moment the despatch came into their hands they became to all intents and purposes public. Therefore, the noble Earl (the Earl of Ellenborough) was strictly right when he said that he alone, and no other Member of the Government, was a party to the publication of the despatch.

In other respects the right hon. Gentleman who introduced this Motion has not been quite correct. The right hon. Gentleman, reproducing an old joke of my right hon. Friend near me, which, though a good one, is not in point at the present moment, asked if this was "a Government of limited liability?" and proceeded to advert to what was done in the case of the Government of Lord Aberdeen. He said a Member of Lord Aberdeen's Government resigned; but that notwithstanding this, his right hon. Friend the present Chancellor of the Exchequer said his resignation ought not to shelter the other Members of the Government from responsibility. But is there the slightest resemblance or analogy between the present case and that which occurred in Lord Aberdeen's Government? I do not desire to enter into the merits of that question; but I may observe that it had reference to a matter in which every Member of the Government was responsible for a policy pursued which had been pursued for months, if not years. Of course, when any Member of the Government was loaded with the responsibility of that policy, it was in vain to say that when one Member retired the whole responsibility incurred by the others was wiped away. It was not a case in which the responsibility could be thrown upon one Member of the Government only. But the present is the instance of a single and specific Act, and the noble Earl avows that on him lies the whole responsibility. He has said, "Alone I did it;" and the publication of the despatch being exclusively and solely his act, it was for him to tender to Her Majesty his resignation, in order that the great merits of this case might be considered apart from the petty questions that have arisen out of that publication. But then, the right hon. Gentleman says, at all events I find the Chancellor of the Exchequer and the head of the Government contradicting each other; because the Chancellor of the Exchequer said in this House yesterday that the Cabinet, had they known of Lord Ellenborough's intended resignation, would have pressed him not to do so; while Lord Derby in another House said he felt bound to accept the noble Earl's resignation. But was this the true state of the case? What Lord Derby said was, that Lord Ellenborough had sent in his resignation to Her Majesty before he communicated his intention to his colleagues, and that it was in vain, after he had done so—after his resignation was in the hands of Her Majesty—for his colleagues to discuss the question whether they would have accepted or declined that resignation. Why, the object of Lord Ellenborough was to prevent that very question being considered. If he had said to his colleagues, "I desire to resign my office," as a matter of course they would have said, "We decline to accept your resignation, and whatever responsibility you have incurred we will without hesitation share it with you." But when his resignation was in the hands of Her Majesty it was irrevocable; and it was in order that it might be irrevocable that Lord Ellenborough placed it in Her Majesty's hand before communicating with his colleagues. Therefore, looking at all the circumstances of the case the House will see that the statement of Lord Derby and my right hon. Friend on this subject were precisely on all points alike.

But at all events, says the right hon.

Gentleman, your course ought to have been different with regard to Lord Canning. You ought, says the right hon. Gentleman, to have recalled him. The hon. Member for Cork says you should have either recalled him, or written him a despatch requesting him to mitigate the severity of the Proclamation in practice, and not addressed him in the terms which have been employed. Now, if the right hon. Gentleman will be good enough to go over the despatch he will find that the very thing he has suggested has been done, and that Lord Canning was recommended in the despatch to mitigate in practice the severity of his Proclamation. Then, as to the recall of Lord Canning, there were manifest reasons why that course could not have been taken, even if the Government had desired it. Had the fall of Lucknow been delayed, the despatch would probably have reached Lord Canning in time to prevent the Proclamation being issued at all; but there was every reason to believe that Lord Canning would on reflection and advice have seen good grounds of himself to modify the Proclamation before it was published; and, in point of fact, a modification was, we believe, introduced into the Proclamation before it was published. I ask the House whether it was not a reasonable and proper ground of hope on the part of the Government in this country that with such men around Lord Canning as Sir John Lawrence, Sir James Outram, General Mansfield, and others who might be named — men well acquainted with Oude—he would have been induced to take the view which the Government hold on this subject, and to consider in that aspect the question of the Proclamation?

But then the right hon. Gentleman says, "Why did you not wait for an explanation?" and the hon. and learned Gentleman asks the same question. They say, "Why were you so precipitate? Why did you not suppose that after Proclamation of this kind an explanation would be forthcoming?" Well, Sir, I think there is one circumstance, and one only, which might have led to some delay and postponement, important as the case was, of the despatch sent out to Lord Canning. If Lord Canning had sent home to the President of the Board of Control a statement that if an explanation had not come with the Proclamation an explanation might shortly be expected, the publication, and probably the writing of that despatch, might well have been delayed.

The Solicitor General

And I now, Sir, approach a part of this subject which has, I own, filled me with painful surprise. We have had all the facts of the case from the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith), and I must say that if there is one man in this House of whom Lord Canning has reason to complain, it is the colleague and friend of Lord Canning, the right hon. Gentleman the Member for Northampton. And what is the statement the right hon. Gentleman gave us? I believe I remember the words. The right hon. Gentleman told us that Lord Canning sent him a letter, in which he said—"I am about to issue a Proclamation to the landholders of Oude. I am anxious to send home a full explanation, but I have been so occupied that I have hitherto been unable to do so." Now, that implied that such an explanation would come by the next mail. What was the meaning of this passage? It was very short, but very significant. It meant, "I am about to issue a Proclamation, which will be sent home in draught and sent to you. You are the President of the Board of Control. It is a Proclamation requiring explanation. I have an explanation to give. I wished to give it by this mail, but give me credit —trust me—put confidence in me—the explanation will come by the next mail, and in the meanwhile consider me as one who has got an explanation to give." The right hon. Gentleman did not himself imagine—he cannot to this moment imagine —he wonders that any one should imagine —he does not believe that any one does imagine that these words of Lord Canning were or could by any artifice be shown to be of the slightest importance, or that they ought to be made known to the head of the Government of India in this country. But he did think them of sufficient importance to consult the noble Lord the Member for Tiverton, and he and the noble Lord met in conclave on this despatch. Two ex-Ministers of England received a despatch from the Governor General of India adverting to a State Proclamation. They considered the statements that he made in that letter. The right hon. Gentleman says he consulted the noble Lord. [Mr. Vernon Smith: I never said any such thing.] I am very sorry if I have misrepresented the right hon. Gentleman. I thought he said he consulted the noble Lord, but he no doubt said he showed or read the letter to the noble Lord. Now I want to know for what purpose he showed

it to the noble Lord. It could not be from its importance, because the right hon. Gentleman says it was of no importance. I hope the right hon. Gentleman will tell us during the course of this debate what his motive was for showing it to the noble Lord. At present we have this singular fact—that the right hon. Gentleman received a letter—a private letter, if you will, but addressed to those eyes that the draught of the Proclamation was also addressed to—which the right hon. Gentleman considered of so much importance that he showed it to the late Prime Minister, but which was not of sufficient importance to be shown to the President of the Board of Control. Now, Sir, I must say a word on the theory of private letters. As regards the heads of all the Government departments of the State they must no doubt receive a great number of private letters from the Colonies, from our dependencies, and from legations abroad from those with whom they are on intimate terms. I quite admit the necessity for these letters. These letters are not to be displayed to clerks, and they are, to a great extent, private and confidential communications. If a letter of this kind contains matters really relating to private affairs it is not incumbent on the Minister who may have resigned office to hand it over to his successor; but I say it is incumbent upon him to extract from such a letter anything relating to public affairs which had been addressed to that Minister on the supposition that he still continued to be a Minister. Now, whatever the right hon. Gentleman and the noble Lord arranged, it virtually comes to this—that they intercepted that letter. Well, Sir, what may be the observation of Lord Canning upon this matter I do not know; but if I were in his position my observation would be something of this kind:—"Well, I had a friend, as I thought, in England, who was formerly my colleague. He was the President of a Department with which I had the closest relation, and being my friend and late colleague, I wrote to him on private affairs. At the same time I sent him one of the most important State papers that I had issued during the whole course of my government in India; but I was so much occupied when I did so that I could not send him the explanation with which it ought to be accompanied; but in a note written to him under the impression that he was still Minister, I stated that an explanation would follow. My friend, my late colleague, put the letter into his pocket. He knew that the Proclamation was in the hands of the Government of the day, and that they had read it without the explanation; but he dissevered the Proclamation from the explanation, and allowed days and weeks to pass, and the Government to believe that no explanation of the Proclamation would be given. These circumstances have given me the utmost grief and pain, and I may thank for it all my friend."

Sir, I have gone through the right hon. Gentleman's charges against the Government, which are reduced to the charge of writing and the charge of publishing the despatch. The charge for publishing it has fallen to the ground. The charge for writing it depends upon the higher and broader question of the policy of the Proclamation. On this question, Sir, the right hon. Gentleman and myself are at direct and positive issue. He appeals to the House to be silent—I appeal to the House not to be silent. I appeal to them on behalf of the dearest interests of this country and of India—on behalf of 5,000,000 of people—who may be misguided, misgoverned, and even barbarous, but who are men, with like passions, feelings, perceptions, and prejudices as ourselves. I appeal to the House in the cause of humanity and justice. I make that appeal to the British House of Commons, to which that appeal never has been, and never will be, made in vain. Do not let this go forth as a matter of doubt, or as a matter to be slurred over by a captious and catching Motion, prepared by a cabal, to embarrass and displace a Ministry. Tell it out by your vote, in terms neither vague nor indistinct, to the people of India that you desire submission, and not spoliation—that the war we wage is the war of nations, and not the war of freebooters—that England knows how to make war and conquer, but also knows how to treat those who are conquered—that she offers to those who are conquered and who submit to her arms that protection for their lives and property which will be the best earnest to them of the mildness of the rule which the fate of battles has assigned to them.

Sir, if ever there was a time at which it was necessary that our policy with regard to India should be clear and distinct, it is the present. We are upon the point of transferring the government of

India from the Company to the Queen. In the course of the discussions in this House upon the subject of our past Government of that country some confessions have been made which you may rely on it have not escaped the attention of the people of India. There was a confession made by the right hon. Gentleman the Member for Radnor (Sir G. C. Lewis), which I heard, I must say, with respectful amazement. The right hon. Gentleman the then Chancellor of the Exchequer, the Minister of the Crown who was advocating the Bill which was introduced into Parliament to transfer the government of India to the Queen, was speaking of the past Government of that country. It is true he was speaking of the Government prior to the year 1784, but at a time when not the most insignificant parts of our acquisitions in India were made. The right hon. Gentleman said:—

"I do most confidently maintain that no civilized Government ever existed on the face of this earth which was more corrupt, more perfidious, and more rapacious than the Government of the East India Company from the years 1765 to 1784."

Sir, in this sentiment I, for one, do not concur; but, at all events, let there be no mistake with respect to our future Government. Let us tell the people of India that we are not ashamed to confess that we offer them mercy and justice, and not spoliation; that the war which we wage against them is a war consistent with mercy and justice, and not made for the sake of plunder; and that no faction and no intrigue will tempt the House of Commons even for a moment to lay themselves open to the suspicion that the dynasty we are about to introduce into India is to be a dynasty of reckless, ruthless, and indiscriminate confiscation.

Mr. LOWE: I hope, Sir, that the admiration which the House very naturally feels, and in which I cordially concur, for the eloquent speech of the learned Solicitor General will not draw them away from the main merits of the question which we have to discuss this evening. The hon. and learned Gentleman, in forcible language, has endeavoured to persuade the House of Commons that it is their duty, on a Motion which expressly excludes from their consideration the merits of the Proclamation of the Governor General in India with regard to Oude—without having the document before them, and in the absence of the reasons which its author is about to lay before the Government and people of this country as a justification of it—to pronounce a condemnation of that Proclamation. The hon. and learned Gentleman says, "We are called upon to censure the despatch of the Government; that despatch has relation to the Proclamation of the Governor General, and therefore to censure the despatch is to approve the Proclamation." Of course, *vice versâ*, to approve the despatch is to censure the Proclamation. That is the way the right hon. Gentleman puts it; but is he not raising a totally irrelevant issue? It is an issue which may be worth discussing, but is it the issue which we are come to-night to try? Let us test it and we shall see. The Motion, in the way it is framed, is undoubtedly a condemnation of Her Majesty's Government. Will the approbation or condemnation of Lord Canning's Proclamation tend to show us how to vote with regard to condemning or absolving Her Majesty's Government? My right hon. Friend the Member for Oxford (Mr. Cardwell) is not so unjust as to ask the House of Commons to condemn Her Majesty's Government because upon an important and difficult point of State policy they differ in opinion from the Governor General of India. Her Majesty's Government have a right to their opinion as well as the Governor General; and though it may not be that of a majority of this House—and I, for one, most certainly differ from them—it would be the height of injustice for any one to call on the House to censure the Government merely for sending out a despatch disapproving a particular line of policy which the Governor General may have adopted, or any Proclamation which he may have issued with regard to Oude. Is that the question before us? Are not the words of the Motion, regretting, not that Her Majesty's Government sent a despatch, but that they sent it couched in strong terms? It is the tenor, the scope of the despatch, the manner in which the Governor General is treated, that the House is called upon to censure, and not the fact of its being in accordance with or adverse to the opinion of the Governor General. Therefore, the hon. and learned Gentleman has led us a will-o'-the-wisp chase in asking us to go into the merits of this, which is a question pointedly excluded in the Motion, because we cannot decide it to-day, and because the author of the production has not had an opportunity of laying his reasons for issuing it before the House. When

The Solicitor General

those reasons are before us, let us by all means discuss that question, and come to a conclusion upon it. Till then I submit, on the clearest grounds, that justice forbids us to condemn the meanest person, much more a great officer of State like the Governor General of India, in his absence; till then we are bound to abstain from expressing an opinion upon the Proclamation, and if the Motion could not be supported without pronouncing an opinion upon it, I, for one, would not support it at all. But that is not the case. Consider the agony and anxiety which, for more than a year, Lord Canning has had to endure. Consider the depressing nature of the climate, the fears by which he must have been nightly surrounded; the responsibility for everything resting upon his head, and his head alone, and then think of the conduct of a Government which could address to him a despatch couched in language like this! When Lord Canning receives this despatch—for he has not yet received it—

"Dedecus ille domûs sciet ultimus"—

he must feel as if a quicksand opened under his feet. What is he to rest upon? Whom is he to trust? The elephant rests upon the tortoise, but what does the tortoise rest upon? Succeeding to the government of India after the annexation of Oude, Lord Canning naturally thinks he is bound to take up matters where he found them, and to carry on the government of Oude upon the hypothesis, whether right or wrong, that what had been done, had been well and rightly done. Entertaining that opinion, he has taken certain measures in regard to Oude. He announces the confiscation of proprietary rights in that province. But why? Because on the 11th of February, 1856, the Commissioner of Oude, in taking possession of that country for the East India Company, announced, "that if any one should refuse to render obedience, withhold payment of revenue, or dispute or defy the authority of the British Government, he should be declared a rebel, his person seized, and his property confiscated to the State." "Confiscated" is the very word. No doubt, Lord Canning, when he read that document, thought he had sufficient authority upon which to ground his proclamation. It might be wise or unwise to take this step, but could Lord Canning suppose he had to do with a Government at home who would scan his actions from a point of view anterior to the annexation of Oude, and say—"We disapprove, not merely in reference to expediency, your Proclamation at the present moment, but because we are of opinion that Oude, which was annexed before you became Governor General, should never have been annexed at all?" Could he suppose that such was the support which, in a position of unexampled difficulty and responsibility, Her Majesty's advisers would render him? It is for doing all that can be done to break down the mind and intimidate the purpose of the Governor General—it is for raising a question against him, as still open, which he was bound by his official duty to treat as closed—it is for such acts of censure as those, and not merely for differing from the opinions expressed by the Governor General in his Proclamation, that this Motion expresses condemnation of the Government.

"We dethroned," says the despatch, "the King of Oude, and took possession of his kingdom, by virtue of a treaty, which had been subsequently modified by another treaty, under which, had it been held to be in force, the course we adopted could not have been lawfully pursued; but we held that it was not in force; although the fact of its not having been ratified in England, as regarded the provision on which we rely for our justification, had not been previously made known to the King of Oude."

Mark the irony and the hostile sneer conveyed in this passage—

"We cannot but think that the precedent from which you have departed, will appear to have been conceived in a spirit of wisdom superior to that which appears in the precedent you have made."

We may easily imagine the feeling of indignation with which Lord Canning would read that unworthy language. It is not merely because the Government differed in opinion from Lord Canning, that the right hon. Member for Oxford calls on us to censure this despatch; it is because this despatch is highly unbecoming, insulting, and offensive in tone to a person who deserved other treatment at the hands of a Government which had but recently been obliged to withdraw a former over-hastily expressed censure. I do not know whether other Members were more fortunate, but, for myself, I confess that I was unable to discover whether the Solicitor General did or did not admit the responsibility of the Government for the publication of the despatch. I certainly thought I had fixed him at one time, because he said that as soon as the Proclamation became known, it was the duty of the Government to pronounce an opinion upon it; and I there-

fore thought he was going to follow up this declaration with a convincing proof that they had done what he declared to be his duty. But I was mistaken, for the hon. and learned Gentleman went on to say, that it was Lord Ellenborough who published the despatch, and that the rest of the Ministers knew nothing about it—so that we have a curious inequality of fortune—the Minister who does his duty is ejected, while the rest remain, because, on their Solicitor General's showing, they did not do theirs. The hon. and learned Gentleman would have us believe that the publication of the despatch was all Lord Granville's fault; that he became anxious about the cause of his friend, and wished to know what the despatch was; and that after a copy had been sent to him and to the hon. Member for Birmingham (Mr. Bright), it naturally became impossible to keep it secret any longer. That may all be very true; but the hon. and learned Gentleman forgot to remark, that before the despatch was given to Lord Granville and the hon. Member for Birmingham, it had been published already by no less a person than the Chancellor of the Exchequer; because it is mere quibbling on words, to say, that if you tell all that is in a letter, or at least the worst of it, and do not produce the actual ink and paper, that therefore you do not publish it. When the Chancellor of the Exchequer thought fit to make that statement, the publication of the letter became, I will not say, inevitable, but at least far more difficult to avoid. In ordinary cases, when the worst had been told, it would have been a matter of indifference whether the actual terms of the letter were published; but it happened not to be in this case, because no one could have imagined that the language of that letter could have been such as it was, and that Her Majesty's Government, for their own purposes, would have constituted themselves missionaries and propagators of rebellion. I understand that Her Majesty's Government repudiate the act of the Earl of Ellenborough in publishing the despatch. In doing so they necessarily repudiate also the general doctrine that Cabinet Ministers are jointly and severally liable for each other's act. They sacrifice one to purchase perfect indemnity for the others. Certainly it is rather hard on Lord Ellenborough, whose destiny it seems to be to enact one by one all the characters of the Old Testament—first appearing as Samson carrying off the gates of Gaza, and now in the more melancholy predicament of Jonah. But there is a rule of law and common sense, that if you repudiate the acts of a person who is acting for you, you must repudiate as soon as you know of the act. You cannot stand by to take your chance of gaining something by it, if it turns out to be a success, but to repudiate it if it turns out badly. On Friday night last Lord Derby, in the other House, used these words—

> "It would have been impossible that the Government, if questioned on the subject, could have abstained from expressing their opinion relative to the character and nature of this Proclamation."

That is to say, it would have been impossible for the Government when questioned, to abstain from communicating the substance of the despatch. If, indeed, it was impossible to abstain, who is to blame? Overbearing necessity is always a sufficient excuse, why then should Lord Ellenborough be sacrificed, and why should the Government seek to evade their responsibility. In the same speech the noble Earl says—

> "It may have been, I think it was, unfortunate that a question should suddenly have been asked the consequence of which has been the production of the letter; but it would have been impossible to satisfy the public mind that the Government of this country had not neglected their duty and the interests of humanity if they had allowed it to be supposed that they sanctioned or consented to the issue of that Proclamation."

If that is not an adoption of the publication of the despatch there is no force in language; and now because the public mind has not happened to demand exactly the kind of satisfaction which the noble Earl expected, he turns round and repudiates the publication. But he is as firmly fixed with approving and adopting that publication as is his leader of the House of Commons, who virtually published the contents of the despatches here. The hon. and learned Solictor General summoned to his assistance the letter of the East India Company with reference to the government of Oude, and he quotes it with the greatest unction as the strongest approval of the policy of the despatch; and certainly it does bear out the most decent and proper part of the letter addressed to Lord Canning. But the hon. and learned Gentleman is playing off the complicated machinery of Indian government against us a little too dexterously. Perhaps he does not know that, though one letter is addressed through the Secret Committee and

the other through the Court of Directors, the Earl of Ellenborough is in fact solely responsible for both letters. So that it is in fact what is vulgarly called "Pig upon bacon." It is Lord Ellenborough in one capacity approving Lord Ellenborough in another. Lord Ellenborough in his character of correspondent with the Governor General endorsing himself as the President of the Board of Control. We certainly have a right, I think, to complain of the small quantity of knowledge and inquiry which is brought to the consideration of this most important subject in this grandiloquent despatch. It talks about the "disinherison of a people," about the attachment of the landowners to the soil," and their "sensitiveness with regard to the soil," and so on; but, considering the information we possess, I think it was rather too bad that the noble Earl should have expressed himself in such vague, general, and misleading terms. I will not offer a word of comment on what the Solicitor General has said with respect to the people of Oude, but I will read to the House a passage from a letter of Sir William Sleeman, written in 1850, which, as it is printed in a blue-book, was accessible to those who framed the despatch, and which is significant of the position of those sensitive gentlemen of whose rights we are to be so jealous. Sir William Sleeman was accounting for the permanent deficiency of 40 lacs in the revenue of Oude, the income being 100 lacs and the expenditure 140—a deficiency which arose, he said—

"From the growing strength of the great landholders, who have absorbed the greater part of the estates of their weaker neighbours, and employed their increasing rents in maintaining large bands of armed followers and building forts and strongholds, which enable them to withhold the just demands of the State. These weaker neighbours were the proprietors or holders of what is called the Khalsa or allodial lands, four-fifths of which have now been absorbed by the great landholders who do not pay to Government one-half of the rents which were paid for them by the allodial proprietors, and ought still to be paid for by them. The great landholders have taken these lands either by fraud and collusion with the local authorities or by open violence in utter contempt of such authorities. Secondly—From the large quantities of the most fertile lands in Oude which these landholders have converted into jungles around their strongholds, some of them extending over spaces from ten to twenty miles long, by from four to eight wide, on which no man dares to enter without their permission. These jungles and the strongholds they contain are dens of robbers who infest all parts of the country, defy the Government authorities, and impose intolerable taxes on all traders."

Those are the persons who are spoken of in the despatch as the "people of Oude." But the question of any injury done to Lord Canning's feelings or dignity by this despatch sinks into utter insignificance when compared with the effects which this document must produce all over the vast continent of India. Coming from any other quarter, written by any other hand, produced under any other auspices than those of the responsible advisers of the Crown, I should not scruple to say that this is a treasonable document. I would not have hesitated to aver that the person who should disseminate among a large subject population a document calling into question the title of Her Majesty to her dominions, and alleging that what had been done in her gracious name had been done by fraud, violence, and iniquity, is guilty not so much of a very considerable official blunder as of a great political crime; and if I had any doubts upon the subject those doubts would have been removed by the last sentence in the despatch, which says:—

"Government cannot long be maintained by any force in a country where the whole people is rendered hostile by a sense of wrong; and if it were possible so to maintain it it would not be a consummation to be desired."

The previous part of the despatch accuses the British Government of being guilty of the grossest wrong to the people of Oude. Apply the principle, and what inference must be drawn by the people of Oude? They must infer, on the very highest authority in this country, that Government in Oude could not long be maintained by any force, and that, if it could, it was a consummation which was not to be desired. Who is it that holds that language? Is it Nana Sahib? Is it the emissaries of the King of Delhi? Is it some rebellious rajah? No; it is the Cabinet to whom the Governor General should look for countenance and support so long as he faithfully and honestly discharged his duty. We can allow for the madness of faction in this country; but what will the people of India think when such a document is sent out to them in the name of the only Sovereign whom they know? Would a man reason badly who said, "True, the Viceroys are against us, but the home authorities are with us. Wait a moment; we have friends in England stronger than these; these forces will be withdrawn and our rights will be restored; why should we lay down our arms before a Viceroy when the Queen is on our side?" Let the Government think anything they like about the Proclamation, but what can justify

them in turning round in this way upon their own servant. Consider the effect which this despatch must have upon the army; think of the gallant blood which has been shed to reconquer that very place to maintain which the Government says would be a consummation not to be desired. Think of Havelock, and Neill, and Nicholson, and the many gallant men who have died on that service. Look a little further, and say if this is the way in which we are to keep together an empire on which the sun never sets. The Government of this country hitherto has shown that they were worthy of the vast empire which they govern by supporting their subordinates, so long as they act faithfully and honourably, in all quarters of the world. But who will act for them if they are to stigmatize the conduct of their agents in coarse invectives — if they are themselves to turn agitators, and are to assist to subvert the dominion which it should be their duty to maintain? I have spoken warmly, but I have lived in a colony, I know the necessity that there is for the Home Government to support the colonial authority, and I should be wanting in my duty as a Member of this House and as an honest man, if I did not say that a document such as this is absolutely subversive of all rule by this country beyond the limits of the little island in which we live. I have only one other word to say, and that is with respect to the future policy of the Government. The Government say they did not publish the despatch; it has been shown clearly enough that they did—but I waive that—it is well known that that document contains their sentiments. If that is so, what is to be the future policy of the Government with respect to India? Is it to be in accordance with the terms of the despatch, or is it not? If it be, to what end is any quibbling about the publication of the despatch—it is the manifesto of the Government, and by it they must abide. Argument is no more required. They must say "We had no right to conquer Oude: we will recall our troops, and will send back their King. We will inquire into the way in which every part of the Indian territory was acquired; we will give up the *prestige* of sovereignty; we no longer appear as the conquerors of India; we will withdraw our soldiers and will dismantle our fortresses." By such a course they will preserve their consistency, but they will lose an empire. But if that be not their policy, and if they intend to trample out the smouldering sparks of rebellion which still linger in Oude, what will they do with this despatch? Is it to remain on record as the transcript of their opinions, or is it to be cancelled? Doing what they do not think, and thinking what they do not do, are they to publish a despatch to the rebellious Natives of India on which they dare not act? If the Government intend to stand by that document, let them go into the same lobby with me and join in a vote of censure upon themselves; but if they do not, they are bound to make some ample and public reparation for its contents; for I maintain that the Government of a country like this and the publication of despatches such as the one in question can not possibly co-exist.

Mr. LINDSAY said, that he had originally intended to move "the Previous Question," but after the able speech of the Solicitor General he thought that he should best discharge his duty by meeting the Motion by a direct negative. When he gave notice of his intention to move the Previous Question, he thought it desirable that they should have that full information which he presumed would arrive by this mail, and that explanation of his Proclamation which Lord Canning had promised in his private letter to the late President of the Board of Control, and which that right hon. Gentleman had most improperly kept back. He thought, however, that the House had now in its possession sufficient information to justify it in meeting the question under discussion with a direct negative. The right hon. Gentleman the Member for Kidderminster (Mr. Lowe), had said that the question before the House was not the Proclamation of Lord Canning but the despatch of Lord Ellenborough. It might suit the right hon. Gentleman very well to have it so; but he (Mr. Lindsay) thought the House could not give an opinion on the effect without inquiring into the cause; and it was the policy of the present Government with regard to India as embodied in the despatch, and the policy of Lord Canning as set forth in his Proclamation that had really to be inquired into. Now he for one could not give his support to the policy which was put forth in the Proclamation of Lord Canning, which was, he must say, in direct opposition to that course of justice tempered with mercy which that noble Lord had hitherto pursued. And why was this so? It might be that when, some months

ago, a cry had been raised against the moderation which Lord Canning had evinced, a reprimand had been sent out to him by those who then occupied the Treasury benches, reminding him that the policy of justice tempered by mercy was not suited to the feelings of the people of England, and that the result of that reprimand was to be found in the Oude Proclamation. That was a point upon which he should like to have such information as the right hon. Gentleman the late President of the Board of Control could afford, and he trusted that the right hon. Gentleman would deem it to be his duty to lay upon the table of the House any papers bearing upon the subject which might be in his possession. But, whatever might be the reasons for which the Proclamation of Lord Canning had been issued, the policy of confiscation which it embodied was one from which he (Mr. Lindsay) must express his entire dissent; while of the policy enunciated in the despatch of Lord Ellenborough, to the effect that he desired to see British authority in India resting upon the willing obedience of its people,—on their prosperity and contentment, which could not co-exist with confiscation—he entirely approved. The policy of confiscation he should maintain had been one of the chief causes of the recent mutiny in India, and as long as we continued to persevere in it, so long would we be compelled to uphold our authority at the point of the bayonet. In corroboration of his opinion, that the true way to govern India was to do all in our power to promote the happiness of her people, he might refer to a work which had been printed for private circulation, and which had been presented to him a short time ago by the widow of the author, Mr. H. St. George Tucker, a man who possessed the most intimate knowledge of Indian affairs, having been twenty-five years in India and twenty-five years an East India Director. In that work Mr. Tucker expressed his strong conviction that the best mode of ruling that country was by impressing its inhabitants with confidence in our good intentions and by a faithful adherence to our engagements. By pursuing that course alone, and not by the adoption of a system of confiscation, he (Mr. Lindsay) should contend, could we hope to render our dominion in India of advantage to her as well as beneficial to England; but if it were intended to hold India by force after the mutiny should be put down, new armies, equipped at all points, should be sent out without delay. But our true policy was to show that our government was for the benefit of the Natives and had for its object their elevation in every respect. Much had been said about the bad effects which Lord Ellenborough's despatch was calculated to produce upon the minds of the people of India; but in his (Mr. Lindsay's) opinion the Proclamation of Lord Canning was calculated to operate far more injuriously, while, with respect to the anticipated resignation of the noble Lord, he might observe that when he (Viscount Canning) was informed that upon the subject of the explanation which he had promised to send home not the slightest intimation had been given to the present Government, he might be disposed to look upon the despatch which had been sent out to him in quite a different light from that which, under other circumstances, would have been the case. He might very naturally say to himself, "If that intimation had been given to Lord Ellenborough this despatch would never have been written, or, if written, would have been couched in different language." He would wait until he heard from his right hon. Friend, that he had acquainted the Government with the fact that an explanation of the despatch would be subsequently sent. But he would ask —was it the good of India or the love of office which had prompted his right hon. Friend to bring forward this question? If the latter, he (Mr. Lindsay) as a Liberal, did not want the Whigs back on those benches again. But whenever the right hon. Gentleman, and those who supported him, were prepared to adopt liberal views, then they would have his best support. When he saw them making no movement for reform the Whigs might call themselves his leaders; but they were not in reality so; in fact, he felt more nearly allied to the Tories than to the Whigs, so little was the difference between them. The Tories had granted a great many more measures of a liberal character than ever could have been got out of the Whigs. He should, without reference to the men, but looking solely to measures, give his support to that policy which had been laid down by Lord Ellenborough that, while we maintained our rights as rulers and demanded all that in justice we were entitled to, it was our duty to temper that justice with mercy in favour of the people of India.

[*First Night.*

LORD ADOLPHUS VANE-TEMPEST, in rising to move an Amendment of which he had given notice, said, that having travelled in India some years ago, and taken a deep interest in the country, he should venture to claim the indulgence of the House while he briefly addressed it upon a subject with which experience and reading had made him familiar. The able and eloquent speech of the learned Solicitor General had, indeed, left little for the supporters of Lord Ellenborough's policy to say; but he asked the indulgence of the House while he stated the motives which had induced him to place on the Paper the Notice which stood in his name :—

"That this House, in the present state of information, abstains from expressing an opinion on the policy of any Proclamation which may have been issued by the Governor General of India in relation to Oude, or on the course pursued by the Government with reference to such Proclamation."

It occurred to him that there was no logical sequence in the Motion of the right hon. Gentleman (Mr. Cardwell), and that it was unfair and unjust to ask the House of Commons to pronounce an opinion on the effect of Lord Ellenborough's despatch, and to preclude them at the same time from discussing the Proclamation which was the cause of that despatch. The right hon. Gentleman (Mr. Cardwell) had spoken of the electric effect which the statement of the Chancellor of the Exchequer, to the effect that the Government disapproved the policy indicated in the Proclamation of the Governor General "in every sense," produced in London on the night on which it was made. But that electric feeling in those who experienced it did not spring from any interest which they took in the people of India or of Oude. On the contrary, he (Lord A. Vane-Tempest) believed—and he thought a great number of Members of that House shared in the opinion—the feeling originated with certain ex-Ministers, who thought they had discovered the means of ejecting the Government from office. A similar electric feeling was produced in the public mind at the last dissolution of Parliament, when an attempt was made to induce the people to suppose that the opposition to the Government was carried on by a political party who sympathized with Yeh and the Chinese. He supposed the same discreditable system would be resorted to on this occasion, and an attempt would be made to bamboozle the people by telling them that the party in power had a sympathy for the mutineers in India. When General Havelock was obliged to retire from Lucknow, the celebrated clemency Proclamation of Lord Canning was issued; when we had succeeded in obtaining possession of Lucknow, the Proclamation of confiscation was issued. By this policy of Lord Canning, it might be said, that when we were in a situation of difficulty and danger, our Government was cringing and submissive ; and when we were in power, we were cruel and tyrannical. To his great surprise, the hon. and learned Member for Cork County (Mr. Deasy) had contended that there was no principle of confiscation contained in the Proclamation of Lord Canning. The magnificent speech of the Solicitor General had disposed at once of that question. But did not Mr. Edmonstone, the Secretary to the Government of India, in his despatch to the Chief Commissioner of Oude, state that the Proclamation was addressed to the chiefs and inhabitants of Oude only, and not to the Sepoys ; and that the Governor General believed that any Proclamation put forth in Oude in a liberal and forgiving spirit would be open to misconstruction, and capable of perversion? Did not Mr. Edmondstone also state that "the permission to return to their homes must not be considered as a reinstatement of them in the possession of their lands, for the deliberate disposal of which the Government will preserve itself unfettered?" And was it not clear that at Lucknow it was considered in that light, and no other? As there had been some discussion with regard to the influence and effect that the Proclamation would have on the people of Oude, he would read an extract from one of the letters of the correspondent of *The Times* in India—a writer from whom he differed on some points, but whose opinions were well entitled to the respect of the House. That gentleman said :—

"The terms of the Proclamation are to be interpreted by Sir James Outram. The gloss will be large and liberal; and, in his rendering, the severity of the text will be mollified so far, that the Oude talookdars may read, and run to, and not from us."

He (Lord A. Vane Tempest) submitted that that was a pretty significant proof that the Proclamation of the Governor General, in the terms in which it was issued, could not be acted upon. Lord Ellenborough, in his despatch, had very truly said that the inhabitants of Oude would see only the Proclamation. The

impressions they took from it would not be modified by any fine reasoning. They would simply look at the Proclamation that had been put forward for them to read, and they would feel at once that it was marked by a want of justice and equity. It was contrary to all precedent in cases of conquest. When Scinde was conquered and annexed, except in the case of the Ameers, the lands of the people were not confiscated. The result was that the inhabitants of Scinde had remained tranquil while other parts of India had been convulsed with rebellion and mutiny. Again, there was no confiscation in Gwalior, and the present ruler of Gwalior had maintained a friendly relationship towards us throughout the recent struggle. The Gwalior Contingent had consequently been kept in a state of inactivity during the most critical period of affairs, and our interests had thereby been most materially served. Again, all the landowners in the Punjab were confirmed in their possessions, and he asked if it was not the levies from the Punjab that had enabled them to maintain their possessions in India? He asked the House to take the course pursued in Scinde and Gwalior, which was the policy of Lord Ellenborough. It was not for him to eulogize that noble Lord, but he would refer to the words of Lord Derby in the other House, who spoke of his knowledge of Indian subjects, his long experience, and his utter abnegation of all personal feelings as rendering him an invaluable councillor in all Indian affairs. He was glad to hear the tones of regret with which Her Majesty's Government regarded the resignation of Lord Ellenborough, and rejoiced at the bold and manly manner in which the Solicitor General had declared that the policy which Lord Ellenborough advocated was yet to be maintained. He could not but disapprove the course taken by the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith) in withholding from his successor the letter he had received from Lord Canning, while he confided it to his noble Friend the Member for Tiverton (Viscount Palmerston), and he thought the right hon. Gentleman was the more bound to show that letter because no Minister had ever resorted so much as he did to private correspondence on public matters. The conduct of the Governor General they were bound to consider as a matter of policy, but they were also bound to take into consideration the possibility of carrying out his views. Sir William Sleeman described the people of Oude as exceedingly warlike, and gave a very minute account of the number of forts spread over the country, defended by large guns, and of the great numbers of armed troops everywhere to be found.

"In Oude, these great landholders have at present about 250 mud forts, mounting about 500 guns, and containing on an average 400 armed men, or a total of 100,000 men trained and maintained to fight against the Government."

In another place—

"There are no less than twenty-four pults of jungle in Oude, covering an extent of 886 square miles. The forts have never been dismantled, nor the people disarmed. Even the children in the villages play at fortifications as a favourite amusement, each striving to catch the other in the ingenuity of his defence. They all seem to feel that they must some day take part in defending such places against the King's troops, and the parents seem to encourage the feeling. The small mud forts are concealed from sight in beautiful clusters of bamboos, or other evergreen jungle, so that the passer-by can see nothing of them. Some of them are exceedingly strong against troops unprovided with mortars and shells. The garrison is easily shelled out by a small force or starved out by a large one; but one should never attempt to track them with round shot, or take them by escalade or mask."

These facts showed how hard a task we should have to perform if we attempted to carry out the policy of confiscation. He had put his Amendment on the paper because, from the rumours he heard, he was afraid that the question of India would not be the real question considered that night, and because he was anxious that the House should not come to a hasty and partial decision on the great question at issue; but as he has preferred the direct negative with which Her Majesty's Government had determined to meet the original Motion, he should beg to withdraw his Amendment. When the right hon. Member for Oxford's Resolution precluded them from going into the policy of the Proclamation on the ground that they had not the necessary information; and he (Lord. A. Vane-Tempest) thought the same reason should prevent them from going into a discussion on the course taken by the Government in reference to it. What the result of this debate would be, he would not pretend to determine, but he would quote from a speech of the right hon. Gentleman the Chancellor of the Exchequer last Session,

[*First Night.*

a passage, the foresight of which appeared to him to be very remarkable, while it was particularly apposite to the present occasion. He said, after speaking of the dissensions in India :—

"A united Parliament and a strong Government are two circumstances most necessary in the difficult position in which we are placed. That is a consideration which has influenced my mind. It is not that I myself on this or on any other subject on which I might recommend a policy would shrink from responsibility, but I wish to show to Europe and to Asia that it is not the object of the British Parliament to overthrow a Ministry but to save an empire. I trust, therefore, that this discussion will at least elicit such a declaration of policy on the part of the Government that the only duty of the House of Commons in future will be to support it with cordial sincerity. If they do not take that course—if they adopt insufficient means, and public disaster occur—deep will be their responsibility. We shall meet again, and perhaps sooner than this House two months ago deemed probable; and if they neglect their duty to the country, I, for one, will not shrink from responsibility. I will then appeal with confidence to an indignant people and to a determined Parliament, and I will ask them to unite their energies to save an endangered empire.

If the result of the present debate and division should be that an appeal were made to the country, he had no doubt that the people would ratify the policy of justice and clemency rather than one of cruelty and oppression. The noble Lord concluded by withdrawing the Amendment of which he had given notice.

Mr. DILLWYN reminded the House that if the Motion were carried—which was unquestionably a party move—there would be no chance of legislation for India this Session. It was a vote of censure, and, of course, if it were carried, there must be either a dissolution of Parliament or a resignation of the Ministry; and in either case the result must be the same—matters would not sufficiently settle down, this Session at least, to enable the House to go on with legislation either for India or anywhere else. Yet both the House and the country had expressed the opinion that India ought to form a subject of legislation during the present Session. For his own part, he did not see why they should be so anxious to bring back the late Administration to the ministerial benches at present. As a Liberal, he was naturally anxious for the advancement of liberal measures; but he must confess that, as far as he had observed, liberal measures had advanced more when the party opposite (the Conservatives) was in power than when the Liberal party was in office. At present he did not think the various sections into which the Liberal party was divided were sufficiently in unison to form a strong Government, and that there was a larger united body upon the ministerial side of the House than on this. If they passed this Motion, the country would say that the majority of the House of Commons were influenced by party spirit, and not by consideration of the good of the empire. He thought the Motion ought not to be met by a direct negative, for he thought Lord Canning deserved great credit for what he had done in India, and that he had been hardly used in the despatch sent out by the Government. Still he admitted that there was great force in the remark of the hon. and learned Solicitor General that more blame was attributable to the right hon. Member for Northampton (Mr. Vernon Smith) in that respect than to the present Government. He (Mr. Dillwyn) by no means wished to be understood as endorsing all Lord Canning's policy, but he thought he had been ungenerously and unjustly assailed. By some he had been charged with being too severe, and by others with being too lenient; but he believed the present comparative safety in which our Indian empire stood was to some extent due to that noble Lord. He had no doubt that the despatch in question had been sent out under a misapprehension, and he thought it only just to Lord Canning, as well as prudent, having regard to the responsible and difficult position he filled, that they should strengthen his hands by a general expression of confidence in his policy; and therefore it was that he begged to submit the Amendment of which he had given notice.

Mr. M. GIBSON seconded the Amendment.

Amendment proposed,—

To leave out from the first word "House" to the end of the Question, in order to add the words "generally approves of Lord Canning's policy up to the time of the Oude Proclamation, and is satisfied with the firmness and judgment he has evinced during the crisis in India; but this House declines to give any opinion upon the Oude Proclamation until it has had further information on the state of Oude when the Proclamation was issued, and also Lord Canning's reasons for issuing it," instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Colonel SYKES said, that as his opinions upon "annexation," and the impolicy of crushing the Native nobility and gentry of India, had often been publicly

exposed, he must be understood not to compromise himself by the arguments he was about to use; for, in truth, could he believe for one moment that it was really Lord Canning's intention to confiscate the proprietary rights in the land of the whole people of Oude, Lord Canning would not find him (Colonel Sykes) amongst his advocates. But, on the contrary, he had a thorough conviction that Lord Canning had no idea of carrying into effect the severe measures which the phraseology of the Proclamation seemed to indicate. There was a great want of knowledge in this country as to who were the proprietors of the soil in India; a conflict of opinions, in fact, existing upon the subject—some maintaining the right of Government, some that of the Chiefs, some that of village communities, and some that of individuals. That it is not in the King or Ruler a recent case testifies—Holkar, the despotic sovereign of Indore, wanted to extend his park, in front of which was a hut and some land belonging to a Mahratta, in whose family it had been for generations. The Rajah asked him to sell it, but he said no, it would be a disgrace to him and his family to do so; and the park remains unextended to this day, for though despotic Holkar had regard to public opinion, the proprietary right then was not with the Prince. Now, with respect to the proprietary rights of talookdars, he (Colonel Sykes) had not been in Oude, and could not speak from personal knowledge, but he had been officially employed to report upon the land tenures of the Deccan; and being informed of those, formerly existing in the North-West provinces, the Punjab, and Madras, he argued by analogy, that the same system prevailed in Oude; and if that were so, the talookdars were not necessarily landowners, but hereditary collectors of the King's land-tax; and the "confiscation" would apply to their offices, and not to the lands of the people at large. The talookdars paid a fixed sum annually to the King, and took as much more as they could get from the cultivators. Are we not to judge of Lord Canning's intentions by his acts since he had been Governor General? Had they not been marked by a course of conduct which had procured for him the nickname of "Clemency Canning;" and was it likely that a man who had acted with such moderation as to earn for himself that appellation would carry out with rigour tyrannous and oppressive measures such as would follow the execution of this Proclamation, if it were rightly understood to import the confiscation of the whole lands of Oude—not merely the lands of the leaders of the rebellion, to whom alone he believed it was intended to apply, but of all the landholders of Oude indiscriminately? What had been done in Scinde? That country was conquered and annexed by Lord Ellenborough, who issued a Proclamation that all the land in Scinde, except that given to Moorad Ali, should be placed at the disposal of the British Government. The Proclamation of Lord Dalhousie in 1849, with regard to the Punjab, confiscated the land. Those Proclamations meant the same as that of Lord Canning. In both instances what was intended was the confiscation of the right to receive the tax derived from the lands, and not the dispossession of the actual owners of the land. But in neither case was the issue of those Proclamations made a matter of party conflict in the House of Commons. The so-called confiscation in Scinde and the Punjab had told so little on the loyalty of the people of those countries that we had Bellochee battalions assisting in the taking of Delhi, and 42,000 men from the Punjab aiding us in conquering Oude. He would not enter into the question of the Governor General's policy, as the matter before the House was, whether it was prudent or safe in respect to India for the Government to have adopted the course they had. He did not say that the Government were wrong in expressing their opinion to Lord Canning—quite the reverse; but they should not have promulgated it to the world, a course which would stimulate rebellion, paralyse the authority of the Governor General, and perhaps with a high-minded man like Lord Canning, unfortunately induce him to resign; and thus occasion great embarrassment in the executive functions. It was said that it was necessary that the Government despatch should go through the Secret Committee, otherwise it would, in the ordinary course of business, between the India House and Board of Control, have delayed the despatch a fortnight. In showing that this was not necessarily the case he would take the opportunity of stating an instance of the way in which the Court of Directors did business. Last week a despatch was received from the Governor General, noticing that some of the troops which had been brought from China to India were to be sent back to China; at which he expressed his alarm, and urged the Court

to prevent anything of the kind taking place; and also asking for reinforcements at the rate of 1,000 men a month. The despatch was received on a Tuesday, was drafted and sent to the Board of Control in what is called "previous communication," otherwise P. C., and immediately sent back by Lord Ellenborough. Next morning it came before the political Committee, of which he (Colonel Sykes) was a member; was discussed and adopted, and in an hour was sent to the Court, which was assembled at two o'clock, where it was discussed, and in twenty-four hours after it had been received, an answering despatch was ready to be sent to the Governor General. Such was the delay in the mode of doing public business of which the Company was accused, and for which they were to be sacrificed! It showed also how unnecessary was the Committee of Secrecy for insuring despatch; and he believed that much of the distrust and odium which had fallen upon the East India Company might be traced to the proceedings which were carried through the Secret Committee without the knowledge of the Court of Directors. He might add, that instead of 1,000 men per month, which Lord Canning asked for, the Court of Directors had sent to India 9,000 men within the last five months. Finally he must express his fear that this despatch of the Government might cause the resignation of Lord Canning, and it was lamentable to think that, with all that noble Lord's ability, and firmness, and desire for the good government of India, he should be sacrificed on account of a party conflict in that House.

Mr. H. BAILLIE: Sir, as I am labouring under severe indisposition, I should not, after the able speech of my hon. and learned Friend the Solicitor General, have ventured to address the House on this occasion, had not the right hon. Gentleman who brought on this Motion adverted to statements which were made in another place, and said that he wished to have an explanation as to the manner in which the despatch of Lord Ellenborough to the Governor General had been laid on the table of the House. He asked how, without notice, I had been able to answer the question which was first put to me on this subject in the House. The explanation is very simple. A short time before I came down to the House on the evening in question, I was with my noble Friend the late President of the Board of Control. I said to him, I see in *The Times* the Proclamation of the Governor General. I am quite sure that when I get down to the House some hon. Member will put a question to me on the subject. How shall I answer it? My noble Friend then dictated almost the very words which I used. That is the simple explanation of the matter. It has been said in this House that the Government should have known how to observe a wise and discreet silence on this occasion. I should, however, like to know what hon. Gentlemen opposite would have said, if after the Proclamation appeared in the public papers, a question had been put to the Government in this House, and the Government had answered to the question whether they approved or disapproved the Proclamation that they had formed no opinion on the subject? I am quite convinced that we should have had a Resolution soon proposed of want of confidence in the Government. The hon. and Gallant Member for Aberdeen (Colonel Sykes) has expressed his belief that Lord Canning never could have meant to carry out the Proclamation in the terms in which it was written. I trust my hon. Friend is right; but I submit the people of Oude cannot know what the intentions of Lord Canning are. They can only judge of the Proclamation as they see it published; and when I have heard other hon. Members of the House say that this Proclamation has produced an excellent effect—that the talookdars are surrendering themselves to Government, only stipulating that they shall have their religion guaranteed—I believe there is no truth in those statements, because I have seen private letters to persons in high authority directly contradictory. I have seen statements that the Proclamation has produced the worst effect, and that the writers expect that all our work will have to be done over again; and this, too, I know, that that Proclamation has been issued contrary to the advice of those who should have great weight with the Governor General. I will not hesitate to say that Sir James Outram urged the Governor General in the strongest manner to grant an amnesty. He told the Governor General that if he would grant an amnesty he would guarantee that all the chiefs in Oude would surrender, and the people would return to their homes, and that he should have no enemies to fight but the Sepoys and the rebellious soldiers. More than that; he pointed out to

Colonel Sykes

the Governor General that the talookdars of Oude should be treated in a different manner from the chiefs in our own territories who had committed murders and atrocities; for he pointed out that there was not a single instance of murder and atrocity committed by a chief in Oude, but that they had saved the Europeans who fell into their power, had treated them hospitably, and sent them with escorts to the British camp. All these statements were made by Sir James Outram to the Governor General to induce him to issue an amnesty. But the result has been this Proclamation. I am very sorry to make the statements, although I do so upon authority I cannot doubt. But I am sorry that we should be called upon to make these statements to the House before we have received the explanations of the Governor General. What is the position of the Government? For one month the Proclamation of the Governor General has been in the hands of the home Government; three posts have successively arrived, and we have not received one single line from the Governor General with respect to that Proclamation, while our opponents have by every post been receiving private letters, for all we know, giving full explanations on the subject. ["Oh, oh!"] I say, "for all we know." Under these circumstances the question is brought on in this House, and it was impossible not to enter into the whole subject. It has been said that this Proclamation only refers to the property of the talookdars of Oude, that it does not refer to the property of the people. Now, that is a great mistake, and is a statement which will not be made by any one who has read the papers on Oude. A great portion of the land of Oude does not belong to the talookdars; but this Proclamation confiscates the land not only belonging to the talookdars, but to the religious establishments, the mosques, the Hindoo temples, and, more than that, of the village communities. Now, a great part of the land of Oude is held by village communities of the highest antiquity—dating, in many cases, from before the Mahomedan conquest. They are composed of poor, industrious persons, every man of whom cultivates his own land and follows his own plough, and who have the keenest sense of their rights as proprietors of the land. They know it is held subject to the right of the Government to collect from them certain taxes, and they know that that does not constitute the Government the proprietor, any more than the land tax in this country constitutes the Government here the proprietor of that land. Who will not say that thousands of these peasant proprietors have held entirely aloof from war? We know, indeed, that in many cases they have been seen pursuing their agricultural occupations amidst the ravages of war; yet this Proclamation will, if it is to be taken literally, confiscate the land of every one of these poor proprietors. I wish to make only one more observation in reply to the right hon. Member for Kidderminster (Mr. Lowe), who adverted to the despatch, read by the Solicitor General, from the Court of Directors to the Governor General, which he asserted was evidently the work of Lord Ellenborough. He was entirely at fault on this occasion, for, with the exception of one or two slight verbal alterations, there was not a word of Lord Ellenborough's in the despatch. That despatch was composed entirely in Leadenhall Street, and the East India Company ought to have the whole merit of producing that document.

MR. VERNON SMITH: Before the debate went further he wished to make a few observations on account of the position in which the question had been placed by the hon. Gentleman who had just sat down and the Solicitor General, as well as on account of the strong personal attack which had been made on him by the latter. The part of the question which he understood to be now under discussion was this—the Solicitor General and the Secretary of the Board of Control had stated their entire disapproval of the policy of Lord Canning ["No no!"]—he was about to say as "indicated by this Proclamation," or he would now say, of the policy of this Proclamation. As far as he was individually concerned, he was ready to stake the issue upon the question of the policy of the Proclamation. He had no doubt that the Governor General in issuing that Proclamation had been actuated by the best motives, and by a thorough knowledge of that kind of policy which ought to be carried out in the East. He had no doubt that the Governor General took advice from such men as Sir John Lawrence, with whom he had been in the habit of consulting throughout, and that he had been actuated by his feeling that in dealing with Orientals the first step was to show your power. He knew how necessary it was to exhibit his authority, and he said no doubt, "Everything that belonged to you

is mine; but I shall be ready to show to you any reasonable indulgences if you evince a disposition to yield and to aid the Government." ["Oh, oh!"] He was stating his view. Possibly the Gentlemen who cried "Oh, oh!" were better acquainted with Indian policy than he could be—that would appear as the debate proceeded; but he was not incorrectly stating the case as he believed it to be. The policy which he had indicated was, he believed, the correct and almost the stereotyped policy of every Governor General; in the case of nearly every annexation when possession was first taken of Oude. The proclamation of Sir James Outram, in the eulogy on whom he entirely concurred, was similar to this, and the word "confiscation" was used. As regarded Scinde, confiscation was not the word used there; but Scinde did not stand in the same position as the other case, for the acquisition was made by treaty with the Ameers of Scinde. But with regard to the conduct pursued towards the Ameer of Scinde, he was of opinion that it was most iniquitous. Many years ago he (Mr. Vernon Smith) had supported Lord Shaftesbury in a Motion made on that subject in that House. On the occasion of the conquest of the Punjab almost the same words were used, namely, that "the jagheers and all the property of the Sirdars and others who have been in arms against the British should be confiscated." One Gentleman had said that threat had not been carried out in the Punjab; but he believed that at first the Government was not aware of the delinquency of a great many of the chiefs of the Punjab, and the property of many of them was not confiscated, but a great deal of it was confiscated. The word confiscation did not carry with it, in India, the terror which it did to country gentlemen here in England. In India it was regarded merely as the taking away of a feudal right, of which the persons concerned knew that they had only a precarious tenure, and not as the abstraction of their whole proprietary right of the soil. The Solicitor General had explained to them what he considered to be the proper way of dealing with the Natives of India, but he could not defer to the hon. and learned Gentleman upon that point, and he rather concurred in the opinion of a more experienced writer in *The Times*, who had thoroughly discussed the question, and who said that the question of land tenure was the most perplexing of all questions; that it had been tried in various forms, and that the settlement of Lord Cornwallis had been found to be the most oppressive, and that he had arrived at the conclusion that the zemindars were looked upon as the oppressors of the people. The hon. and learned Gentleman had quoted Vattel to show that such a deed was most atrocious. But the doctrines of Vattel could not be applied to our acquisitions in India, and the views of European civilians could not be maintained in the East. The hon. and learned Gentleman said he was prepared to endorse the policy of the despatch of the late President of the Board of Control. He (Mr. Vernon Smith) was prepared to take that issue, but it was not that which was before the House. The question was whether, the Proclamation having been sent home, the Government had not acted precipitately in condemning its policy and then making that condemnation public so as to let it be known in India as the feeling of the Government at home. He conceived that the position of the Solicitor General was erroneous, which went to assert that the Proclamation was issued because the war was over. He (Mr. Vernon Smith) wished to God that the war was over; for although Lucknow was taken, yet it was because the Governor General thought the war was not over that he made that Proclamation. He could not but consider the language of the First Minister was evasive, for he said that they had sent out a condemnation of the policy of the Governor General, but not his recall, for they did not wish his recall. But either to have called on the Governor General to rescind his Proclamation, or to have recalled him, would have been the more manly course. The recall of the Governor General was no slight evil in India. The condemnation of the Proclamation would be looked on as an intimation of recall, and there would be an electric shock all through India on the notion of the recall of the Governor General; it was not so much the actual recall as the expectation of the recall of the Governor General which exercised an evil influence in India. On this subject he would quote the opinion of a nobleman whose authority hon. Gentlemen opposite must all respect. The Earl of Ellenborough, in his examination before a Committee of the House of Commons, was asked whether he would give the Council which he proposed for the Government of India the power of recalling the Governor General, and he said that it was most im-

portant that they should not have that power, and especially with reference to the relations between the Governor General and the Native States. It was not the recall of the Governor General, but the expectation of his recall which did the mischief; the expectation of his own recall he knew was one of the main causes of arousing the war in Gwalior. That was the opinion of Lord Ellenborough, and he (Mr. Vernon Smith) would urge that a Government by showing that they had even an intention of recalling a Governor General did much mischief. When he said that the Government had been precipitate in their decision on the policy of the Proclamation, there were several points which had not been elucidated in this debate. First, they had never been told how the Proclamation was sent home. He was of opinion that it was extracted from a mass of correspondence, which was usually sent home, and was not accompanied by any letter. On the notion that it was intended to issue that Proclamation the Government acted. Three months must have elapsed before any action could have been taken on the despatch, and it could not have been supposed that the Governor General would not in that time have issued a Proclamation. Where then was the necessity for such precipitation? The Solicitor General had not, indeed, in terms condemned the Proclamation of the Governor General, but he said with a sneer that, whatever the present generation might do, posterity would condemn it. [The Solicitor General: I said nothing of the kind.] He had understood the hon. and learned Gentleman to say that he hoped posterity would be as lenient to it as the present generation had been, but as the hon. and learned Gentleman, had, in the course of his speech, so completely misrepresented everything which had fallen from him on the previous evening, he must not be surprised if he (Mr. Vernon Smith) had fallen into an unintentional error with respect to his meaning. The hon. and learned Gentleman had, at all events, said that he would not enter into the question of the annexation of Oude; but he might remind him that Her Majesty's Government had not manifested a similar caution with respect to the subject, for, although an hon. and learned Gentleman (the Attorney General) had had a notice on that subject on the paper for several months, which he had declined to bring forward on account of the state of India, yet scarcely had his friends entered upon office when they had in effect proclaimed to the whole population of India that they considered injustice had been done to them by that annexation. Why had they not, he would ask, proceeded further, and, in accordance with the advice which had been given by the noble Lord the Chief Commissioner of Works (Lord J. Manners) upon a former occasion, restored Oude to its Sovereign? Why had they not placed him again upon the musnud of Oude? Because that was a policy which they dared not carry into execution. But be that as it might, he could conceive no policy more calculated to produce an injurious effect upon the minds of the people of India than that which would lead them to suppose that Her Majesty's Ministers looked upon the annexation of Oude as an act which must be stigmatized as unjust. What would be the result of such a declaration upon the inhabitants of the Punjab and of Scinde? Still more unjust than the annexation of Oude would the inhabitants of those districts pronounce our treatment of them; and the consequence would be that, from Cape Comorin to the mountains of Thibet, and from the Brahmapootra to the Indus, it would be proclaimed that, in the opinion of Her Majesty's Government, those territories had been improperly annexed and ought to be restored. The precipitancy, therefore, with which the Government had acted in sending out their despatch condemning the course taken by Lord Canning, and the manner in which they had done it, were, he maintained, deserving of the utmost reprobation upon the part of the House of Commons. Nor could he, he must confess, see that the resignation of the noble Lord, who lately held the office of the President of the Board of Control, furnished any good reason why that House should abstain from arriving at that decision with respect to the question under discussion which, before the noble Lord's retirement from office, it was prepared to pronounce. Whatever might be the merits or demerits of Lord Ellenborough, that noble Lord, he was perfectly ready to admit, felt a deep interest in the happiness and prosperity of India; and if the Government were prepared to stand by his condemnation of the policy of Lord Canning, he did not see how they could reconcile themselves to the loss of his services. But the fact of his resignation furnished no good ground for declining to censure the publication of a despatch, the policy of which had received

the entire approval of his colleagues. Indeed, it was difficult to see how the publication of such a document could be defended. The more general question of the expediency of making such a Proclamation as that which Lord Canning had issued, was not raised by the Motion of his right hon. Friend the Member for Oxford; but if it had been, he (Mr. Vernon Smith) should have been prepared to uphold the policy which the Governor General had indicated, as he certainly would be prepared to vote with his right hon. Friend upon the narrower question which he had submitted to the consideration of the House—a course which he believed hon. Gentlemen opposite would be the first to approve, had not the point at issue assumed a party character. Having said thus much upon the general question under the notice of the House, he should not have trespassed upon the attention of hon. Members at greater length, had it not been for the personal attack which the hon. and learned Gentleman the Solicitor General had made upon him that evening. He had, however, been so long accustomed to attacks of a personal nature that he could scarcely say, by comparison, he had much to complain of in the course which the hon. and learned Gentleman had taken. It was very obvious that the hon. and learned Gentleman must have felt that he had a bad cause to uphold, and that it was desirable to catch at any straw which might happen to present itself in his way; and he might also apply the same remarks to the noble Lord the Prime Minister, who, finding that the hounds were running in to him in another place, had endeavoured to turn the scent and to send them in pursuit of some other game. He (Mr. Vernon Smith) was quite astonished, however, that a gentleman possessing the legal acumen of Her Majesty's Solicitor General should have endeavoured to convert an attack upon him personally into an argument in favour of the conduct of the Government. Now, he would for a moment suppose that there really was some importance in the letter which he had received from Lord Canning, and to which allusion had so often been made—["Read! read!"];—and he would ask the House whether, even under those circumstances, there had been any omission upon his part which could justify Her Majesty's Ministers in taking the course which they had adopted. ["Read! read!"] Did the hon. and learned Gentleman the Solicitor General really mean to contend that the Government, in coming to a decision upon the important subject of Lord Canning's Proclamation, had proceeded with such little consideration that they had never even taken the pains to inquire whether any explanation of the Proclamation had been received in any other quarter? ["Letter! letter!"] Were they so anxious to bring about the return of Lord Canning that they had immediately pounced upon the Proclamation as a means of procuring his recall? He should also wish to know, whether the Chairman of the East India Company had not received any communication upon the subject of the Proclamation, or whether he had given no intimation to the noble Earl lately at the head of that department as to any communication which he had received. Be that as it might, he could hardly suppose that the hon. and learned Gentleman the Solicitor General could seriously imagine that the information which had reached him (Mr. Vernon Smith) could have had any effect in changing the views or opinions which right hon. Gentlemen on the Treasury Bench entertained. It was quite clear that they were determined to issue the despatch which they had sent out, and that they had come to that decision without deeming it necessary to ask for any advice or information upon the subject. He should wish to know, whether it was not the duty of the actual Minister for India, rather than of an ex-Minister or any other man, to use every exertion to procure such information. ["Oh, oh!—Read."] It was idle to contend that upon an ex-Minister ought to rest the weight of that responsibility which attached to a proceeding characterized by want of due consideration upon the part of the individual who held the reins of office. The fact was, that the whole story was one of the most trumpery nature. ["Oh, oh!"] The hon. and learned Gentleman the Solicitor General had referred to what had fallen from him (Mr. Vernon Smith) in reference to the subject on the previous evening, and had represented him as having said that Lord Canning had written to him to say, that an explanation of his Proclamation would be forwarded by the next mail. Now, he had never made any such statement, nor did he believe that such a statement was attributed to him in any report of the observations which he had made. Hon. Gentlemen would see that he did not say that the explanation would come by the next or any other mail, but that the Proclamation would come officially by this mail. The Secretary of the

Board of Control had stated that three mails had arrived, but no explanation had come, and therefore that justified him (Mr. Vernon Smith) in thinking that the communication which he had received was of no importance. If he had told the Government that the letter was coming, it would have misled him, and the Government, being anxious to throw responsibility upon any one but themselves, would have gladly availed themselves of the circumstance. ["Read!"] He could not read the letter. [*Derisive cheers.*] If the private letters of the Governor General had contained anything of importance, he should certainly have informed the Ministers; but as they did not, the letters were confidential. The hon. and learned Gentleman went on to misstate him (Mr. Vernon Smith) in another and more important point. The hon. and learned Gentleman stated that he (Mr. Vernon Smith) had admitted last evening, that on the receipt of the letter he consulted the noble Lord the Member for Tiverton. He had said no such thing. ["Oh, oh!"] What he had stated the other evening he would now repeat, that he read Lord Canning's letter to Lord Palmerston, who concurred with himself in thinking that it contained nothing of importance. It did not occur to either of them that there was anything of sufficient importance to communicate. He would be glad if any one would say—what the hon. and learned Gentleman had not ventured to say—that there was anything of sufficient importance to require communication. [The SOLICITOR GENERAL: I did say so, and I repeat it.] He differed from the hon. and learned Gentleman upon that point—he did not at that time—nor did he now consider the letter of sufficient importance to induce him to communicate it. There was no want of communication on the part of the late Government, for his noble Friend communicated to Lord Ellenborough a portion of a letter which he did think of importance; but in this particular instance, his noble Friend did not think there was anything of importance to communicate. The general opinion of all with whom he had spoken was to the same effect, and he believed it was the opinion of the public, as it was of every person who was uninfluenced by party feelings. There was nothing in the words that would intimate that there was anything to be communicated to the Government, and it never occurred to his noble Friend or to himself that the paragraph was worth communicating to Lord Ellenborough. When the hon. and learned Gentleman talked of meetings in conclave, he appeared to suggest that such meetings were in reference to a particular paragraph of a letter; he (Mr. Vernon Smith) could only repeat such was not the case. The hon. and learned Gentleman had spoken of some possible reproaches which Lord Canning would make for the course he had pursued; but he (Mr. Vernon Smith) did not fear those reproaches, for if he had erred in any respect, it was from too much delicacy for Lord Canning. He had always defended Lord Canning from the attacks of the right hon. Gentlemen opposite. When parties on the other side of the House were assailing Lord Canning in the most difficult and trying times, he (Mr. Vernon Smith) had always, as was his duty and his pleasure, stood up for him. But what did hon. Gentlemen opposite do? When the noble Lord's policy became successful, the party opposite who had assailed him, and endeavoured to render his position difficult, turned round and professed admiration of his policy, and said they only disputed the propriety of this particular Proclamation. He anticipated no reproaches from Lord Canning, who was fully conscious of his efforts to defend him. But when the hon. and learned Gentleman presumed to say that he (Mr. Vernon Smith) had acted from party motives, he totally and solemnly disclaimed and repudiated the falsehood. ["Order!"]

MR. LYGON rose to order, but

THE CHANCELLOR OF THE EXCHEQUER interposed and said,—I am quite certain that if the right hon. Gentleman has used a word which is out of order, and which might be understood in a sense he did not wish to convey, he will be glad of an opportunity of explaining that in the heat of the debate the word had escaped him.

MR. VERNON SMITH: Certainly he had not intended to use any term that might be understood to be offensive; but he thought it had been ruled that to say a particular statement was false was not out of order. As to the imputation of the hon. and learned Gentleman, he repeated his solemn denial that he had acted in any manner from party motives, and he hoped after that denial other hon. Members would not, like the Solicitor General, insinuate that he and his noble Friend had met in conclave in a party spirit to determine the course they should adopt. He had official

intercourse with many hon. Members opposite, and he would appeal to them to say whether he was a likely man to be guilty of such conduct. He, like Lord Ellenborough, had devoted the best portion of his life to the pursuit of Indian objects, and with a desire of benefitting that country. India was connected with his earliest associations and his fondest recollections. He, besides this, had been for three years Secretary to the Board of Control and for a similar period President of the Board. Others might judge of the amount of ability he had displayed in those offices, but he could affirm that those who knew the good-will, the assiduity, and the anxiety with which he had discharged the duties would not hesitate to acquit him of any improper motives. In the last days of Sir Henry Lawrence that eminent man, expiring at Lucknow, handed to his successor the commission he held from the Governor General, and said, "Tell them in England to remember Henry Lawrence, who tried to do his duty." He (Mr. Vernon Smith) felt that he stood at an immeasurable distance from that remarkable officer, but he hoped he might make the same manly, modest declaration, that so long as he had been connected with India he had endeavoured to do his duty, and in so doing he had acquired an interest in the welfare of the country which would only cease with his existence; and it was utterly inconsistent with that feeling that he should have been influenced by the party motives which the hon. and learned Gentleman had attributed to him, to risk for a moment the prosperity of that mighty empire.

Lord STANLEY hoped the House would do him and the Members of the Government the justice to believe that it was not their desire to evade or shrink from the inquiry into their conduct which the right hon. Gentleman opposite (Mr. Cardwell) had set on foot. In the statement of that right hon. Gentleman, as far as it went, there was nothing to complain of, except, as had been already shown by the Solicitor General, that he unduly, if not unfairly, limited the inquiry which he instituted. The right hon. Gentleman had asked the House to do that which was impossible—to consider the conduct of the Government in censuring a particular act of Lord Canning without at the same time considering the policy and justice of the act so censured. As far as he could gather from the Resolutions and from the discussion, the charges against the Government were twofold. In the first place, there was the narrow issue of who was responsible for the publication of Lord Ellenborough's despatch; and next, there was the wider question, assuming the despatch not to have been intended for present publication, whether it was a despatch that ought to have been written. The question of publication was one that he approached with some pain, because, however clear the case, it was always painful to seem to exculpate one's self at the expense of one who had been a colleague, and still more when the generosity of that colleague's conduct made it impossible to regard his loss without extreme regret. But in the present instance there was something more than personal or private interest to be considered. And first let him remind the House, what Lord Ellenborough had stated already, that the promise given in the House, that the despatch should be published, was given on the authority of Lord Ellenborough alone, and not upon that of any other Member of the Government. He (Lord Stanley) could say for himself, and he believed also for his colleagues who sat on the bench behind him, that they never heard of the promise being given until they heard it in that House, and that they had heard it then with surprise and regret. But the right hon. Gentleman (Mr. Cardwell) asked why, "when you had time to consider, did you not revoke your promise?" "The House," the right hon. Gentleman said, "would not, under the circumstances, have insisted that you should produce the despatch." His answer to that was—and it was one which he believed must have occurred simultaneously to every hon. Gentleman who heard the question put—that the promise, once having been given, placed the Government, as regarded the publication of that document, in a position totally different from that which they occupied before. He quite allowed that, as far as the hon. Member for Birmingham was concerned, no promise given to him, or to any one, ought to have stood in the way if the public interest required that such promise should not be fulfilled; but the Government had to consider what would have been the effect on public opinion of its retractation. They must have said:—"It is true the despatch has been sent; it is true that the Minister, the author of that despatch, thought it one which ought to be laid before the House; it is true that that despatch contained the deliberate

expression of our policy; but, on second thoughts, we are led to believe that the sentiments which we entertain, and which we have expressed to the Governor General of India, are sentiments of such a nature that to make them public would be dangerous to our influence in India, both as regards Europeans and natives." For his own part, he firmly believed that to have held that language would have been a course fraught with infinitely greater danger than would arise from the production of the document itself. He thought that a course, half disclosure and half mystery —that a course which would have stimulated the curiosity of the public, and left that curiosity unsatisfied—would have led to a belief that the despatch in question contained matter infinitely more grave and more alarming than any that really appeared on the face of it. It might have been unwise to give the pledge which had been given in that House. He regretted to say, he thought, under the circumstances, it was unwise; but that pledge once given, it appeared to the Government a less evil to go on than to draw back, and of two public dangers they had chosen the lesser. But the right hon. Gentleman the Member for the City of Oxford, making use of a convenient and expressive phrase, had talked of a Cabinet of limited liability. What was the meaning conveyed in that expression? Undoubtedly it was true both in constitutional law and common sense that for every act of every member of the Cabinet all the members were responsible. But how responsible? Surely responsible under certain conditions — responsible, he admitted, not only for acts committed by each—not only for acts individually and expressly assented to, but for acts which they might have allowed to pass without protest—for silence gave consent. But it surely could not be contended that any set of men, no matter under what circumstances brought together, could be held responsible for an act which they did not commit—for an act of the commission of which they knew nothing, and which, when they knew of it, they regretted and disavowed. The right hon. Gentleman the Member for Kidderminster (Mr. Lowe) who had displayed in a House less full than it now was, even more than his accustomed ingenuity, asked "Why, if you intended to repudiate the course which has been taken, did you not do so at once; and why did you wait to see what popularity you might be able to gain from the publication?" That charge he denied; and he felt sure that if the Government had taken a different course, they would have heard sharper taunts and more vehement imputations from the other side of the House. Even as it was, the right hon. Gentleman the Member for Kidderminster had spoken about the "Jonah" of the Cabinet; but what language would he have held if, without reflection, without deliberation, without taking time to weigh circumstances so novel and so grave, the Government had at once given up as indefensible the conduct of a colleague so eminent in every respect? They knew what were the feelings which governed public men and regulated political parties; and he did not think it was necessary to offer any long or laboured justification for having felt great reluctance, for having made it a subject of deliberation and reflection, and for even having allowed some trifling delay to intervene before they consented, by expressing their disavowal of conduct which they could not wholly defend, to incur the loss of one whom they felt to be a chief ornament and support of the Cabinet. But further, the right hon. Gentleman the Member for Kidderminster had said, when the Government stated in that House what the despatch contained, and when they expressed their disapproval of the policy of Lord Canning, the despatch was virtually published, and its subsequent appearance in print was comparatively immaterial. If the right hon. Gentleman really held that opinion it was an exculpation not only of the Members of the present Government, but of Lord Ellenborough as well; because, although there might have been some little suspension in the expression of their opinions — although by some of those ingenious artifices which he had often seen practised in that House — they might have contrived, for a few days or even a few weeks, to stave off inquiry, it was idle to suppose that with regard to a matter of this kind any Government could have maintained, or that any Government could have been tolerated in maintaining, a policy of silence and neutrality. How stood the case? One of the most important events of the Indian war had occurred—an event he did not hesitate to say which might materially influence the fortunes of a campaign. It was known that the Government here must decide upon the policy adopted by the Governor General. It was known that their decision would be final. It was known

that their decision had gone or was going out to India; and then the right hon. Gentleman told the Government they might have kept their own counsel, for England would not have felt any curiosity to know whether they had disavowed or sanctioned the Proclamation of Lord Canning. He (Lord Stanley) thought such a course of action would have been simply impossible, for we lived in a state of society when secrecy in regard to important national affairs could not be maintained beyond a very limited time. From that system of general publicity, great public advantages were derived; but, as they reaped its benefits, so must they submit to its inconveniences. Turning now from the question of publication, he came to the other point,—ought that despatch to have been written at all? Why, the Government was asked, did they not wait to hear any explanation that Lord Canning might have to give before they pronounced any disapproval of his Proclamation? He did not want to go into that painful question of which they had heard so much, the alleged keeping back of a private letter. He was glad to escape from dealing with that part of the subject, nor was it material to his argument. He was quite content to rest his case on a statement made very recently by the right hon. Gentleman the Member for Northampton, who said, speaking from his experience of Indian affairs, that it was the practice of the Indian Board in its correspondence with the Governor General to receive from the Indian Government first of all a bare narrative of facts, and afterwards — sometimes months afterwards—to receive explanations of the narratives so sent. He would ask if an explanation which might be deferred for months could, on such a subject, have been waited for? Did the matter not press? Was there no urgency? They were told, and he agreed with the sentiment, that it was their duty to consider the feelings of Lord Canning. No one in that House could speak of Lord Canning with more respect than he did. He never had joined in the vindictive and insensate cry that had been raised against him by a portion, though he believed but a small portion, of the Indian public. He thought that the acts for which Lord Canning had been most censured were precisely those of which, as a public man, Lord Canning ought to be most proud. He might have made mistakes; but, on the whole, he had conducted affairs, at a perilous crisis, with signal ability and success. But was there nothing else to be considered in connection with this question than the feelings of Lord Canning? Were the lives and property of men to be as nothing in the scale? Was the confiscation of property nothing? Was it nothing to arm a population of 5,000,000 against us?—to make their reconciliation more hopeless, their resistance more desperate, their revenge more implacable? Was it nothing to protract a war already sufficiently difficult and dangerous, at the most inconvenient and unhealthy season, and in a country fatally protected against European arms by its jungles and its pestilence? He quite understood the policy with which the right hon. Gentleman the Member for Oxford opened the debate. The right hon. Gentleman was a skilful tactician, and he (Lord Stanley) perfectly understood why he wished the House to consider Lord Ellenborough's despatch, without at the same time considering Lord Canning's Proclamation. Certainly, if it had been matter of little moment—if it had been merely a question of explaining of some transaction past and done with—they could have well afforded to wait; but the Government thought, and justly thought, that every day and every hour that Proclamation in its original form was left before the public in Oude added to the dangers and difficulties of our Indian position. And how was Lord Ellenborough to know that further explanations were on their way? A partail explanation had been sent; it was quite true that that explanation was hasty and imperfect; but men in great exigencies and occupied with urgent affairs were not unlikely to send hasty and imperfect explanations of that which they did. Then, it might be said, why did not they write out and make further inquiry before writing that despatch? To do so would occupy some months; and he (Lord Stanley) thought not only would the people of England have had reason to complain—not only would the people of Oude have had reason to complain—but that Lord Canning himself would have had fair grounds of complaint, if, after waiting patiently until (however remote the period) a full vindication of the Proclamation should arrive, and in the meanwhile giving no hint of their opinion the Government had written out to him some time towards the end of the summer, mentioningas if it had been quite a trifling matter — "By the way, that Proclamation that you issued in the be-

Lord Stanley

ginning of the year we believe to be totally inexpedient, and utterly unjust." Again, it was urged, as another ground for censure, by the right hon. Gentleman opposite, "if you thought it necessary to censure Lord Canning's policy in this particular, why did you not recall him at the same time?" Certainly, right hon. Gentlemen opposite were hard to please; for, first, they made it matter of grave imputation that objection was made to a Proclation without waiting to hear the arguments by which it might be defended, and at the next moment they expected the Government not only to censure the Proclamation but to recall the Governor General without listening to, or so much as asking for, the defence he might have to offer. In considering the prudence and policy of Lord Ellenborough's despatch, he would ask the House to consider it as that which it was meant to be, a confidential document, not addressed to the public, but intended solely for the Government of India. As to those passages relating to a policy of annexation and to the dethronement of the King of Oude, it had been said they ought not to have been allowed to appear. From that doctrine he (Lord Stanley) was not inclined to dissent. He regretted that they ever did appear. But he would ask the House not to confound the two questions—first, whether it was right that passages of that character should have been written; and next, whether having been written, it was right to produce them. But to whom were they addressed? Not to the Sepoys; not to the population of Oude; not to any person who could possibly misunderstand their meaning; nor to any person into whose mind by any stretch of the imagination, the idea could enter that it was the intention of the Government of this country to restore the native Government of Oude; but they were addressed to the Indian Government, and they were written for an obvious reason—in order to point out emphatically and plainly the wide distinction that ought to be drawn between the conduct of the Sepoys of our own army, and the conduct of the revolted population of Oude. The meaning of that despatch had been made clear by his hon. and learned Friend the Solicitor General. He did not wonder that the attempt had been made and the wish had been expressed to construe the Proclamation of Lord Canning in a sense rather less wide than the words obviously bore; but he thought the explanations offered in support of that construction entirely failed. It was difficult to discuss a question as to the rights of talookdars without going into the perplexed question as to the tenure of land in India; but it was clear even as the case was stated by the hon. Member opposite, that those tenures were hereditary—that they were of long, even if not of perpetual duration, and were considered by those who held them in the light of property. To say that a right existed to deal with the property of talookdars in their holdings otherwise than with land in general was hardly more reasonable than to contend that, because in this country in earlier times all land tenures originated with the Crown, that therefore a right existed to confiscate any English estate. It was said that those talookdars were a disorderly class, that they warred one on the other, and that they oppressed their poorer neighbours. He did not care to enter into that argument, but if it were true that they constituted a powerful landed aristocracy surrounded by armed retainers, in a military point of view and as a matter of policy that was not exactly a class of men that it was desirable to drive to despair, and to force to the alternative of a desperate resistance. But it was not the fact that this was the only class of persons who would be affected by the Proclamation. He had it on the highest authority that a large portion of the soil of Oude was occupied in very small holdings. The village communities were numerous. The principle of endowment in land was as well known in Asia as in Europe; almost every mosque and school (and they were many) was endowed in that way. How would these endowments be affected by the Proclamation? They had heard a good deal about the danger of offending the religious prejudices of the Natives of India. He apprehended that a declaration such as that contained in the Proclamation, which would at least have the appearance of sweeping away all endowments indiscriminately, would, especially if it was misrepresented by those who had an interest in doing so, produce a most injurious effect on the native mind. Precedents had been cited in defence of the Proclamation, and the case of Scinde, and that of Oude, on its first annexation, had been specially dwelt upon. But what was the case of Scinde? It was this—that certain feudal Princes, after the conquest of the country, were desired to surrender their jaghcers, in order that they might receive them back

under the sanction of the new authority. What was the precedent of Oude? It was that they who did not surrender should have their property confiscated. If that precedent had been followed, no objection could have been made. But what was the policy indicated by the Proclamation? A few persons were rewarded, but the property of the great mass of those who remain neutral, who in an Asiatic country will always be an immense majority of the whole, was by the words of the Proclamation confiscated equally with that of those who had taken an open part in the rebellion. If they came in, their lives and honour were saved, but nothing more. And what was the reward offered to those who might have protected English lives, at the risk of their own? They will be entitled to "rewards"—No! but to "consideration and leniency." It had been said, and he believed with truth, that it was never intended to act up to the letter of the Proclamation. There was no doubt about that—no Government could act up to the letter of that Proclamation; but they were considering the effect of the Proclamation on the Native mind; and his hon. Friend the Secretary of the Board of Control (Mr. Baillie) asked with great truth how the people of Oude were to know that these threats were not to be carried into effect. He (Lord Stanley) looked anxiously for information as to the effect of that document. He had no special knowledge on the subject, but it was impossible not to know that private letters had been received from persons high in military position, expressing the greatest anxiety and alarm as to the result of this Proclamation. The right hon. Gentleman who preceded him quoted high authority in support of the policy indicated in this Proclamation. He best knew on what authority those statements were made. He (Lord Stanley) was not willing to make use of private reports or communications, but if it were true, as he believed it to be, that Sir John Lawrence had recommended to the Government of India a discriminative amnesty—that was to say, an amnesty for all mutineers who had not committed violence, but had given up their arms, and returned to their homes—if it were true that such counsel had been given to the Governor General, he thought the right hon. Gentleman was not justified in adducing the great name and authority of Sir John Lawrence in support of his views. Looking, then, at the immediate results of the policy of the Governor General, he thought it was inexpedient; looking at its permanent effects, he believed that it was unjust. He, for one, would not shrink from the responsibility of expressing his disapproval of that policy. As to the alleged precipitancy with which the despatch was sent out, he justified it by the mischief which the Proclamation, unrepealed and unexplained, might do—mischief which would be increased by every day that it remained in force. As to the publication, he thought he had shown that for the act of publication the Government collectively could not be held responsible. If it were the object of the right hon. Gentleman the Member for Oxford to obtain a full and deliberate inquiry both into the conduct of the Government here and the conduct of the authorities in India, he believed that he would obtain that object, and he (Lord Stanley) should be glad if he did obtain it. But if in this Motion any other objects be involved—if it be really what some have not hesitated to call it—a party move—if the intention be not to defend a Governor General, not to indicate a policy, but to overthrow an administration—then, though I may on public grounds deeply regret it—though I may lament to see the interests of India imperilled for the advantage of political parties at home—though I may regard it as an ill omen for that new cours of Indian administration on which we are about to enter—yet, personally, I think we, the Government, have no reason to complain of the conduct of the right hon. Gentleman the Member for Oxford. It is his act that we stand here officially as the defenders of right against wrong—as the champions of a policy which is alike that of humanity and wisdom. Whatever be the issue—and I for one believe that the issue will be favourable—but be what it may, a fairer field on which to combat, a better cause by which to stand or fall, no Minister and no public men could desire.

Lord JOHN RUSSELL: Sir, the House cannot but feel that this is a matter which has been brought to a very serious issue. The production of the Proclamation and the despatch seem to challenge some judgment and opinion on the part of the House. My right hon. Friend the Member for Oxford has asked the House to give that opinion irrespective of the merits or demerits of the Proclamation. The Solicitor General and the noble Lord who has just spoken ask, on the contrary, that the whole case shall be judged, and that

we shall give our opinion on a question involving the merits of the Proclamation, as well as the course which the Government have pursued. So that, as it appears to me, the House is reduced to this alternative—either to censure the Government for the course that they have pursued, or to declare, on the other hand, that Lord Canning is deserving of the most severe reprobation. Sir, that is the issue. You cannot agree to my right hon. Friend's Resolution without passing a censure upon the Government. You cannot acquit the Government without declaring Lord Canning to be totally unfit even for the meanest official situation. I listened with great pleasure to the very able speech of the Solicitor General delivered at an early hour of the evening; but at the same time I must confess that I wish he had more entirely abandoned the forensic habits of his profession: because it is evident, and I will prove it immediately, that in every part of the case, while he dwelt with great effect and ability on those circumstances which were in favour of his argument, he entirely suppressed every fact and consideration against it. As an instance I will mention that at the beginning of his speech, when he declared that he would not give an opinion or pass a judgment upon the annexation of Oude, while he contrived, in two or three sentences to show that in his opinion the Government of Her Majesty and the Administration of the East India Company had been guilty of as foul a wrong as was ever committed· The hon. and learned Gentleman said, "I will only state that which is undeniable. There was a treaty with Oude, by which it was agreed to guarantee the Vizier of Oude against external and internal enemies." That is perfectly true and undeniable. But there was another article in that treaty, and it said that the Vizier of Oude should be bound to listen to the advice of the East India Company, and to follow that advice. And, Sir, it is notorious that while for fifty years we kept that article of the treaty to which he referred—while we protected Oude against external and internal enemies—that at least for forty years of that period the Vizier of Oude entirely neglected and violated that other article of the treaty. But this, if we are considering Oude, is a main fact in the discussion, and it is undeniable that, whether we were justified in our proceedings or not, the hon. and learned Gentleman thought fit to omit that fact from his argument. I do feel this somewhat, because, in the course the Government has taken, and in the despatch which is the subject of consideration, there is nothing so conspicuous as the attempt to destroy the fame and character of the proceedings of former Governments, and to endeavour to fix the stain of bad faith, of rapacity, and of every other crime on the past Governments of India. I proceed rather in the order of the Solicitor General than that of the noble Lord the Secretary of State for the Colonies; and, in the first place, I cannot but observe that when he asks the House to judge of the Proclamation, the document he has given us is an imperfect document. One of the most material passages in that Proclamation does not appear, the Government being perfectly aware at the date—the 7th of May—when they produced this document that there had appeared in the public newspapers an account of the Proclamation which contained that passage. They certainly could not give it as an official document because they had not received it as an official document. But, I ask, where is the candour, where is the fairness, in asking the House to judge of a document, they knowing that the document is incomplete, and that the part omitted contains much in vindication of the context? The passage has been read to the House, but I cannot forbear to notice it. It is this:

> "To those among them who shall promptly come forward and give to the Chief Commissioner their support in the restoration of peace and order this indulgence will be large, and the Governor General will be ready to view liberally the claims which they may thus acquire to the restitution of their former rights."

Can any man say that this passage is immaterial? May it not have this effect, that, while all the former severe sentences are held out as threats to the landowners who are still in arms, it is meant to open the way to reconciliation and restitution to those who make their submission to the British Government? But I must observe further, with regard to this document, that I could not be struck with the account which the Governor General gives of it in the beginning. He speaks of it first as a Proclamation put forth in a liberal and forgiving spirit. And Mr. Edmonstone thus comments upon the Proclamation:—

> "If an exemption, almost general, from the penalties of death, transportation, and imprisonment, such as is now about to be offered to men who have been in rebellion, had been publicly proclaimed, before a heavy blow had been struck,

it is at least as likely that resistance would have been encouraged by the seeming exhibition of a weakness as that it would have been disarmed by a generous forbearance."

Now, this part of the official document was not noticed in Lord Ellenborough's despatch. Though we must recollect they were men in arms, they were not, as the Solicitor General states, men in arms when we first entered the country, and therefore the case of those who enter a country by conquest, according to the spirit of modern warfare, leaving the inhabitants in the possession of their homes and property, does not apply to Oude. Lord Canning found the country in a state of submission. He did not annex Oude. He found it in a state of peace; and it was some time after —I will not say the exact period—when mutiny spread throughout the country, that those landowners and others took up arms. He says to these men—men who have been fighting against our regiments, men who have killed our soldiers, men who have intercepted our convoys, men who have endeavoured to starve into submission the feeble garrison of Lucknow—he says to all these men, not only that they shall not suffer the penalty of death or transportation, but that not even a week's imprisonment shall be inflicted on them for the offences they have committed. I can only say, that notwithstanding the severe character which has been given to this Proclamation, much is thus taken from that description. But it did not suit Lord Ellenborough to mention it, or to take any notice of that part of Lord Canning's proceedings. It bears the character of mercy, and I do not wonder that it was so considered. But there seems to have been a determination, immediately the Proclamation was received, to seize hold of it, with a view to fix censure upon it without looking to its general tenor. But, Sir, I must call the attention of the House, because this is a grave part of the question, to the situation of Lord Canning. Lord Canning had been for nearly a year exposed in one of the most perilous situations, requiring the highest qualities of heart and head which a man in a high position can need. He had to provide for the safety of a British garrison, small in numbers, which had been diminished by reinforcements and armaments sent away to other parts, with only one European regiment, I believe, in a space of 400 miles from Calcutta. He was exposed to this extensive and perilous mutiny. He had at the same time to consider the welfare of those 150,000,000 in India over whom he had to rule. And, placed in that position, no man can say that, while others trembled, his cheeks were ever blanched with fear—that, while the murders committed roused to frenzy the passions of the Europeans about him, his blood was ever moved to vengeance. Sir, I remember when Thanks were voted in this House to our friends in India, on the proposition of my noble Friend the Member for Tiverton, I took the opportunity of saying a few words in commendation of the course which Lord Canning had pursued; and I remarked on his determination that he would not consent that there should be war between races, but to look at all these Indian races as people who might be reconciled to our rule, and that he had proclaimed a doctrine and a practice most abhorrent to those who look only for vengeance. I do not remember that when I paid that humble tribute to the merits of Lord Canning, the Gentlemen who now sit on the Treasury benches were so impressed with the maxims of forbearance. On the contrary, there was nothing but carping and cavilling, hypothetical condemnations, prophetical speeches, hesitating language, and a willingness to join the popular voice, as it was then esteemed, which depreciated the merits of Lord Canning, and for one cause or another they seemed disposed to withhold that confidence and approbation which to a public man performing difficult duties are ever most dear. Being in power, there came to them a part of a Proclamation which had not been issued by Lord Canning, without any explanation, but purporting to be one which was to be issued, or might be issued, when Lucknow should be taken. I ask, what should have been the conduct of a Government on receiving such a despatch from such a man at such a moment? It seems to me it was no heroic duty or difficult duty, but the common duty of any Government at that period to say—"This is a man distinguished for his humanity. This is a Governor General placed in the most perilous position. If we cast upon him a sudden censure, we may disable him from performing the duties of his office. There is no character of fierceness or cruelty about him which should induce us to withhold our confidence, or to believe that he has surrendered his humane and rational intentions with regard to the people of Oude." If that had been their belief they might have written a despatch conveying their general views concerning confiscation, asking for explanations, and

recommending in general terms a policy of mercy. If such a despatch had been written, if, as is usual with despatches when great affairs are being transacted, it had been refused to those who wished it produced, I think it would have been but fair and common justice to Lord Canning, and not only fair and common justice to Lord Canning, but justice to your own empire. That was not thought proper. They, or rather Lord Ellenborough, who with regard to the affairs of India, had their entire confidence, immediately wrote a despatch which appears to me, I confess, more like something which is written for the sake of public invective—more like a letter of "Junius" to be published in the *Public Advertiser*—more like one of the most severe lampoons which a political opponent launches against his adversary, than the grave rebuke by the President of the Board of Control to a Governor General who he thought had outstepped the limits of his duty. To show the style of this despatch, I will just read a passage or two from it:—

"Other conquerors, when they have succeeded in overcoming resistance, have excepted a few persons as still deserving punishment, but have with a generous policy extended their clemency to the great body of the people."

It then goes on,—

"You have acted upon a different principle; you have deserved a few as deserving of special favour, and you have struck, with what they will feel as the severest of persecution, the mass of the inhabitants of the country. We cannot but think that the precedent from which you have departed will appear to have been conceived in a spirit of wisdom superior to that which appears in the precedent you have made."

Hon. Gentlemen admire that, and it is no doubt a very fine piece of writing and may rank with many passages from our classics; but was it fitting that the Government should hurl their sarcasms at a man placed in the position of the Governor General—a man who had never been convicted of cruelty, who had never been remarkable for the dreadful punishments which he had inflicted, but who had, on the contrary, been taunted for the clemency and mercy which he had displayed? This is the man against whom the organ of the Government thought fit to direct his sarcasms and his invective. Can you suppose that a man who has been censured in that way is fit to continue the Governor General of India? One of two things you must choose—if he is fit for that high situation, he is not deserving of your invective; if he is not, he ought not to be left in that high position. But this is the sort of tone in which you thought fit to write to the Governor General, a tone totally unbecoming the Government of a great empire. A laboured attempt is said to have been made by the Prime Minister "in another place," and it has been made here to-night, to fix on Lord Ellenborough the responsibility of the publication of this despatch. Lord Ellenborough seems to have thought sincerely that the publication was calculated to do great good in India, and he was anxious that it should be produced. I wish to say nothing disrespectful of Lord Ellenborough—I believe him to be, as the right hon. Gentleman opposite truly said the other night, a man of genius. I only regret the want of judgment which he has shown in this matter. But he had colleagues with whom he must have consulted; and one of the most eminent of them, the leader of this House, on the 6th of May, being asked the tenor of Lord Ellenborough's despatch, said, "Of course that despatch will be laid on the table." Is not that right hon. Gentleman, then, a participator in the publication? If the publication was right, let him claim the merit, for he had a large share in it. We know not what the decision of the Cabinet may have been, but when we hear from the leader of this House that the despatch will be produced, it means, of course, that the Government have decided that it shall be. And when we hear that "the policy of the Governor General has been disapproved in every sense" is not that an announcement which must make every mutineer in India prick up his ears and instil fresh courage into the breast of every man in arms against us. Was it not news to make every rebel say, "Though the Viceroy be our enemy, though the British troops pursue us into our retreats, though they defeat us in open fight, take our towns and deprive us of our cannon, yet in London we have a friend who will help us?" But, perhaps, it may be said that the publication was not calculated to do any mischief. On that point I have here an authority which will not be disputed. These are the words used in another place by no enemy of the Government:—

"I do regret that at the present moment that despatch should have been so prominently brought into notice. Its production was somewhat hastily promised, but I hope your Lordships will concur in the propriety of the course recommended by my noble Friend—that of laying on the table only such portions as may be published without causing any serious inconvenience to the public service, omitting some passages which if

published in India might, in the opinion of the Government, produce a most prejudicial effect."

That is the language of the Prime Minister. He declares that the despatch must produce a most prejudicial effect, and yet that is the despatch which the Chancellor of the Exchequer promised should be laid on the table of the House. The Solicitor General made a point which if he had not been wrong in his dates would have been a very good one. He said that, as the despatch had been given to Earl Granville and to the hon. Member for Birmingham (Mr. Bright), it was not likely that it could have been kept secret very long, and that the Government, therefore, had done well to make a virtue of a necessity. But, unfortunately, this promise to produce the despatch was made on Thursday, and I believe Earl Granville received the despatch about eleven on Friday morning, and the Member for Birmingham a little later. Therefore that defence entirely falls to the ground. I put, then, these two things together. It was most unwise and most mischievous, in my opinion, to write such a despatch in the terms I have described — terms which would have done very well for a brilliant author, but which were totally unbecoming a Minister of the Crown. In the next place, it was most mischievous and most prejudicial to the public service, and most dangerous to the interests of India, to publish that despatch; and for this averment my witness and authority is the head of the Government. There are some parts of this despatch which seem to indicate pretty clearly what is to be the policy of the Government. Hitherto it has always been the practice for a Government on coming ieto office to accept the settlements which have been made by former Governments; and when a conquest has been made, a war entered into, or an acquisition secured to the Crown, not to look any further into the abstract merits of the question, but to adopt that which has been done to carry on the war, and to defend these acquisitions. In this manner alone, I venture to think, can the policy of the empire be carried on with safety. If one Government were to say we disapprove what was done by the East India Company under Lord Dalhousie, and another were to say we disapprove what was done with regard to Scinde—if when Mr. Fox was in office in 1806 he had said, "I disapprove the wars of Lord Wellesley, which secured to us Delhi and Seringapatam;" it is evident that the empire would be in a state of continual fluctuation, and you would have no policy lasting from year to year. If you were to be perpetually entering into discussions with regard to the justice and wisdom of wars gone by you could have no stable policy for the empire. That is the way in which the Government of this great empire has hitherto been carried on; that is the way in which, despite of our party battles—spite of Gentlemen sitting first on one side and then on another—this great empire has been built up, and it is the only way in which it can be maintained. If you are to say, as this despatch says—or rather insinuates, which is a great deal worse—that the annexation of Oude was unrighteous and unprincipled, and done in defiance of treaties, and that therefore the hostilities going on in Oude were legitimate warfare, and that not Her Majesty's troops, but the rebels and mutineers were the real defenders of the right—if that be the tone adopted—do not think that your empire can last. It must be for ever shifting and precarious. For this reason more especially, I think that the despatch is to be condemned; but I think that it is to be condemned in every sense. I think, first, that it is most unjust to Lord Canning, who deserves praise, admiration, and support, and not the most severe censure that was ever passed upon a great public servant. I think, next, that it is dangerous to proclaim to India that the acts of the head of your Government there are not trusted, and will be disavowed. I think also that it is dangerous—I know not for the sake of what or for what purpose—to be reverting to the acts of past Governors General in India, and of past Presidents of the Board of Control, and Directors of the East India Company. I believe that these things tend to shake and finally to dissolve the magnificent fabric which our ancestors have founded, and which we have helped to rear; and I see no escape from such a consequence unless we censure this despatch. The Chancellor of the Exchequer stated the other evening—and I admire him for having done so—that if Lord Ellenborough's colleagues had known of his resignation they would have begged him to abandon his intention; but the same tone has not been observed to-night, and it appears from the noble Lord the Secretary of State that Lord Ellenborough's resignation was accepted, if not with regret, at least with

regretful feelings. Whether the Government wish to maintain Lord Ellenborough or not, whether they wish to retain the services of "that man of genius and generous temper" I cannot say; but I do say, that they are bound up with his acts; they are responsible for what he did—they are responsible for the tenor of that despatch and for its publication. Let them bear, therefore, the responsibility of that despatch. They may say that it was issued in the cause of humanity. That remains to be seen. If, indeed, in the end that prove true—if the Proclamation tended to plunge Oude into war—the Government would have reason to take credit for their act; but, if on the contrary, as I believe will turn out to be the case, this disavowal of the Governor General tends to encourage the enemies of British rule, and to discourage and dishearten its friends, then, I say, the censure rightly falls on Her Majesty's Government, and they must bear it.

MR. ROEBUCK moved the adjournment of the debate.

LORD PALMERSTON: I presume that it will be resumed the first thing on Monday.

THE CHANCELLOR OF THE EXCHEQUER: On Monday.

Debate *adjourned* till *Monday* next.

House adjourned at a Quarter after Twelve o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 17, 1858.

MINUTES.] PUBLIC BILLS.—1ª Municipal Franchise; Consolidated Fund (£11,000,000).
3ª Chelsea Hospital and Waterworks Exchange of Lands; Chief Justice of Bombay; Trustees, Mortgagees, &c; Loan Societies.

METROPOLITAN MARKETS.—PETITION.

LORD BERNERS *presented* a petition, from butchers, farmers, graziers, salesmen, and others, engaged in the trade and sale of meat in the Metropolitan Markets, praying for the repeal of such portions of the several Acts of Parliament as now interfered with their trade, and for the passing of an Act to regulate the modes of obtaining licenses, and to be heard by counsel thereon. The noble Lord said, that the respectable portion of the trade were quite satisfied with regulations for shutting up all unfit slaughter-houses—and indeed, it was for their interest that the meat brought into the market should be pure and fresh in appearance, and of the best quality. It was impossible, however, if the slaughtering of cattle were confined to a limited number of public slaughter-houses, that that object could be obtained. The Petitioners, who numbered upwards of 1,400, naturally felt much alarm at the course pursued by various benches of the magistrates in petty session, refusing licenses to a large number of metropolitan butchers to slaughter on the premises; which licenses they were empowered to grant at their discretion by the Metropolitan Markets Act. No special reasons had been shown for such refusal, and the petitioners stated that they had complied with all the requirements of the Board of Health and the Metropolis Local Management Act, so as to prevent their slaughter-houses from being pernicious to public health. They pointed out that great injury would result from their being obliged to slaughter in the four public slaughter houses which were at a great distance, and were totally insufficient for the requirements of the trade; while the packing of dense masses of meat together, on its removal from the public slaughter-houses, would cause fermentation, and render the meat unwholesome. After enumerating some other disadvantages which would result from the closing of private slaughter-houses, the petitioners stated that the effect of the present enactment would be, in the course of a few years, to shut up every slaughter-house in the metropolis (as defined by the Metropolis Local Management Act, 1855), except such as had been already erected by the corporation of the City of London at Copenhagen-fields, or which might be erected by them under section 8 of the Metropolitan Market Act, 1857; and to prevent the erection of any new ones, however well constructed and otherwise unobjectionable, inasmuch as no available sights could be found in the metropolis which would not fall under the prohibition in the Act. The heavy loss already sustained by the corporation of London in the erection of the Metropolitan Cattle Market would tend much to prevent the erection by them of any other market or slaughter-houses; and the necessities of the trade required that there should be many such places erected in different localities, convenient for those resident within certain districts, rather than they should be driven up to one or two slaughter-houses at long distances from the places where they carried on their trade. The petitioners had no objection to their premises being placed

under the superintendence of responsible authorities, and were willing to carry out all such reasonable requisitions as might be made by the authorities for the purposes of the public health, or of rendering their premises unobjectionable to their neighbours; and they submitted that the power of licensing would be better vested in the local authorities appointed under the Metropolis Local Management Act, 1855, who had attached to them medical officers of health and surveyors competent to advise and guide them, than left in the arbitrary discretion of the magistrates in petty sessions.

Petition ordered to lie on the table.

House adjourned at a Quarter to Six o'clock, 'till To-morrow Half past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 17, 1858.

MINUTES.] PUBLIC BILLS.—1° Public Health; Copyright of Designs; Game Law (Ireland); Poor Removal Law Amendment; Friendly Societies Act Amendment.

3° Consolidated Fund (£11,000,000); Non-Parochial Registers.

TURNPIKE TOLLS (METROPOLIS).

ANSWER TO ADDRESS.

COLONEL FORESTER brought up Her Majesty's Gracious Answer to the Address of the House of Commons on the subject of the abolition of Turnpike Gates and Toll Bars in the Metropolis.

"I have received your Address, praying that a Royal Commission may be issued to inquire and report as to the best means of affording to the Inhabitants of the Metropolitan Districts, within six miles of Charing Cross, a relief from the abolition of Turnpike Gates and Toll Bars, similar to that which the Legislature has already granted, on the recommendation of a Royal Commission, to the Metropolis of Ireland:

"And having taken your Address into consideration, I have directed that a Commission shall issue for the purpose which you have requested."

OATHS BILL.—CONFERENCE.

MR. SPEAKER: I have to communicate to the House that the Lords

"Do agree to a Conference with this House, upon the subject matter of the Amendments made by the Lords to the Oaths Bill, as desired by this House, and appoint the same to be held on Tuesday next, at half-past Four o'clock, in the Painted Chamber."

On the Motion of Lord JOHN RUSSELL, it was agreed that the Commons should enter upon that Conference at the time and place appointed by the Lords.

INDIA.—PRIVATE CORRESPONDENCE.

QUESTION.

MR. LYGON: I beg, Sir, to put a question to the Secretary of the Board of Control whether it is possible to furnish a Return of the number of private letters received from the Governor General of India and transmitted to the Board of Control or to the India Office to persons then in office or supposed to be in office, together with the weight, the dates, the number, and the persons to whom such letters have been so addressed?

MR. BAILLIE: Sir, in answer to the question of my hon. Friend, I beg to state that there is no record kept at the Board of Control of any private letters received there. As soon as any such letters are received there they are at once forwarded to their destinations. I may state, however, that since the present Government came into office, being a period of about three months, no private letter or private communication has been received by or shown to the Government, or has been received at the Board of Control until Saturday night last. On Saturday night, however, the post arrived from India, and brought three private letters from Lord Canning, all addressed to the President of the Board of Control, the Earl of Ellenborough. Lord Canning had, therefore, received information that the Earl of Ellenborough had accepted office, and the fact of his having addressed those private letters to him is a sufficient proof that the noble Lord, as Governor General of India, was in the habit of corresponding, by means of private letters, with the President of the Board of Control.

OUDE.

PROCLAMATION OF THE GOVERNOR GENERAL.—DESPATCH OF THE PRESIDENT OF THE BOARD OF CONTROL.

ADJOURNED DEBATE—(SECOND NIGHT.)

Order read, for resuming Adjourned Debate on Amendment proposed to Question [14th May]—

"That this House, whilst in its present state of information it abstains from expressing an opinion on the policy of any Proclamation which may have been issued by the Governor General of India in relation to Oude, has seen with regret and serious

Lord Berners

apprehension that Her Majesty's Government have addressed to the Governor General, through the Secret Committee of the Court of Directors, and have published, a Despatch condemning in strong terms the conduct of the Governor General; and is of opinion that such a course on the part of the Government must tend, in the present circumstances of India, to produce the most prejudicial effect, by weakening the authority of the Governor General, and encouraging the further resistance of those who are in arms against us."

And which Amendment was,—

To leave out from the word "House" to the end of the Question, in order to add the words, "generally approves of Lord Canning's policy up to the time of the Oude Proclamation, and is satisfied with the firmness and judgment he has evinced during the crisis in India; but this House declines to give any opinion upon the Oude Proclamation until it has had further information on the state of Oude when the Proclamation was issued, and also Lord Canning's reasons for issuing it," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. ROEBUCK: Sir, a question of more importance was, perhaps, never submitted for discussion in any legislative assembly than that which now occupies the attention of this House. If we think of the number of persons likely to be affected by it, and of the time at which the proposition is brought forward, all these considerations indicate the importance of the subject now under discussion. Sir, Gibbon, in his *History of the Decline and Fall of the Roman Empire*, enters into a discussion on the probable cause of the decadency of that empire, and in that magnificent *resumé* which he gives of the power and importance of the empire of Rome he says that the Italians and provincials together amounted in numbers to one hundred and twenty millions of men; and he adds that that was the largest community of men ever subject to one system of domination. But, Sir, our Indian empire leaves this far behind. There are not only one hundred and twenty millions, but I think the persons who are influenced by our dominion in India amount to nearly two hundred millions; and there is now submitted to our consideration a question involving the happiness of this large section of the human race; for we have now to determine whether our dominion over these millions is to be guided by the great principles of honesty and justice, or whether the power which we exercise shall be the only guide of our conduct, and that the object which we have in view is the sole aggrandizement of England. As an Englishman, I cannot help feeling strongly for the dominion, the happiness, and the power of my country; still, there are things which in my mind are even greater than England's importance, and one of these is that mankind should learn to recognize and practise the great principles of honour and virtue. At this present moment there is involved in our discussion this important question — shall we in the furtherance of our dominion, for objects purely selfish, forget the great principles of virtue and justice? Shall we, in order to establish our dominion over what I may call the defenceless people of India, utterly regardless of that which civilization ought to teach us to regard—shall we, I say, pursue our own objects without any consideration of the great principles which ought to govern us as a people? The Motion made by the right hon. Gentleman the other night is, I think, one of the most transparent of party manœuvres I have ever seen, and I have seen many transactions of that sort. At this very moment we, the House of Commons, are vindicating to ourselves the government of India—for it is idle to talk of the Crown—the Crown means the House of Commons. [*Murmurs.*] I have no doubt that in Gentlemen whose minds are governed by outward form, that assertion may excite surprise; but I will ask any man who understands the practical working of our system of government to answer me this question—is not all the power said to be centred in the Crown really exercised by this House? Shall we say, when we transfer the government of India from the East India Company to the Crown, that we do not give it to the Ministers of the Crown who act under the Control of this House? Therefore, I say, that when we talk about transferring the government of India from the East India Company to the Crown, we really declare that the House of Commons is to govern India. And at the very time when we are so discussing this matter of the government of India there comes before us a mere matter of party politics. We forget the happiness of two hundred millions of men, and we reduce it to a question between this bench and that. ["No, No!"] No, no! Is there any man so utterly void of consideration of what is going on around him and of what is being enacted before his eyes—is there any man so blind, as not to perceive that what we

are fighting for now is not the happiness of India, but the government of this country?

But, Sir, let us, if we can, forget these party politics; let us, if we can, consider this question as affecting the happiness of two hundred millions of human beings. Now, what is the question before us? The right hon. Gentleman the Member for Oxford (Mr. Cardwell) propounds a Resolution which really involves three points for consideration. First, he says that the President of the Board of Control—and therefore the Ministry—was wrong in writing any despatch in answer to the Proclamation of Lord Canning; then he says they wrote the wrong despatch, and then he says they were wrong in the publication of that despatch. Now, I am prepared to meet him on all these points. I say, first, the President of the Board of Control was bound to write that despatch; I say, secondly, he wrote the right answer to the Proclamation; and, thirdly, I say he is not answerable for the production of that despatch. I have no doubt that proposition may astonish some Gentlemen in this House, but before I have done, I hope I shall be able to satisfy them of its justice. Was or was not the President of the Board of Control bound to write an answer to that Proclamation? I will not now enter into any discussion of the manner in which we acquired our dominion in India; I will only say this—that having entered it as a body of mere merchants, we in the course of time acquired the dominion of that vast country; but that we did not do so without sacrificing on almost every occasion every principle of justice which ought to guide a nation—that we have been rapacious. that we have been cruel, that we have been unjust, but that we have acquired dominion. We have done it by the great power and capacity of the men we have sent there—by the wonderful valour of our troops, than which nothing can be more wonderful; but, notwithstanding, we have sacrificed truth, honour, and justice. I know these are to many Gentlemen unpalatable truths, but they are truths nevertheless. There is only one justification of dominion, and that is, that it is such as to promote the happiness of the people over whom it is exercised. But in order to produce that happiness, it must be a just and merciful Government. Now, having acquired this dominion in India, there arose a rebellion against us. We had a wonderful army, and that army mutinied. Let no man for one instant suppose that I stand up as one not feeling—deeply feeling—all the atrocities that mutinous army has perpetrated. No man has ever been more ready to raise his voice against them than I have been, and I will say, let punishment to the uttermost follow those atrocities; but I draw a broad distinction between the mutinous army and the people of India. And now I come to Oude. The Governor General of India of that time and the Directors of the East India Company were pleased to annex Oude to our dominions. I hold some peculiar opinions upon this matter. ["Hear, hear."] You do not know what these opinions are, why do you cheer? The opinions I hold are, that I think the first injustice the least; that when you have conquered a country you ought to annex it at once, and not create intermediate authorities and enter into treaties with them; but that having done so, you are bound by those treaties. Let me take the instance of Scinde. There we began unjustly; but still we conquered Scinde, and we annexed it. That I think a better mode of proceeding than we followed in Oude. We entered into treaties with Oude as far back as 1801, and these treaties contained certain stipulations with regard to the dominion of Oude. Another treaty was made after that, but though laid on the table of this House, it has been declared to be no treaty at all. But we were the more powerful party, and we ultimately declared, on the ground of that very treaty, that because the King of Oude did not behave to his people as he ought to have done, his kingdom should be annexed to our dominions. Now, I say that was an injustice which it would have been far better to avoid by annexing Oude at once. Be that as it may, it pleased the Governor General and the Court of Directors to annex Oude to Our dominions. We ought to recollect that the people of Oude were accustomed to their native dominion, and when the annexation took place they expressed strong feelings of dissatisfaction, and when the mutiny of the army broke out they joined the mutineers. We warred against them; but will any man tell me that we warred against the people of Oude as a band of mutineers, and not as a nation? It was a nation warring against a nation, and we conquered them. Now, I solicit the attention of the House to what followed. A scene was enacted to which the history of mankind shows no parallel. Annexing Oude, we immediately proceeded

to dispossess the landowners. That created discontent. When the mutiny broke out, the people of Oude, as I have said, joined the mutineers, and we conquered them. But before Oude was conquered, the present Governor General issued a Proclamation, by which he confiscated—I use the term in English, as it was written in English—he confiscated, with the exception of that of six persons, all the landed property of Oude. I say that the history of mankind affords no parallel to such a case. I know that the Normans in their day confiscated in this country a large part of the land, but they did not go the length of confiscating all with the exception of the property of six persons. But to come to the commencement of the question now before us. The Government of India in this country receives from India a Proclamation that was ordered to be issued on the fall of Lucknow, accompanied by a letter to the Chief Commissioner of Oude. And what did that Government do? It sees that a Proclamation is about to be issued which in that Government's opinion would make the whole people of Oude rebellious to the very end of their lives. And I ask Gentlemen to observe that it has been said, and I believe cannot be contradicted, that this Proclamation so issued, so declared, was done in opposition to the opinions and wishes of Sir Colin Campbell, of Sir James Outram, and of Sir John Lawrence. I have seen private letters in London from India which say that the effect of this Proclamation will be equivalent to a demand for 20,000 troops in addition to those we have already in India. I say then, that the Government which would have passed over a Proclamation of that description in silence would have so shrunk from their duty that they would have deserved impeachment; and I believe that none would have been so ready as the Gentlemen now on that (the Opposition) bench, to impeach the President of the Board of Control, if he had not expressed his opinion as he has expressed it in that despatch. I say the President of the Board of Control, on receiving such a Proclamation, was bound to express an opinion. Whose opinion? What opinion? His own. He was bound, acting on his own understanding, to tell Lord Canning what he thought of it, and he did tell him. What other conclusion could he have come to when he read of the confiscation for ever of the lands of the people of Oude—for it is idle to tell me this proclamation does not confiscate the whole land of Oude? There are some ugly words in that Proclamation—I have it here—the true sense of which the House cannot fail to see, if it will only be guided by its own judgment instead of being led away by party feeling. The Governor-General in this Proclamation it will be observed, informs the people of Oude that the Government will reward those who have preserved their allegiance, and he names six persons who are to be permitted to retain their property; and he further promises proportionate rewards to those persons who shall prove themselves to have acted as these six have done. But he says further—and, mark you, this Proclamation is addressed to the people of Oude—not to the chiefs, not to the landed proprietors, not to the Dukes of Bedford, but to the people of Oude, with six exceptions—and to them he says that, "The proprietary right in the soil of the province is confiscated to the British Government, which will dispose of that right in such a manner as to it may seem fitting." You will recollect that this was written in English, and words more complete could not be used to signify that the whole landed property of Oude was confiscated to the Government of England.

And now I will make an observation, if the House will allow me, upon the statement made by the noble Lord the Member for the City of London on the injustice of publishing that Proclamation and the despatch of the noble Lord the President of the Board of Control, and not the Proclamation actually issued. Now, let us hear how it did occur. This intended Proclamation was sent home, but the Proclamation was issued at Lucknow, after the fall of Lucknow, and differed in some respects from that Proclamation. My hon. Friend the Member for Birmingham (Mr. Bright) read the actual Proclamation as it was published in *The Times*. He put a question, and an answer was given to him, to which by and bye I will refer. The answer given was the answer to this Proclamation that I have read, and he was promised that the answer should be laid on the table. It was laid on the table. Could you lay on the table an answer that was not given? All the Government could do was to say, "We have sent an answer to the intended Proclamation, and that answer you shall know." You did know it, and what was there wrong in that? It is a very simple statement, but a very true one. Therefore, I say, in the first place, that Lord Ellenborough was bound to give

an answer; that in the second place, he was bound to give that answer which in his honest mind he intended to give; and that this answer was made. And now I come to the third question involved. It is said that Lord Ellenborough ought to have made an answer, but that he had no right to publish that answer. Therein is the gravamen of the charge made by the right hon. Gentleman (Mr. Cardwell). I would ask the House whether there are not certain questions that compel an answer? If I go up to the Secretary to the Indian Board, and say—"Would you rob a man?" and if the hon. Gentleman replied—"Considerations of public policy prevent my answering the question," my presumption would be that he would rob him. The hon. Member for Birmingham said—"I have seen a Proclamation from the Governor General of India about Oude, and I want to know if you have heard of it, whether you have answered it, and the nature of your answer." What occurred? The Secretary to the India Board got up and answered one-half of that question. He said, "We have answered that Proclamation, and you shall see the answer." Upon which my hon. Friend, who is not a man to be put off, said, "I hope the Government are not satisfied with that answer: I am not. I want to know what you said. Did you agree with the Proclamation?" "No," said the Chancellor of the Exchequer, "we did not agree with it; we differ from the policy it indicated in every sense." Now I ask the House, as men of common sense, whether, if the right hon. Gentleman had got up and said "considerations of public policy prevent my answering the question," the conclusion of every man would not have been that the Government blamed that Proclamation? It is as certain as daylight. If he had approved the Proclamation he would have told us so; and by declining to answer he would, in fact, have answered that the Government did not agree with the Proclamation. What, then, was the conduct to be pursued by the right hon. Gentleman? That which he did pursue. He said, "We did disagree from the Proclamation." Will you tell me about paralyzing the Governor General's arm? Who was to blame? Was not Lord Ellenborough bound to answer the Proclamation as his own judgment told him it should be answered? and, if you compelled the publication of that despatch, the evil of it rests here, and not with the Government. There is this wonderful peculiarity—I will not say mischief of a Government like ours,—that the people should know what is going on. I believe that the arguments used in this debate go further than some hon. Gentlemen think, and that they condemn the hidden diplomacy which is the curse of this country. I firmly believe that, if we knew from day to day what the Government are doing, we should be better off than we are. Now, we are led blindfold into every error. War comes on us, and we are told we must not inquire. Peace comes on us, and we are told we are too late to inquire. When it is important that we should know the "public interests" step in, and when to know is of no use at all, we are told all. Sir, I want to know if this is not a fair description? I say there was no other course before the Government except that which they pursued. They were called upon to give an opinion. They did give an opinion, and they gave it according to the honest bias of their own minds. When they were called upon to publish that opinion they were called upon by this side of the House, and they had no alternative. It was published in spite of themselves, and the publication is not to be laid at their door. I say then, if we are to regard our Indian dominion as a matter in which we have an interest, we have a yet greater interest in truth and justice. The people of Oude ought not to have been treated with injustice. If you want to pacify India it must be by the course pointed out in the despatch of Lord Ellenborough. It has been said that this despatch ought to be printed in letters of gold. Sir, I believe so. That was an honest despatch, and I do not know my own countrymen if they do not come to the same conclusion. I entreat my countrymen to remember that there are things above party. If they are to consider mere party moves I will ask them what they will get if the Government are in a minority to-night? Why, a Government that we have cashiered lately, because they had neglected the honour of England—we are to allow hon. Gentlemen on this side of the House, after passing a few weeks in the cold regions of Opposition, to reinstate themselves on that (the Treasury) bench. And for what? Do the people of England expect that they are changed? If they do they are wofully deceived. Sir, I believe that good government, that happiness for the people, that the advance of liberal measures, which we all desire, are more to be obtained from

that weak Government than from the strong insolence of this. I have seen, Sir, both, I have tried them both, and I am sure that we shall advance further in the course of improvement by the aid of the present party than by the assistance of the other. If we seek simple honesty—if we want justice for the people of India—if we seek the happiness of the people of England and good government for both, we shall give a decided negative to the Resolutions of the right hon. Gentleman the Member for Oxford.

SIR C. WOOD: Sir, it has been truly said that those who have opposed this Resolution have exercised great ingenuity in diverting the attention of the House from the question before it. My hon. and learned Friend who has just sat down has not been an exception to that rule. Whether his view of the policy of the present Government will be palatable to those who sit behind the Treasury benches I do not know, whether his assertion is true, that measures in accordance with the views which he himself entertains, will be forwarded by the existence of a weak Government, I leave to those who are opposite to me to say. This, however, is not the question to which we are called upon to give an answer. That question is really simple enough. We say that the Government prematurely condemned Lord Canning's Proclamation, that they have condemned it in unfitting and unjustifiable terms; and that they have published to India, to the detriment of our power, opinions which are almost incompatible with its maintenance. The Solicitor General, whose able and eloquent speech I admired as much as any one, called on us to condemn the policy of Lord Canning with regard to Oude. My noble Friend the Member for the City of London fairly put the question: "Vote for the Motion, and you condemn the Government; vote against it, and you condemn Lord Canning. Sir, I refuse to condemn Lord Canning. Is the House prepared to do so? [Mr. MILNER GIBSON: "Yes."] The right hon. Gentleman the Member for Ashton may be prepared to follow the example of the Government, and (in the absence of information, which every Amendment to the Motion admits) to participate in the injustice of condemning Lord Canning; but I doubt whether a majority of the House will follow the invitation of the Solicitor General and be participators in the precipitate and unjust condemnation of the Governor General of India. We do not call upon you to approve Lord Canning's policy. When we say that, for want of information, the Government have prematurely condemned Lord Canning, we are at least consistent in declining to call upon you to approve his policy. The policy of Lord Canning with regard to Oude is no portion of the question before you. It is perfectly consistent to say, "The Proclamation was too severe," and yet to condemn the despatch which the Government sent out. If it be true that by the way in which the Government expressed their views in that despatch, they have weakened the authority of the Governor General, which it is important to maintain, and have encouraged the resistance of those who are in arms against us, it is just and reasonable to condemn the course they have taken irrespective of the policy of Lord Canning. I think before I sit down I shall show that, irrespective of the policy of Lord Canning, the House must condemn the conduct of the Government. We do not know his reasons, but the conduct of the Government is all before us; their greatest fault is the publicity they have given to their censure. The hon. and learned Gentleman (Mr. Roebuck) talks of this as a mere party question, irrespective of the interests of the people of India. It is because I take the deepest interest in the people of India that I am induced to come forward in support of this Motion, irrespective of party feeling. I do not expect hon. Gentlemen opposite to understand me, because they seem to think no man can be actuated to take a part in a great question but by the paltry love of office. In my opinion the permanent interests of this country in India are imperilled by the course which the Government has taken. The object which I have in view is, at least, a far higher object, and of far more paramount importance, than the changes of Government in this country. I may be wrong; I hope that I am wrong. [An Hon. MEMBER: You are.] But, in my opinion, the course which the Government has taken is dangerous to British power in India. It is because I am not regardless of the effect of the publication of the despatch of the Government in India that I disclaim in the strongest terms being supposed to be influenced by mere party considerations. Do not suppose that I am indifferent to party considerations. Who is? If the effect of the Motion should be to displace the Government, I confess I do not think the result would

be one which the country would have much reason to regret. I do not think that, either in their legislative or executive capacity, they have shown such ability, discrimination, skill, and judgment, that their removal from office—I will not say from power, because power they can hardly be said to possess—would be a result which the country need deplore. There is another motive which I beg leave to disclaim in the strongest terms—not imputed here, but stated by the noble Lord who supposes himself the object of it—namely, that the Motion is intended and persevered in as a personal attack upon Lord Ellenborough. I should be ashamed of myself if I had any such feeling, and I may state on the part of those who sit around me, as well as of myself, that we never thought of making a personal attack upon Lord Ellenborough. Notice was given of the Motion when Lord Ellenborough was a Member of the Cabinet. We thought that his removal made no change whatever in the circumstances of the case, and that it affected in no degree the conduct of the Government. We made no personal attack on Lord Ellenborough, or any other Member of the Government. We thought the Government as a body responsible for what they did. I hear that there are those who intended to vote for the Motion before the resignation of Lord Ellenborough, and who have since changed their minds. They are the persons who make it a personal question as regards Lord Ellenborough. If they thought the Government worthy of condemnation before Lord Ellenborough's resignation, and have now changed their opinion, and think the resignation of Lord Ellenborough makes all the difference between right and wrong, they are the people, and not we, it seems to me, who make this question personal to Lord Ellenborough. Such is not our view. I agree with what was laid down by the Chancellor of the Exchequer and quoted by my right hon. Friend (Mr. Cardwell), that we ought never to be a party to picking out a single Member of a Cabinet and sending him forth as a scapegoat, loaded with the sins of his colleagues. We believe the whole Government to be responsible, and upon the Government we charge the responsibility of what they have done. The Solicitor General and the noble Lord (Lord Stanley) enlarged on the clemency of the policy indicated in the despatch. I am glad at last to hear clemency towards the people of India advocated in this House. It is not so long since a petition from Calcutta, breathing vengeance against the Sepoys, denouncing the impossibility of trusting any Native of India, and charging Lord Canning with too indulgent views towards the people of India, was popular in this country, not unpopular in this House, and indorsed by some of those who now sit on the Treasury bench. They denounced clemency when it was unpopular. A change of opinion seems now to have taken place; but Her Majesty's Government will not succeed in pursuading the people of this country that they alone are the advocates of clemency and humanity. The cry of clemency is taken up by them when it is popular. When it was unpopular they only added to the cry for severity. The question of the clemency or severity of the Proclamation essentially depends upon the way in which it is read, and I must say I entirely dissent from the interpretation put upon it by those who have spoken either on the side of the Government or by the hon. and learned Member for Sheffield. In general terms the proprietary rights of the landowners of Oude are confiscated. I was astonished to hear the noble Lord (Lord Stanley) include the property belonging to mosques and charitable endowments. It was a plausible argument, no doubt; but I venture to say no man in the slightest degree acquainted with India, or Indian tenures, will believe that the Proclamation can be so read in Oude. It is directed against those who have been in arms against the British power. [An hon MEMBER: "The people."] The Proclamation is addressed to the people. But it affects only the Chiefs and landowners. That is the mistake into which the hon. and learned Gentleman (Mr. Roebuck) fell, that the people to whom it is addressed are those whose property is to be confiscated. Let any Gentleman read the letter of Mr. Edmonstone. [Mr. WALPOLE: Read the fourteenth paragraph.] I will read the fourteenth paragraph. It runs thus:—"The permission to return to their homes must not be considered as a re-instatement of them in the possession of their lands, for the deliberate disposal of which the Government will preserve itself unfettered." Now let the right hon. Gentleman read the first sentence of the sixteenth paragraph. "The foregoing remarks apply to the talookdars and chiefs of the province," it goes on, "as regards their followers who may make submission." It is clear, therefore, that all the paragraphs up to the sixteenth apply to the land-

owners, and the fourteenth paragraph, which I have read, applies to them and not to the people. A clear distinction is made, and up to the beginning of the sixteenth paragraph they all relate to the talookdars and chiefs of the province. Then begins the policy to be observed towards the people. The Solicitor General said it would include the village communities, but I do not see how that statement even can be supported. What is confiscated in this Proclamation is the proprietary right in the soil. The village communities have strictly no proprietary rights. They have the right of occupancy, strong tenant right if you will, but not a proprietary right. Without going deeply into the question of tenure of land in India it may be laid down in general terms that in India the Government is the proprietor of the soil, and the cultivating peasantry are the occupiers of the soil. Sometimes the Government grants its rights to the rent in whole or in part to the chieftains, talookdars, and others; sometimes these persons obtain it by usurpation; and in both cases they almost universally abuse their power. The ryots, under the great landholders, are much worse off than when they are under the Government. Mr. Robinson, in his book on Indian tenures, draws the strongest contrast between the condition of the peasantry under the two systems. He says that the peasantry of Bengal, though under British rule, are the most miserable in Hindoostan, and the reason he gives for this is, that the landowners press them down to such a degree that they are reduced to a state of destitution unexampled elsewhere. But in the North-West Provinces, on the contrary, the peasantry, he says, are about the happiest, because there the Government have put an end to the talookdar system, by purchase or other means. In Oude the evils of the talookdar system is carried to an extent terrible to think of; and the men against the confiscation of whose property hon. Gentlemen opposite protest in such strong language are those whom for the good of the people themselves it is for the sake of the peasantry and the people most desirable to get rid of. Sir James Outram, in his Report on the tenures in Oude, says :—

"Not many years ago there were hundreds—nay thousands of villages, not belonging to talookdars, but directly under the Crown, called Khalsa villages."

Further on he says, speaking of the great talookdars, &c. :—

"These weaker neighbours were the holders of what are called Khalsa or allodial lands, four-fifths of which have now been absorbed by the great landholders. They have gained these lands either by fraud or collusion with the local authorities, or by open violence."

Now listen to an account of how they dealt with them. Colonel Sleeman, in his book on Oude, says :—

"As soon as these talookdars got possession of the Khalsa villages they plundered them of all they could find of stock and property, and with all possible diligence reduced to beggary all the holders and cultivators. They cut down all the trees planted by them or their ancestors, and destroyed all the good houses they had built, that they might have no local ties to bind their affections to the soil."

You may now see what interest the village communities have in the confiscation of the rights of the talookdars. If you still think that the people of Oude will be benefited by the preservation of these talookdars, read what Sir James Outram relates of the effect of their conduct :—

"In this manner the whole of the Bharaitch Khalsa, consisting of upwards of 650 villages, has been given over to a rajah, and has now dwindled down to twenty or twenty-five villages, and all over Oude it is the same case."

Hear Colonel Sleeman, too, as to the conduct of one of them in a particular instance :—

"They plundered the town of Boondee, and pulled down all the houses of the rajah and those of his relatives and dependents, and after plundering all the other villages, brought in 1,000 captives of both sexes and all ages, who were subjected to all manner of torture till they paid. A great many women were seized and tortured till they paid ransoms like the men, and many of them have never since been seen or heard of. Some perished in confinement of hunger and cold, having been stripped of their clothes, and exposed at night to the open air on the damp ground, while others threw themselves into wells and destroyed themselves after their release, rather than return to their families after the exposure and dishonour they had suffered."

These are the landowners of whose rights you are so tender, and, having read these passages, I ask you now is it quite so sure that their cause is the cause of justice and mercy? Are you so sure that the condition of the population of Oude will not be improved if all the rights of the talookdars are confiscated? My own belief is, that such a step would be mercy to the people. So far I have proceeded on your assumption, that the rights of all the great landholders are to be confiscated, but such is not my understanding of the practical effect of the Governor General's measure. I don't believe that the effect of this Procla-

mation is so sweeping even with regard to these persons as hon. Gentlemen opposite maintain it to be. We cannot doubt that, though the Proclamation which has appeared in the papers is not the same as that which the Government received, yet it is that which has actually been published in Oude. The intended Proclamation given to us by the Government, and on which all their arguments are founded, has never been issued. In the one said to have been issued, a most important alteration from the draft appears to have been made, which entirely changes its character. That Proclamation confiscates the rights of the landowners, but it also holds out an expectation, amounting even to a promise, that if they come in and submit, those rights shall be restored to them. When Oude was originally annexed, Sir J. Outram warned the people that if they resisted their property would be confiscated; they have resisted, and Lord Canning, in the execution of that threat, has issued this Proclamation. My belief is, that the Proclamation is not an undesirable mode of dealing with an Oriental people. First manifest your power, then display your clemency. What happened when you annexed the Punjab? The Punjab was an independent kingdom. We dethroned its ruler, annexed the territory, proclaimed the confiscation of the property of those in arms against us. These are the words of the Proclamation which was then issued, "Not only the landed property, but the jaghires and all the property of the sirdars and others who have been in arms against the British Government shall be confiscated to the State;" and I believe the practical effect of Lord Canning's Proclamation will be just the same—those who are in arms against us will have their property confiscated, and those who submit will be confirmed in their rights. And what has been the effect of that policy? In two years after it had been the scene of unmitigated violence the Punjab became the most peaceable portion of our Indian dominions, and we well know that in these later days the attachment and loyalty of its people have furnished us with the means, as far as Native troops are concerned, of putting down the insurrection. Probably what was right in the Punjab may be right in Oude. Now, Sir, I state this not only as my own view of the case, but I have consulted many persons well acquainted with India, who entirely concur in it. I do not ask you to concur in it, all that I ask is that you admit the probability—I will even put it lower, that you admit the possibility of such being the case. Then I ask you, I ask any independent and fair man in this House—I do not rely on the friends of Lord Canning—I rely on those who are lovers of justice and fair dealing—I ask you if it be possible that such should be the case whether the Government was right in condemning Lord Canning in the terms in which they have done so? Is Lord Canning a man who deserves such treatment at your hands? Has he so conducted himself in circumstances more trying and arduous than any with which a British statesman ever before had to deal, that you cannot treat him with confidence for a little while? Surrounded by mutiny breaking out unexpectedly in every quarter, troops which had taken part against the mutineers rising against the Government, vacillation in his councellors, pusillanimity on the part of the British population around him, he alone kept his judgment calm, and acted with firmness, discretion, and foresight. He was clement and merciful, when clemency was branded by the British residents as treachery. And this is the man upon whom, without knowing what the truth may be, you choose to fix the charge of inhumanity and cruelty. Even if you thought that the Proclamation was too severe you might have expressed that opinion in other and far more appropriate language—you might have told him what you thought without using language which my noble Friend (Lord John Russell) truly described as that of invective and sarcasm, and not that in which a Government ought to address a great public officer, placed in the most difficult circumstances. You might even have proclaimed to the people of India your opinions and your views of humanity and clemency without doing it in a way offensive to him and dangerous to the State. Have you mended the matter in debate? Have you not used language calculated to wound his feelings and to render it difficult for him to pursue with confidence any line of conduct which he thinks right? Never before last Friday night did I hear the opinions of subordinates quoted by a Government against a superior. Can the Government of any country be carried on if you destroy the confidence which ought to exist between a chief and those who are employed under him? We have of late seen cases enough in which men in high situations abroad have been treated with injustice by

public opinion in this country—have been condemned before they were tried; but this, I venture to say, is the first instance in which the Government has itself depreciated its own officer. I won't attribute improper motives to the Government,—I am always unwilling to do anything of the kind—but what do you expect to be the conduct of Lord Canning on the receipt of this despatch. Do you wish him to resign? Will he resign, do you think? It will be difficult for him not to do so when he hears what you have said and reads what you have written. If so, you have been the means of taking away from India at a most critical period the man who, so far in a fearful storm, has held the rudder of the vessel with a calm and firm hand. If, on the contrary, an imperative sense of public duty compels him to remain at the post, you have at least destroyed the confidence which ought to exist between the Government and a high officer conducting the affairs of such a country as India under circumstances so unprecedented as those of the present moment. But not only have you addressed this despatch to Lord Canning—you have published it. That the publication was wrong I certainly did not expect to have to argue, until I heard the defence put forward by the Solicitor General, the noble Lord (Lord Stanley), and the hon. and learned Gentleman near me (Mr. Roebuck); nor, indeed, do I think that even now I need argue it. I do not believe there is a man in this House who thinks that that publication was right. But you want to get rid of the responsibility. You put it upon Lord Ellenborough, and may be, Lord Ellenborough, who, whatever his faults may be, is a high-minded man, and above all mean considerations, chivalrously takes upon himself the sins of the Government. Sir, I will not attribute to him—I refuse to put upon him alone the blame of publishing this despatch. I concur in the sound doctrine of the Chancellor of the Exchequer that no one man ought to be singled out as a scapegoat. He urged that in the case of the Duke of Newcastle, and rightly so, and I do not think that any weight attaches to the exception taken by the Solicitor General that that was a case of general conduct of a Government and this is not. But there is another case, that of the Motion on the subject of the defence of Kars, brought forward by the hon. and learned Member for Enniskillen, which is precisely similar to this. The hon. and learned Gentleman attacked the Government for having neglected the proper means for the defence of Kars, and a right hon. Gentleman opposite, the Member for Hertfordshire (Sir E. L. Bulwer), who is said—I know not how truly—to be about to fill the vacancy in the Cabinet, rested the case mainly upon a certain despatch of Lord Clarendon. His authority you (addressing the Treasury bench) will not refuse to admit, and he in speaking of that despatch used these remarkable words—words with which I entirely agree, and from which I do not know how Her Majesty's Government can dissent:—

> "In all Cabinets there must be a division of labour; but since in none there can be a division of responsibility, whatever my respect for individuals, I think the charge against you as a Government is not be rebutted."

As the right hon. Member for Hertfordshire said, so say I, "Whatever my respect for individuals may be, the charge against you as a Government is not to be rebutted," on the general principle of Ministerial responsibility. But even without appealing to that good constitutional ground I ask, is it true that Lord Ellenborough alone is responsible for that publication? What happened on Thursday week? The Secretary of the Board of Control promised a copy of that despatch, and in the House of Lords Lord Ellenborough promised its publication. So far I grant that the Secretary of the Board of Control acting under the orders of his chief, the chief alone is responsible. But what happened within half a second of that? Before the Secretary of the Board of Control had sat down, the Chancellor of the Exchequer rose in his place, put him down, again promised the publication of that despatch, and further stated the contents of it. The promise of Lord Ellenborough might have been withdrawn; the words of the Chancellor of the Exchequer having left his lips, could not be recalled. Will the Chancellor of the Exchequer say that he acted by the direction of the President of the Board of Control? Of course, he won't. One of two things, then; either he acted of himself or as the organ of the Government. The noble Lord stated elsewhere that the right hon. Gentleman had not communicated with him, but was perfectly cognizant of the contents of that despatch. Then, with a perfect knowledge of what that despatch contained, the right hon. Gentleman promised its production and stated its purport. Why, he is as responsible—nay, in some senses, more respon-

sible than the President of the Board of Control for the publication of that despatch, because, after its contents had been stated, I admit that it was difficult to avoid publishing it. I do not wish to single out the Chancellor of the Exchequer any more than Lord Ellenborough, as responsible for the deeds of their colleagues; but if any one is, on your view, to be responsible for the sins of all, at least the Chancellor of the Exchequer must take his share with the President of the Board of Control. But you had twenty-four hours before the despatch was produced; you might have recalled that promise. Does any man believe that, if next day the Chancellor of the Exchequer had come down, and using the words of Lord Derby, had said "We have looked through this despatch, and if it be published in India the effect will be prejudicial"—does anybody believe that this House or the other House of Parliament would have insisted on its production? What happened a week ago? An hon. Member asked the Government for some papers as to the *Cagliari*. The Chancellor of the Exchequer said it would not be convenient to the public service to produce them, and the House at once acquiesced. Nobody can believe that in this case, any more than in that of the *Cagliari*, either House would for a moment have insisted on the production of the papers, if such had been the statement of the Government on the Friday afternoon. The noble Secretary for the Colonies, however, has told us that the Government considered whether the papers should be given or not, and that they came to the conclusion that, inasmuch as the Chancellor of the Exchequer had promised to produce them, their publication would be a less evil than a retractation of that promise. What does that prove? This at least—that the Government deliberately thought that the mere coming down to the House, and saying that it would be inconvenient and prejudicial to produce the despatch, was a greater evil than the publication to England, India, and the world, of the doctrines contained in that despatch. After that, I know not how even the hon. and learned Gentleman the Solicitor General himself could say that the Government are not responsible for the publication of the despatch. I feel, as everybody must feel, that the worst thing of all is its publication. If it had been a secret despatch for Lord Canning's eyes, and his only, unjust as I think it would have been, its

Sir C. Wood

effects would have been as nothing compared with a publication to the eyes of the world of the doctrines contained in the despatch. I do not doubt—nobody, I think, can doubt—and if any one does doubt, his doubts will be removed by Lord Ellenborough's own words, that the despatch was written and intended for publication. It is, in fact, a Proclamation, not a despatch. It was intended to be published to the people of India as an antidote to the Proclamation. The noble Lord the late President of the Board of Control, having considered what he should do, said in "another place,"—"I will write, at the earliest possible moment after that Proclamation has been published, a letter as an antidote, that the public may know that we intend to rule India with justice and clemency." I have no objection—nobody on this side of the House objects—to the people of India being thus ruled, or to their being told that they should be so ruled. But they ought to be told in terms not derogatory to the authority of the Government of India, nor dangerous to the peace of India. What effect, do you suppose, that publication will have upon the authority of the Governor General? Every man in this House knows that in the East people look upon the Governor General as the king of kings in India, the supreme authority, above all and beyond all. What authority, then, can he have when the people of India are told that his deeds are unjust and unjustifiable? Those hon. Gentlemen, at least, who sat upon the Indian Committee, will recollect that Lord Ellenborough told the Committee that his own authority was diminished by the prospect of his recall. You cannot suppose that the Governor General of India will have that authority which he ought to have, especially in the present condition of India, after this despatch has been published. If it was your opinion that he was not to be trusted to act in that spirit of clemency which he has hitherto evinced, you had far better have recalled him. That would have been manly and straightforward. But, if you did not recall him, you ought to have supported his authority. You ought to have told him that he might have confidence in you. But, on the contrary, you have done that which may have the worst possible consequences, for you have weakened his authority—you have deprived him of the full power which he ought to have over the people of India for the proper performance of his most responsible duties. But far

beyond the effect upon the Governor General is the effect for evil which I anticipate from the publication of the despatch upon the people of India. I can assure the hon. and learned Gentleman the Solicitor General that the changes of twenty Governments are as nothing in comparison with that. What do you suppose, in the first place, will be the effect upon the people in arms in Oude? Have they not, in fact, been directly encouraged by the publication of this despatch to resist the authority of the Government? You have told them that the annexation of Oude was a breach of faith, and that, therefore, the conduct of the Governor General is unjust and unjustifiable. Why did you refer at all to the annexation of Oude? That was not Lord Canning's doing. It was utterly unnecessary for the purpose of recommending clemency and mercy which you profess to have been your object to refer at all to the annexation of that kingdom. You say that the annexation was unjust. Why did you not say so when the act was done? Oude was annexed two years ago. Did any of the men now sitting on the Treasury bench breathe a whisper against the annexation? Not a syllable fell from their lips; but when the mutiny was ripe, when the population was in arms, then comes the noble Lord the Chief of the Board of Works, and says that the King of Oude should be restored. If you wished to prevent the evil, you ought to have so spoken two years ago. If you are prepared to reinstate the King, and to restore his kingdom, say so. Then, at least, you would have credit for generosity. You might attach some of the people there to you. But you shrink from that. You tell the people of Oude that we have acted unjustly towards them. Do you think that such a declaration on the part of the Government of this country will facilitate the pacification of Oude? Do you think you are encouraging them to come in and lay down their arms when you tell them that they are in the right? If you had from the first spoken thus to them, you might have spared the blood of your soldiers, shed in putting down the insurrection. The publication of this despatch will stimulate the people of Oude to a more determined resistance to our arms, and thus the blood of our soldiers, which may be shed in putting down the resistance which you have thus encouraged, will be chargeable on the authors of that despatch. But the evil is not confined to Oude. You tell them that if the Government of Oude was bad, it was at least Native. What were the Governments of the Punjab of Scinde and Sattara. They too were Native Governments. You have annexed all those territories. Your despatch will be published in every newspaper in India. If the people of India, upon reading it, should come to the conclusion that the Government of this country thinks that any Government in India, however bad, is, if Native, preferable to English rule, in what corner of India are we to be safe from insurrection and war? That question is ten thousand times more important than a change of Government. I hold that this despatch, which you tell us is a message of peace, is a firebrand of war. You have declared to England, to India, and to the world, that our steps in India ought to be retraced. What an encouragement to rebellion, a war in every part of our vast Indian dominions! I know not whether anything can be done to prevent the mischief which the publication of the despatch will effect in India; but this, at least, I hold to be the duty of the House of Commons—to protest at the earliest possible moment against the doctrines contained in it. On the part of the people of England, the House of Commons is bound to do so, for otherwise insurrection may spread from one end of India to the other encouraged by the published opinions of the Government. It remains for us to perform our duty. We are bound to counteract as far as in us lies the mischievous tendencies of the despatch by censuring the conduct of those who have taken a step so fatal to our best interests in India. Let us tell the people of India, that we do not hold the doctrines contained in the despatch; that we are anxious not to encourage rebellion; that we are anxious not to govern otherwise than with clemency and mercy; but that we are prepared to maintain those possessions which the valour of our soldiers and the skill of our statesmen have obtained for us; but that at the same time we are prepared to govern them, not as the King of Oude ruled it, nor as many of the Native Princes have ruled the territories under their dominion, but as the British possessions in India always have been ruled—with equity, with justice, and with a due regard to the opinions and feelings of the people, but, above all, with clemency and mercy.

Mr. HARDY: Sir, in rising to follow the right hon. Gentleman who has just ad-

dressed the House with so much eloquence and so much vigour, I feel that I should offer an apology for undertaking such a task. I do not often address the House; I never do so without a strong conviction that what I am about to say is based upon truth; and I never felt so strong a conviction on any subject as I now do that in adopting the course which we are taking, we are doing that which is best calculated to maintain the honour of this country and to insure the prosperity of India. The right hon. Gentleman has told us that those who have spoken on this side of the House have wandered from the subject; and the right hon. Gentleman then himself wandered from the subject in order to carry us through long details of tortures in Oude—though Parliament is not without its records of tortures which have been recently practised in dominions of our own. I would say to the right hon. Gentleman and the House—do not let us wander away from the subject before us; let us ask ourselves this question—Does the despatch which has been sent forth truly represent the feelings of the people of this country in respect of the inhabitants of Oude, and are the principles it lays down those of justice towards the people to whom it is addressed? The right hon. Gentleman says that there are three objections to the despatch—first, that it prematurely condemns Lord Canning; secondly, that its terms are unfitting, even supposing the Proclamation deserved condemnation; and, thirdly, that its publication in India is calculated to do serious damage to this country and India, that it is detrimental to the authority of the Governor General, and affords encouragement to those who are in arms against us. As to the first point, on what ground is the despatch to be considered premature? If condemnation was deserved, could the time for condemnation be said not to have arrived when a public servant of the country publishes a Proclamation which is in itself considered bad and detrimental to the best interests of the country, and when that Proclamation was received by the Home Government, without any explanation, and without any intimation that an explanation was to come? Let the House remember that there has been nothing but a single letter to show that any explanation at all would be sent home, and that that letter was not produced for the benefit of the noble Lord who filled the office of President of the Board of Control. It was not even mentioned at the time it was received; its existence was only brought to light when a noble Lord in another place thought it would prove a useful weapon to wield in an attack on the Earl of Ellenborough. ["Hear, hear!" "No, No!"] I repeat my statement. When was this letter, which has been so much spoken of, first produced? or rather, when was a portion of its contents first mentioned? Was it first spoken of on this side of the House? No, its existence was not known by us; but when the Earl of Ellenborough, in "another place," stated that he had received no explanation of the Proclamation, a noble Lord who leads the Opposition in that other place (Earl Granville) got up in his place and said he had seen a letter which spoke of an explanation. That noble Lord appears not to have been let into the secret. That letter apparently had not been communicated to him on its receipt. It was communicated to the noble Lord the leader of the Opposition in this House by the right hon. Gentleman the late President of the Board of Control (Mr. Vernon Smith), whom I do not see in his place, but his portrait, painted by himself, will be handed down to posterity, because there is no one who can give so true a portrait of him as he has given of himself; and as he is himself the artist, I will leave him to the effect which that portrait will produce on those who live in the present time, those to whom he has addressed himself, as well as those who shall come after him. The right hon. Gentleman told us that he would, with humble diffidence and great modesty, use the language which had been used by a distinguished man on his death-bed—"Tell my countrymen to Remember Lawrence, who tried to do his duty." I can only say that if the right hon. Gentleman tried in this instance to do his duty he has most egregiously failed. But, Sir, I shall turn from that, which is but a small point. ["Hear!"] Well, I believe hon. Members opposite say it is a small part of the case. Yet, often as the right hon. Gentleman in connection with that letter has been alluded to, no one has defended his "right hon. Friend;" that "right hon. Friend" has stood alone. Hon. Gentlemen on the other side have uplifted their hands and shaken their heads, but they have not defended the right hon. Gentleman the Member for Northampton.

I shall, however, pass from that and apply myself to answer the speech of the right hon. Gentleman who last addressed the House. I have no fault to find with

Mr. Hardy

the tone of that speech, except that the right hon. Gentleman endeavoured to alter the issue which the House has to try, and, follows the noble Lord the Member for the City of London (Lord J. Russell) who said, that the despatch sent out to India not only condemned the one act of Lord Canning, but declared him unfit to hold the meanest office. I ask the House, is that a fair representation of what the Government have done? The noble Lord threw out taunts that those who sit on this (the Ministerial) bench did not listen to argument at the time the Motion for a Vote of Thanks to the Governor General and the army of India was under discussion, but manifested the spirit that animated them in respect of Lord Canning by endeavouring to deprive him of that which was his due. I should like to know by whom a better defence of Lord Canning was made on that occasion than by my right hon. Friend the Member for the University of Cambridge (Mr. Walpole)? I should like to know by whom was a more honest tribute paid to the services of the Governor General than by my right hon. Friend the President of the Board of Trade (Mr. Henley)? No one more damned Lord Canning with faint praise on that occasion than the noble Lord (Lord J. Russell), who was, perhaps, at that time influenced by other feelings towards the party who were then in office than the feelings which animate him at the present moment. He did not, perhaps, then care about doing a little damage to those who now sit on the front Opposition benches; and in the speech he has now made he is the last who ought to have taunted us with a want of appreciation for Lord Canning's services. The noble Lord in the discussion on the Vote of Thanks followed my right hon. Friend (Mr. Walpole), who had begged that the noble Lord the Member for Tiverton should state that the House were not to be considered as prejudging the memorial from Calcutta, and who had spoken most favourably of Lord Canning. The noble Lord on that occasion, though he afterwards pronounced a panegyric on Lord Canning for his moral courage and Christian firmness, used this language:—

"I hope the House and the Government will accept the very wise and temperate suggestion of the right hon. Member for the University of Cambridge. I will not enter into the question whether it was in the first instance wise to propose this Vote of Thanks to Lord Canning; it might, perhaps, have been better that this Vote should have been deferred until we had more complete information. There can be no doubt whatever that the army and navy have distinguished themselves; but there is one thing which I wish to say of Lord Canning. I do not pretend to judge of the manner in which he has conducted these operations. Her Majesty's Government appear to be satisfied with the general ability with which the noble Lord has acted in his difficult situation, and I am bound to say that I believe that a great portion of the stories which have been told and the comments which have been made on the other side are founded upon falsehood."

[*Cries of* "Read on!"] I cannot be expected to read, and I have not here the whole of the noble Lord's speech. I stated, however, in the outset, that he had spoken well of Lord Canning for certain qualities, but I say that his support of the Vote of Thanks was couched in terms of very doubtful favour.

"Sir, I am quite prepared to argue the question of the propriety of the despatch on any of the grounds which have been put forward on the other side. The right hon. Gentleman who introduced the Resolution now before the House said that we ought to consider the question as one affecting the interests of the people of India. I cannot, Sir, give the right hon. Gentleman credit for having framed a Resolution dealing with the matter in that light. I cannot say that I do not believe that there is much of party consideration involved in this Resolution. I cannot think that that Resolution is such as this question should be argued on; nor do I remember that in the many conversations and discussions upon its wording, the epithet "honest" has been once applied to that Resolution, though it has often been termed "adroit." The Resolution is so complex in its form and so ambiguous in its terms that it may obtain support from those who differ widely in opinion. The Motion is an involved one, and may be voted for by those who do not agree in the whole of it, and therefore whilst in its adaptation for catching votes it may be called "adroit," I think it can scarcely be termed "honest." We are told, Sir, that in considering the Motion we have no right to consider the meaning of Lord Canning's Proclamation; but no sooner is this said than those right hon. and hon. Gentlemen, who alleged it, go into an elaborate defence of the very document which they call upon us not to consider. The right hon. Gentleman the Member for Halifax tells us what the Proclamation exactly means, whose land it confiscates, and whose it does not, and he seemed to imply that we had sufficient information to

enable us to form an opinion on the Proclamation. Now, Sir, Her Majesty's Government could only learn about the Proclamation what it itself told them. The right hon. Gentleman the late President of the Board of Control told us that he altogether approved of the Proclamation. I should like to ask him this question—whether he had any knowledge of the Proclamation before it was published?—whether any directions in reference to it were sent out from this country? [An hon. MEMBER: He is not here to answer you.] But there are other Members of the late Government present who can answer me — who must know whether this movement on Lord Canning's part was entirely spontaneous, or whether the notion of such a Proclamation was suggested in this country. We have been told that the Proclamation will be understood differently in India from what it is in this country; but, Sir, I agree with my hon. and learned Friend the Member for Sheffield (Mr. Roebuck), that the document speaks in terms so distinct that neither in this country nor in India can it be misunderstood. I am informed, moreover, by gentlemen who have lived in the neighbourhood of Oude, that so far from being understood as taking possession of the lands of the talookdars and chiefs only, it will be read as confiscating all rights of any kind connected with the possession of land. I think it is clear that the rights of every person who has the smallest proprietary right in land, are confiscated by the terms of the Proclamation; and when I read the letter of Mr. Edmonstone, which contains all the explanation which Lord Ellenborough had before him, I find that, all that is preserved to any one by the Proclamation is that which the writer calls "life" and "honour;" and of life we had not power to deprive them, because they are millions in number spread all over the territory of Oude, and we stand in Lucknow only. This Proclamation is addressed by the Governor General to the people of Oude, except six people only. After a general rising, those six people alone are exempted from the sentence of confiscation. What is it he reserves to those six persons? Does he confirm to them anything of value? Does he confirm to them anything upon which they can rely as a proprietary right in the soil—which gives them a *bonâ fide* property in and possession of the soil? If he does not, then it seems to me that you are not securing to these, our firmest friends, the possession of that which they have hitherto had. If he does, then the same which is confirmed to them is absolutely taken from every one besides. But throughout the whole of the country of Oude, not merely the zemindars, chiefs, and landowners, but every man's arm is against us. It appears that the whole kingdom is in revolt. And I am quite convinced that the fact of the whole kingdom being in revolt shows that it is not the action of mere mutineers or of petty zemindars, but that the rising is decidedly of a national character. And this is the view set forth in the despatch of the East India Directors, in complete accordance with the despatch of Lord Ellenborough. It is not my intention to go into the question of the annexation of Oude. This is not the time to discuss that matter. It may be asserted, however, that there is not a fact stated in the despatch which cannot be proved by the most irrefragable evidence. It represents, not the opinion of the Government at home on that annexation, but the position in which the people of Oude stand towards us; it represents that which is in the minds of the people of Oude; it directs the attention of the Governor General to what their feelings must be, and calls upon him to respect those feelings, and to deal with them not as with mutineers, but those who had made a national insurrection upon the grounds stated in the despatch of the East India directors, which states that the people of Oude cannot be considered as rebels, for they have never pledged their fidelity to us, and have scarcely become our subjects, and that in dealing with them we should rather treat them as we would a foreign enemy after they have laid down their arms, than as men in rebellion against us. It is to that view of the despatch of Lord Ellenborough that I would now invite the attention of the House. What was the position of the Government on the 12th of April when the Proclamation arrived? At that time the Government had not been backward to express an opinion with regard to the mode in which the inhabitants of India should be dealt with, and to put before the House a State paper of great importance, a despatch which was sent through the Secret Committee on the 24th of March in the present year, and laid upon the table of this House on the 29th of April. At that time, therefore, the Government had declared the principle upon which they intended to act

in dealing with the inhabitants of India in revolt. Let me call the attention of the House to the 4th paragraph of that despatch :—

"To us it appears that, whenever open resistance shall have ceased, it would be prudent, in awarding punishment, rather to follow the practice which prevails after the conquest of a country which has defended itself to the last by desperate war, than that which may perhaps be lawfully adopted after the suppression of mutiny and rebellion—such acts always being exempted from forgiveness or mitigation of punishment as have exceeded the license of legitimate hostilities."

It must be remembered also that for 100 years the people of Oude had been our faithful allies ; that if wrongs had been perpetrated in that kingdom, they were wrongs perpetrated by one portion of the inhabitants against another portion; but that they had offered no opposition to British rule in India, but had frequently come forward in times of emergency with men and money to our assistance. When the despatch had been sent to India, and a copy of it was lying upon the table of the House, came the question of the hon. Member for Birmingham (Mr. Bright) as to what were the views of the Government on the policy indicated by the Proclamation. It is imputed to my right hon. Friend the Chancellor of the Exchequer that he stated that that policy was disapproved of in every sense, and it is said that this was a virtual publication of the despatch. But could my right hon. Friend have given any other answer than that which the Government had published some time before, which was laid upon the table on the 29th of April, and which the Governor General would be in possession of long before the time came when he was to act upon the second despatch. The right hon. Gentleman (Sir Charles Wood) says that he would never have consented to such an act as to make one Member of a Cabinet a scapegoat for the rest. Surely the right hon. Gentleman fails to recollect all the incidents of his own political career. I think that, when he alluded to the hon. Baronet the Member for Hertfordshire (Sir Bulwer Lytton) and one of his speeches and declarations, he might also have called to his recollection a Motion of which that hon. Baronet once gave notice, and which concerned one of the colleagues of the right hon. Gentleman. That colleague was abandoned by the right hon. Gentleman and his Friends, the noble Lord the Member for London retired from the Cabinet, and with his retirement the necessity for bringing forward the Motion ceased. Upon the noble Lord was thrown the responsibility which belonged to you all. You refused to take any share of the burden, but cast it upon him and he retired from the Cabinet. The right hon. Gentleman has, therefore, on one occasion at all events, abandoned a colleague in the hour of trial. He then goes on to tell us that, on the Motion respecting the siege of Kars, the hon. Baronet the Member for Hertfordshire said that the despatch which had been sent to Kars was the work of the whole Government, who were therefore jointly responsible for it. Well, I do not hesitate to say that in this instance there is no shrinking on the part of the Government from the responsibility which attaches to the despatch which Lord Ellenborough has sent out. They adopt it in its language ; they adopt it in its terms from beginning to end ; they adopt it as laying down principles upon which they were prepared to act with regard to the inhabitants of India ; I repeat, they adopt it from one end to the other as embodying the sentiments of justice and humanity to the people of India, which they conceive to be as necessary to the success of the arms of England as to the happiness of the people of India. That despatch, I contend, does not weaken the arm of the Governor General, or give encouragement to those who are in revolt against our power. And I must complain especially of the noble Lord the Member for London for having the other night, in the heat of debate, used an expression which I am sure would not have fallen from him in cooler moments. The noble Lord said that the mutineers and rebels in India would say, that although they had the Governor General against them they had a friend in England. ["Hear Hear!"] Now hon. Members opposite so free from party spirit, are ready to cheer that sentiment, and dare to say, that we who have our dearest friends and relatives, as well as they fighting the battles of the country in India, wish to encourage those who are in arms against us—that we have been negligent of that British honour, in defence of which we assisted to send the late Government out of office when they neglected to uphold it. In what way have we been neglectful of the honour of England in India? Has it ever been asserted that Lord Ellenborough was ever slow to strike down those who were in arms against us—that his arm had ever been shortened in smiting

those who insulted his country's honour —but at the same time he would temper justice with mercy, and reserving for vengeance those who continue in arms against this country, has he not held out the olive-branch of peace to those who will come in and submit to our power? It is said that this despatch cannot be looked upon as merely expressing certain sentiments, but that we are to consider also the tone in which it is written. Surely when the interests of millions are at stake—when too, the honour and humanity of England are at stake—when the fate of a great empire like India trembled in the balance —men ought not to dip their pens in milk and water. They ought to state their sentiments with frankness and firmness, but without insult—and this despatch, I say, is not insulting. It is addressed to Lord Canning, and although I have not the advantage which so many of my Friends enjoy of the friendship of that noble Lord, this I can say, that I have never heard anything of him but what is calculated to give me the highest opinion of his probity, of his humanity, of his desire to do justice; and I know that no man can command so many and such devoted friends unless he possesses a character which is deserving of respect. I say, then, looking at Lord Canning in this light—believing him to be the patriot you describe him to be, actuated by the highest and noblest sentiments with regard both to England and India, I am of opinion that he will read this despatch in a very different spirit from that in which hon. Gentlemen opposite have read it. I believe that he will read it not as insulting him or as intended to insult him, but as calling his attention, in strong and forcible terms I admit, to the grounds upon which the President of the Board of Control differs from him as to his conduct in respect to Oude. The noble Lord the Member for London has alluded to the 17th paragraph of the despatch as that particular portion of it in which the insult is contained. That paragraph states:—

"We cannot but think that the precedents from which you have departed will appear to have been conceived in a spirit of wisdom superior to that which appears in the precedent you have made."

Well, Sir, there are two ways of reading that sentence; and I venture to say that in addressing this argumentative despatch to Lord Canning, Lord Ellenborough supposed that he was dealing with a man like himself. [*A Laugh.*] The hon. Member laughs — I say again that Lord Ellenborough supposed he was dealing with one who, like himself, had at heart the great interests entrusted to him; one who felt the importance of dealing with those interests in a right spirit, and who would not allow any mere personal considerations, or anything that would wound his own pride, to operate against a patriotic discharge of his duty to his country; and, reading the despatch in that spirit, I hope that Lord Canning, so far from wishing to resign, or to rid himself of the duty, to carry out what is for the interests of humanity and justice, will have been led by the arguments which have been pressed upon him by persons of the highest consideration in India to modify that Proclamation, and offer terms more conformable with the principles of national honour and general equity.

It has been stated that we have been too precipitate—we have sent out the despatch and made it public, without having waited for an explanation. Now, it is a remarkable fact with respect to Oude, that this is not the first occasion on which the same thing has been done. In 1839, during the existence of a Government of which the noble Lord the Member for London, the noble Lord the Member for Tiverton, and I cannot say how many other hon. and right hon. Gentlemen opposite were Members, Lord Auckland was Governor General of India; and to him a despatch was addressed in very curt and emphatic language, calling upon him to undo what he had done, and to cancel a treaty into which he had entered with the King of Oude, though unfortunately we never fulfilled its obligations. Now, it would have been well for the country if the despatches in that instance had been published, because then the real state of matters would have been made known to the King of Oude; whereas, in the end, when we took his dominions from him, he appealed to a treaty which, it was said, in England had no longer an existence, but which by Lord Auckland, by Lord Hardinge, and by Colonel Sleeman successively, in their transactions with the Government of Oude, had been treated as in full force and effect. And Lord Dalhousie, in his last Minute relating to the annexation of Oude, stated that the abrogation of the treaty had never been explained to the King of Oude; and looking, as he said, the matter full in the face, added, "You must tell him that it has been abrogated." How did the Go-

vernment of 1839 deal with Lord Auckland? I cannot better describe it than in the words of Lord Auckland himself. On the 28th of May, 1839, he sent home a Minute through the Secret Committee to the following effect—

"I cannot fully express how deeply I must regret that a measure admitted to be so well-timed and beneficial by the great majority of judges in this country—a measure which after years of uncertainty and disorder promised, as it appeared to me, to place our relations with Oude on a stable and practicable footing, just and useful alike to the British Government, to the King, and to his people, should have been so unequivocally rejected and condemned in England, without permitting to the Government in India even the opportunity of one explanatory representation. This condemnation has not only been announced to us, but it has been declared publicly, and it remains for me only to act as best becomes the obligations of my duty in the difficult circumstances in which I am situated."

Let Lord Canning, then, take example by the Governor General whom you favoured, and let him say, in the words of Lord Auckland, "It remains for me only to act as best becomes the obligations of my duty in the difficult circumstances in which I am placed." Well, how did the Government treat Lord Auckland on that occasion? In a former Minute he had stated, "I am taught by them (the English authorities) to look for disapprobation where I had most confidentially assured myself a cordial sanction and support." You will find that in their answer they do not condescend to discuss with him his reasons, or why they called upon him to rescind what he had done; but in the most peremptory language they say—

"We have only to remark on the Governor General's letter No. 9, that we adhere to our former instructions relating to the treaty concluded with the King of Oude, and direct that they may be forthwith carried into effect."

I think, then, I am perfectly justified in saying that if we have erred we have erred for great objects, and we have erred in company with those who sit on the opposite benches, and who appear so anxious to sit upon these. The noble Lord the Member for London, and the noble Lord the Member for Tiverton, who take this very proper view that on questions of great public moment every Member of the Cabinet is responsible for what has been done by one, have themselves been parties to proceedings in which a Governor General of India was publicly condemned without waiting for an explanatory statement. But Lord Auckland did not resign. On the contrary, he remained in India for some time, and carried out the measures of the Government at home without damage to his reputation.

The next question for consideration is this—Is it fair to say that this despatch is so insulting to Lord Canning as has been represented in the course of this debate? Is it fair to put the issue on this despatch as if it were a condemnation of the whole policy of the Governor General? The despatch directs itself to an isolated fact—to a Proclamation which affects the entire people of India; for it is ridiculous to suppose that the consequences of such a document can be confined within the limits of Oude. In the immediate neighbourhood of Oude there is a country in which a peculiar tenure of land exists, and where the people are in arms against us. In Rohilcund the land is held in joint tenure by brothers, uncles, and other relatives; but inasmuch as it will not support them all, these people enter the service of various Native Princes and of the Indian Government. Do you think that this Proclamation will be without any effect upon them? If such measures are to be dealt out to Oude, which stands in so different a position to those provinces which are immediately under our control—if such things are "done in the green tree what will be done in the dry?" What will be done in Rohilcund? Will you resort to measures of confiscation in Oude, and stop short in Rohilcund? Another peculiarity about the confiscation is, that it affects the Hindoo in a peculiar manner, because the Hindoo, when deprived of his land, imagines that he is deprived of his religious privileges also; he thinks that he has no prospect of happiness hereafter, because unless he leaves land from which offering may be made for the peace of his soul, he believes he has no chance of salvation, and to him therefore even more than to the Mussulman—though he, too, has a deep hold on the land—will the general confiscation, now proclaimed, be terrible.

Sir, I regret having occupied so much of the time of the House; but I would not shrink from any part of the question which has been put before us by the right hon. Gentleman. My hon. and learned Friend the Member for Sheffield has asked you what is the object of the Motion; and I ask every hon. Member, without considerations of party feeling, or as to who may occupy the Treasury benches, fairly and honestly to put that question to himself—what is the object of this Motion? Has

it its object in England, or has it its object in India? If it has its object in India, then I can only say it appears to me that if that Resolution is carried, it will be more fatal to India than the Proclamation itself. It appears by every newspaper received from India to-day that speaks upon the subject of this Proclamation, that as regards India itself there is but one opinion respecting it. I might quote a passage which was written in this country so late as the 6th of May, but which would be hardly recognised as proceeding from the same journal which writes this morning in so different a tone. On the 6th of May—only a fortnight ago—I find the following passage in a "leading journal," as it is called, but which I hope will soon cease to lead anybody, seeing that it leads so many contrary ways:—

"All the authorities concur in affirming that we might come to terms with the inhabitants without any trouble at all. Neither landholders nor people, even in Oude, have any objection to our rule or supremacy; but the former class desire a satisfactory tenure of their estates, and the latter look for assurance and protection."

That, Sir, was the view which was taken by that great journal only a fortnight ago; but it has now adopted a very different tone with a very different object. Hon. Gentlemen opposite, if I were to read private letters respecting the feeling in India, would call upon me to produce the names of my informants, which I have no authority to do; but this I may say, speaking generally, that without a single exception those communications represent that the Proclamation of Lord Canning is condemned throughout India, and, moreover, that we are not in a position to enforce it. And I believe that if the Proclamation is to be carried out in its entirety, you will not only require reinforcements for the army in India, but a new army of 50,000 men. I will now read a passage from the *Friend of India*, which writes in conformity with the *Englishman* and other papers which have come home by the overland mail of this day:—

"All efforts to conciliate the country people round Lucknow have hitherto proved unavailing. They will neither return to the city nor provide our troops with supplies. Not one of our men dare to wander from the main body."

Then, of Lord Canning's Proclamation, it says:—

"It makes every man in Oude a declared enemy, and does not exhibit any means of coercion. As an amnesty, the boon conferred is ridiculous, for what power have we to put to death 5,000,000 of human beings? The British Government will be held up as both weak and rapacious—as weak in offering the life it has not the power to take; as rapacious in seizing estates to which it has no right."

If, then, in India, the interpretation is put on that Proclamation that it does confiscate the landed property of Oude, and that its effects will be felt throughout the whole of our territories, how is it that hon. Gentlemen opposite tell us that we have not information sufficient to pronounce upon the meaning of that Proclamation, while at the same time they put an interpretation upon it which neither the people of England nor the people of Oude are prepared to adopt? It is said that this is not a party question, or one which affects the tenure of office by the present Government. For my own part, I would say, that the sooner you turn me out, the better it will be for my own ease and comfort. Still, there are rights to be vindicated, interests to be supported, and duties to be performed; and I should wish my right hand to wither rather than that I should hold it up in support of a Proclamation which I believe to be so dangerous to our interests both at home and abroad. I can, however, freely hold up my hand in support of the despatch, for I firmly believe that when these party contests are forgotten, and people read the records of our dealings in India, as affecting the whole of the inhabitants of that great country, and the interests and honour of England itself, they will say, that if the noble Lord recently at the head of the Board of Control was injudicious in anything he did, at least he was honest; that if he were guilty of an error, he at least atoned for it by a sacrifice which I, for one, regret he has made; that if he had been guilty of anything which called for censure, it was done in the interests of a people whose interests every one admits he has at heart, and to promote which he has devoted thirty years of his life. When Her Majesty's Government adopted the noble Lord's words they did themselves honour, and when they said, "they desire to see British authority in India rest upon the willing obedience of a contented people," and that "there can be no contentment where there is a general confiscation," they expressed sentiments approved by the country, though they may be disregarded in the heat of party

strife. The hon. Gentlemen opposite may resume the Ministerial benches, but they will do so without proclaiming a policy — without telling Parliament whether they support the Proclamation or not; and without stating whether they uphold the right hon. Member for Northampton, who approves, and therefore would enforce the Proclamation. Under these circumstances, when they will not pronounce their real and *bonâ fide* opinions, the people will say, if they came back to the Ministerial benches, that they had taken office on false pretences.

LORD DUNKELLIN said, that in rising to address to the House the few observations he wished to make, he must ask the House to extend to him that indulgence which it never refused to a Member addressing it for the first time. He felt that he might lay himself open to the charge of great presumption in putting himself forward on so important a subject; but the question had a peculiar and painful interest for him; and as the decision on this question must affect for better or for worse the political character and reputation of the nobleman now administering the affairs of India, he could not give a silent vote with respect to it. The House had been asked to confine its attention to the premature publication of the despatch, and not to give any opinion on the merits of the Proclamation; but although he admitted the inconvenience of discussing a paper avowedly imperfect, yet since a document not known to be issued had been censured, and as a policy, which, as it had only been sketched out, could not be properly understood, had been made the ground of rebuke and reprimand, he felt it would be excessively hard to confine one's self to the narrow question of the publication of the despatch without touching on other topics, and he thought that this matter ought to be discussed on a wider basis than was suggested by the mere words of the Resolution; and as a warm friend of the Governor General, he did not fear a consideration of the Proclamation. The Proclamation had been found fault with on the ground of its undue severity and sweeping operation; but they must consider to whom it had been addressed, and on whom its operation fell. The Solicitor General had said that the people of Oude were not rebels, and that their kingdom had been taken from them under protest. Now, he wished to know whether there was any limit to this sort of protest, and whether any other part of India was under protest; whether the whole of Central India, annexed at different times, was still under protest or not; and whether the soldiers of the British Government were carrying on legitimate warfare there, or were only marauders? He would not now go into the question of the annexation of Oude. The annexation was effected by the Indian Government, accepted by the British Government, and now stood on record as an historical fact. When the present Governor General went out, Oude had been already annexed and formed an integral part of the dominions he governed; from the time that the present Governor General assumed his authority till the period of the first outbreak, reports were made from persons connected with the Indian Government, showing that the people of Oude were settling down under our rule, and that they accepted and yielded to our authority; and, therefore, he certainly thought that Lord Canning was fully justified in looking upon Oude as an integral portion of our empire. The first outbreak occurred at Meerut, a spot far away from Oude; it had no connection with the pretensions of the late Sovereign of that country; and it was not till the mutiny spread to other parts, and had been raging for some time, that the insurrection broke out in Oude. Now, if the people of Oude were not rebels, it would be well to consider what was rebellion, and what was legitimate warfare, and how the people of Oude could be separated from the Sepoys of the Bengal army. Legitimate warfare was the warfare undertaken between two nations for the furtherance of some policy, for the advocacy of some great principle, or for the adoption of some dynasty. What was the policy, principle, or dynasty sought to be supported in the present rebellion by the people of Oude? What was the difference between the policy of the people of Oude and the policy of the mutineers of Delhi? What was the difference between the principles of the people of Oude and of those who committed the massacre of Jhansi? And what was the dynasty which the people of Oude wanted to set up? It might be answered that the dynasty was that of their late Sovereign; but it was no such thing. When the Mussulman rule was established in India, the seat of power was placed in Delhi, and all countries governed by Mahomedans were held as fiefs from the Sovereign of Delhi. That was the case with Oude. The Nawab of Oude was supposed

to hold his territory as a fief from the Sovereign of Delhi; and it was this dynasty which the Mahomedans wished to re-establish in India. Now its representative was the effete old man who had been declared King of Delhi; who permitted the murder of our countrymen and women there, whom the people of Oude desired to set up; and yet hon. Gentlemen opposite said the people of Oude were not rebels; but if the people were, as he maintained they were, rebels, then their lands were *de facto* forfeited. But what was really forfeited according to the Proclamation? It was the territorial right. It was asserted by hon. Gentlemen opposite that every man of every degree, whatever interest he had in the soil, by the letter of this Proclamation forfeited that interest. But he (Lord Dunkellin) denied that this was so. Before the annexation of Oude no talookdars held land in fee simple; it was held without payment of rent as long as possible; but the talookdars were but middlemen. The settlement of the country had long been prevented by the continual wars waged by the King in order to collect his revenues. The proprietary right was vested in the King, and had now passed to the Crown, as all other rights of the King had passed. That was the right which Lord Canning had declared forfeited—not in order to disturb the possession of those who were quietly disposed, if any such there were, but in order that the *vexata quæstio* of the land tenure, which must be settled before Oude could be restored to a quiet and regular state, might be settled now, once and for ever. Some hon. Members thought that it would have been better to have issued a general amnesty. He admitted that the adoption of such a measure might have produced a fictitious state of peace for a time, but it would not have been lasting, and no statesman worthy of the title would have adopted a course which would have left the question still unsettled for his successors to deal with. He should be sorry to think Lord Canning a man who could be actuated by motives of that kind. He believed the course which Lord Canning had taken in endeavouring to define the tenure of land, was eminently calculated to ensure the peace and promote the prosperity of all classes in this at present disturbed kingdom. If the plan which Lord Canning was carrying out should succeed, some Governor General who might succeed him would be glad, on travelling through Oude, to miss scenes of rapacity and violence, to see prosperity increasing, land held on a good tenure, and the people engaged in peaceable agricultural pursuits. Such future Governor General would then do justice to the policy of Lord Canning, and might regret that he had supported a Government which saw reason to write such a despatch as that now under consideration. Considering that Lord Canning's Proclamation was avowedly imperfect—that they had not got the whole of it—that no sort of explanation had been forwarded of the measures which led to its dissemination, Lord Canning had a right, not to ask as a favour, but to demand as justice at the hands of the House, that they should view this Proclamation by the light of his past policy, and give him credit for those able and statesmanlike views which on so many occasions he had shown himself to entertain. If it were read in that way and in conjunction with Mr. Edmondstone's letter, it would be found that the Proclamation was not open to the charge of being too sweeping or unduly severe. In the third paragraph of Mr. Edmondstone's letter it was stated that

"The Governor General has not considered it desirable that this Proclamation should appear until the capital is either actually in our hands, or lying at our mercy. He believes that any Proclamation put forth in Oude in a liberal and forgiving spirit would be open to misconstruction, and capable of perversion, if not preceded by a manifestation of our power; and that this would be especially the case at Lucknow, which, although it has recently been the scene of unparalleled heroism and daring, and one of the most brilliant and successful feats of arms which British India has ever witnessed, is still sedulously represented by the rebels as being beyond our power to take or to hold. If an exemption almost general from the penalties of death, transportation, and imprisonment, such as is now about to be offered to men who have been in rebellion, had been publicly proclaimed, before a heavy blow had been struck, it is at least as likely that resistance would have been encouraged by the seeming exhibition of weakness, as that it would have been disarmed by a generous forbearance."

Any one reading that must come to the conclusion that the Proclamation had been issued in a liberal and forgiving spirit, and that the operation of it would be marked by generous forbearance. He (Lord Dunkellin) claimed that the Proclamation should be judged by the light which the former policy of Lord Canning would throw upon it. When the House saw that in the 17th paragraph of Mr. Edmonstone's letter the Chief Commissioner of Oude was informed that the Governor General wished him to con-

sider what had been written as suggestions rather than as instructions, they would surely admit that sufficient latitude was permitted to the Chief Commissioner. The first care of the Governor General had been to reward those who had been steadfast in their allegiance when our power was wavering; and a similar measure of reward was promised to others who might be found deserving of it. That did not look like a very sweeping or general punishment. The Proclamation deserved a better reception at the hands of the British Government than it had received. It had been asked when was the time to judge of the Proclamation, to which he replied that the proper time would be when they knew really what Lord Canning's policy was, and not when they were without any documents by which they could judge of his acts. It was impossible to believe that the Governor General had the most distant idea of driving to desperation the people of Oude who were holders of land in that country. His intention was to reallot the land according to the deserts of each person; but, according to the arguments of hon. Gentlemen opposite, upon Lord Canning was to be thrown the *onus* of proving that each man had been guilty of murder or rebellion, instead of leaving it to each man to prove his merits. As to the Motion itself that was before the House, it appeared that the blame for the premature publication of the despatch was now thrown by the Ministry entirely upon the late President of the Board of Control; but he (Lord Dunkellin) could not limit the responsibility to that noble Lord, for after the Chancellor of the Exchequer had informed the House that a despatch had been sent disapproving the policy indicated by Lord Canning "in every sense" it would have been needless to delay the publication of it. The hon. Member who had spoken last went so far as to say that Lord Canning would probably look upon Lord Ellenborough's despatch as having been addressed to him in a friendly spirit rather than otherwise, and as containing fair reasons against his Proclamation; but when Lord Canning found that the tendency of the despatch was to extenuate treachery and to support rebellion, he (Lord Dunkellin) did not see how the Governor General, who for the last year had been waging an incessant struggle against treachery and rebellion, could take any such view of it. The hon. Member had also asked if Lord Canning would resign. He (Lord Dunkellin) firmly believed that there was a strong desire among the occupants of the Treasury bench that he would resign, and that that went far to explain their present condemnation of his policy. He submitted that the modified clause in the Proclamation to which reference had been made in the debate ought to be accepted as a proof of the forbearance and the ardent love of justice of the man whose very clemency had become a nickname, and that he intended the document to be interpreted in a spirit of humanity and mercy. With respect to the private letter received from Lord Canning by the right hon. Gentleman the Member for Northampton, he (Lord Dunkellin) attached very little importance to it; and he did not believe it would have produced any effect on Lord Ellenborough. The House were, of course, aware that the despatches from India came to the Court of Directors, and were by them sent to the President of the Board of Control; and he (Lord Dunkellin) believed it was not unusual for Governors General to be in private communication with the President of the Board of Control and at the same time with the Chairman of the Court of Directors on matters not adverted to in their despatches. If that were so, he should like to know whether Sir Frederick Currie, the Chairman of the Court of Directors, did at the same time receive a communication from the Governor General as the right hon. Gentleman the Member for Northampton did, and, if so, whether he had thought it of sufficient importance to communicate to his noble Friend, Lord Ellenborough, or not. The noble Lord the Secretary for the Colonies (Lord Stanley) on Friday night disclaimed having joined in "the vindictive and insensate cry" that had been raised against Lord Canning. He (Lord Dunkellin) thought those who had been most prominent in getting up that cry were Lord Ellenborough, who had, on former occasions, avowed his want of confidence in Lord Canning; Lord Derby, who had expressed a similar feeling, but in different words; and the Chancellor of the Exchequer, who knew so well how to direct a polished sneer and a damaging sarcasm at a political adversary. He remembered, too, on the occasion when it was proposed to vote the Thanks of the House to Lord Canning, the right hon. Gentleman the present First Lord of the Admiralty, condemned the Go-

vernor General on what he had since called "an hypothesis." He (Lord Dunkellin) could not but think that all that was indicative of a desire on the part of the Cabinet to get rid of Lord Canning. Talk of "hypothesis!" That word expressed the exact position of the Government. They took office on hypothesis; they held it on hypothesis; they brought in an hypothetical India Bill; on an hypothetical document they censured the Governor General; and now they were trying to whip up a majority on the division on the Motion before the House on the hypothesis of a dissolution. He (Lord Dunkellin) thought Lord Ellenborough had a perfect right to differ from Lord Canning, but the noble Lord was bound to convey his opinions to the Governor General in a more decent and less insulting manner. Hon. Gentlemen on the Ministerial side had taunted those from whom the Motion before the House emanated as belonging to a cabal; but he would ask whether a party of gentlemen sitting together in a Cabinet, and devising means to oust one in the position of Lord Canning from his high office, did not partake more of a cabal, and show more of party spirit, than those who stood up to defend the conduct of an absent man, and to ask for time until they should be in possession of the means by which the House could form an impartial judgment of his conduct. He was desirous only of seeing justice done to Lord Canning, and therefore he would cordially vote for the Motion of the right hon. Gentleman the Member for Oxford, because he thought the course pursued towards the Governor General by the Government had been uncalled for and injudicious, and would be detrimental to the best interests of our Indian empire.

Lord LOVAINE said that after the speeches which had already been delivered on this question, he felt he must ask for the indulgence of the House with a deeper sense of his own inferiority than he had ever felt on any other occasion. But he could assure the House that he would not have ventured for a moment to occupy their attention if it had not been that from the intimacy of his aquaintance with Lord Canning, and from the high opinion he entertained of his merits, he was anxious to explain the vote which he was about to give on the Motion of the right hon. Member for Oxford. He was not open to the censure which had been thrown upon Members on that side of the House by the noble Lord who had just sat down, and who had so eloquently defended the cause of his noble relative. He had never been slack in defending Lord Canning from the imputations which have been thrown on him on the score of humanity towards the Indian rebels—on the contrary, both in the House and out of doors he maintained the cause of the Governor General; and, much as he admired the courage, the prudence, and the energy with which he had faced the greatest difficulties that ever assailed an English statesman, he admired still more the humanity which enabled him to close his ears to the insensate cry for vengeance, with which he was at one time assailed, and which arose more from cowardice than from any feeling of what was demanded as a just retribution for crime. Having said this he trusted the House would not believe that he was actuated by any prejudice against his noble Friend Lord Canning in the vote which he was about to give; but he could not decline to give a conscientious verdict upon a measure which he felt was one of unparalleled weight and importance; he could not escape from the duty of saying aye or no upon the merits of this question. So far as the publication of this despatch was concerned, he must say he regretted it, and thought it was a misfortune; but, under all the circumstances, he thought that it would have been useless to attempt to conceal it after it had once been in the hands of a private individual. The right hon. Gentleman the Member for Oxford had framed his Motion so carefully as to entrap many votes on grounds away from the real question; but the discussion that had taken place had put that question in its true position — namely, whether the Proclamation set forth the true policy which ought to be followed not only towards the mutineers in Oude, but towards the people of India. He did not intend to go deeply into this question, nor would he follow the noble Lord into his speculations whether that document would not be mitigated when carried out in practice. He had no doubt it would. No man who watched Lord Canning's career could doubt that, as far as possible, the noble Lord would mitigate its practical effect. But that was not the point. The point was, whether the issue of that Proclamation was right or wrong *per se*. They were bound to judge of it as it stood, and not to read it by the light of instructions which could not be known to those to whom the Proclamation was ad-

dressed. The people of Oude would not read the Proclamation in the light of Mr. Edmondstone's letter—they knew nothing, they saw nothing before them but confiscation. Attempts had been made on every side to gloss over this point of confiscation. Some hon. Gentlemen argued that confiscation was not confiscation—that proprietary rights were not proprietary rights—that the Indian peasantry had no right in the soil—in fact, every Member who spoke gave a different version to the construction of the Proclamation. He only knew this, that every conqueror that had swept over India, from the first whirlwind of conquest to the present day, had left the proprietors of the soil remaining proprietors, so that many of the descendants of the proprietors who were there at the time of the Mahomedan conquest continued proprietors down to the present day. Did the Proclamation make any exception of the rights of these persons? It was argued that this was only a resumption of the forfeited rights of the talookdars. But those rights were resumed when we took possession of Oude. The talookdars held of us what they before held of the King of Oude—that question was settled; but this was a fresh Proclamation, confiscating the rights which before were settled in consequence of the rebellion. He could imagine nothing more likely, under the circumstances, to perpetuate the state of disturbance which, unfortunately, was already in existence. If they could trust the reports which had recently come to hand, the questions which this Proclamation had raised were not likely to bring them into a state of peace. So far was it from having promised good results, that he believed its publication had been deprecated by every military authority in the disturbed districts of India. He must pause here to make one remark upon an assertion that had come from the other side, that this was the first despatch which had ever been sent out by any Government to weaken the hands of the Executive. He could only say, the memories of the right hon. Gentlemen opposite must be very short, for they must have forgotten the time when despatches were sent out to the Crimea, impugning, not merely the conduct of soldiers in the field, but containing imputations against their honour, and almost against their veracity. He need hardly remind the noble Lord the Member for the City of London that letters were sent to Lord Raglan desiring him to answer anonymous imputations cast upon his character. Despatches were sent out from the Secretary at War, impugning almost his veracity. It was true those despatches were not published, but it was well known in the camp before Sebastopol that they existed, and gave pain to many brave and honourable men. Such things were done, and yet they were told it was not within the province of the Government to make comments on a Proclamation such as that issued by Lord Canning. Would anybody affirm that it was not the duty of a Minister, with the draught of such a Proclamation before him, to give expression to his opinions regarding it? He must add that he regretted the censure which had been cast upon his noble Friend was not conveyed in milder terms. When he first read the despatch, he regretted this, for the sake of his noble Friend, Lord Canning; but then he remembered that this despatch was not written by a personal friend of the Governor General, but by a great statesman, who strongly disapproved of an act which he believed to be detrimental to the best interests of the millions of India; and he felt, though he regretted it, that the words of Lord Ellenborough, in such circumstances, could not be the same as those that would be used by a private friend; but he felt that if Lord Canning had done him (Lord Lovaine) the honour to ask his advice as to the way in which it would be prudent to treat the inhabitants of that country, he would have given him the same advice, though not in the same terms as were contained in the despatch of Lord Ellenborough. That despatch contained the sentiments of a statesman who knew that it was his duty at the earliest possible moment to confer the blessings of peace upon a country, and who knew the danger of prolonging the struggle in which we were at present engaged. And let it be remembered, that harsh as the language of that despatch might seem, it threw no slur upon the honour of Lord Canning. In that respect Lord Canning was more fortunate than the gallant soldier to whom he referred, who had gone to his grave with the imputation he had referred to resting on his memory. He must say he regretted the Proclamation which Lord Canning had put forth—it struck at all rights, and abolished all tenures. This was but another illustration of the difference which often existed between men of the sword and men of the pen. In every instance, after

the sword had done its work, the soldier desired peace and amnesty. But the man who sat at his desk with the pen ruled over the lives of his fellow-creatures as imperatively and ruthlessly as the man who held the sword, and he was often under a strong temptation to exercise according to his own caprice the powers thus conferred upon him. He did not believe that this Proclamation emanated from Lord Canning. It was more like the work of those old Indian civilians in whose eyes the laws, the manners and customs, and the tenures of the Natives were of no account whatever; and he suspected that some of these men, wishing to make of Oude a *tabula rasa* on which they might erect some new system according to their own crude ideas, had over-persuaded Lord Canning to issue it. He lamented that the Proclamation had been issued, but he had now no choice but to pronounce an opinion upon it; and he believed that if the Ministry were driven to appeal to the country, they could not have a fairer ground than their conduct on this question on which to rest their appeal. For his own part, he felt that on a question of this magnitude he must consider its relation to the welfare of the Natives of India, and not allow it, so far as he could avoid it, to be perverted to the ends of party, and therefore, however much he might regret that he was called upon to make a decision, he must vote against the Resolution of the right hon. Gentleman.

Mr. BYNG said, that so much extraneous matter had been introduced into the discussion, that it was by no means easy to say what was the real question at issue. As he read it, however, the Resolution raised the question, whether the despatch which had been written in condemnation of Lord Canning's Proclamation was one which, under the circumstances, it was judicious to write, and not only to write, but to lay it on the table. With regard to the question of the annexation of Oude, he would only say in reply to those who considered our conduct to be rapacious, cruel, and unjust, that we faithfully performed our part of the treaty with the King of Oude, by protecting his kingdom from external danger, whilst the other party to the treaty, the Sovereign of Oude, had violated its provisions by the manner in which he had misgoverned his subjects, and by committing those atrocities which had been exposed to the world by Colonel Sleeman, in his recent publication. With regard to the Proclamation of Lord Canning, the House was yet ignorant whether it had been published in India or not. If it was not published, great was the responsibility of those who censured the Governor General for doing that which he had not done. But even if it were published, it did not deserve to be spoken of in the terms used by the noble Lord the late President of the Board of Control. He thought that a different reading might be given of that passage in the Proclamation which the hon. and learned Member for Sheffield quoted,—namely—

> "The Governor General further proclaims to the people of Oude that, with the above-mentioned exceptions, the proprietary right in the soil of the province is confiscated to the British Government, which will dispose of that right in such manner as it may deem fitting."

Now, it was well known that the people were oppressed by the talookdars, and if that passage was read in the sense that the people should no longer be oppressed by the talookdars, so far from its being an instance of the severity of the British Government, it would be to the people of Oude an earnest that they would receive protection, and would be preserved from the sufferings they had heretofore undergone at the hands of the talookdars and great landholders. But whatever was the correct interpretation of this part of the Proclamation, he was prepared to maintain in reference to the point more immediately under discussion that a grave responsibility attached to those who had condemned the conduct of a public servant in the manner in which that of Lord Canning had been censured. The despatch in which that censure was conveyed would, he could not help thinking, prove dangerous to the interests, not alone of India, but of England. The fact that a man who had served his country in a high position had been condemned unheard could not but operate prejudicially in the case of all those who were similarly situated, while, so far as India was concerned, the announcement that the annexation of Oude was a transaction which Her Majesty's Ministers disavowed was calculated to produce the most injurious effects upon the minds of its inhabitants. The Native Princes, too, would be led by the despatch to arrive at the conclusion that they might hope much from a change of Government in England, and that, although one Administration might discountenance their conduct, another would be disposed to regard that conduct in a more favourable

light. A great deal had been said of the divided and undivided responsibility of Government. Lord Macaulay, Mr. Hallam, and other great writers of English history, had endeavoured to show that there could be no divided responsibility, and it appeared to him that it would be as reasonable to set up a claim to divided responsibility on a budget question as on the present one. But even were it possible to separate the responsibility of Lord Ellenborough from that of the other Members of the Cabinet, the speech of the hon. Gentleman the Under Secretary of the Home Department did away with that illusion, because he said manfully that he objected to the Proclamation, and identified himself with the terms of the despatch. The sending out of that despatch was, in his opinion, fraught with danger to England and to India; to England, because it made the House of Commons perform the functions of the Executive of India, and would deter public servants from serving them with energy in future; to India, because it disavowed the annexation of Oude. If the annexation of Oude was wrong, they ought to give it back. Were the Government prepared to do that? It would also teach the people of India that they might gain much by a change of Government at home. But what he most disapproved of was, the course which had been pursued towards Lord Canning. He was no relative, and scarcely a friend of Lord Canning; but he could not but speak of him—as he believed most Englishmen would speak of him—in terms of admiration and gratitude for his conduct of affairs in India. How could any one enter into the feelings of Lord Canning for the last ten months? In the midst of a rebellion, and with a panic at Calcutta, he was the only man whose nerve had never failed, and who had not been tempted to acts of cruelty or rashness. Under such circumstances, Lord Canning might hope for support at home. But if there was any man from whom he might have hoped for support, that man was Lord Ellenborough, who had himself been Governor General, and has issued Proclamations in India, and knew what it was to be found fault with in the government of a distant dependency. He believed there was danger in the publication of the despatch; but there was time to avert that danger if the House of Commons now refused to ratify the tone and pleading it adopted. Let the House of Commons declare that they believed Lord Canning to have acted rightly—let them proclaim that they disavowed both the censure set forth in the despatch and the language in which it was conveyed, and they would do much to avert this danger which it was calculated to produce.

MR. BERESFORD HOPE assured the House that never since he had had the honour of a seat within its walls had he felt so much difficulty in making up his mind as to the way he should vote upon any question as he did with respect to that which they were engaged in discussing. Never did he remember the path before them so thorny, devious, and crooked as it now was. The greater number of hon. Members had placed their consciences in commission; but he unfortunately laboured under the disadvantage that the lash of the whip upon neither side fell upon his back. He had, therefore, nothing but his judgment, such as it was, and his conscience, to aid him in coming to the decision at which he had arrived, and, aided by the light which they afforded him, he felt bound to say at the outset that he never knew two parties in that House to have come into court with less clean hands than those who were arrayed against each other upon the present occasion. He could say both to this and to that side of the House.

—— "Pudet hæc opprobria *nobis*—et *vobis*—
Et dici potuisse, et non potuisse refelli."

On the one side, in the Governor General of India there was an able and grave statesman, well approved by his country, who through good and evil report had upheld the dignity of the Crown, and who by his prudent conduct *nobis restituit rem.* This man for one fault, before he had the opportunity of explanation, had a despatch shot at his head, meant to hurt, couched in neatly poised antithesis, written in that turgid language which they would all recognise as resembling those Proclamations which their fathers and their grandfathers were apt to laugh at when they proceeded from the pen of Napoleon I. It was a despatch which professed to be addressed to Lord Canning in his closet, but which every one knew was meant for the people of England in the streets—a despatch so worded as to inflict some of those stabs that run in very deeply and leave a very small scar on the skin. This was what they saw on the one side. What did they see on the other? They saw a right hon. Gentleman who had been for three weeks Secretary at War, and, in a subsequent Cabinet, for three years President of the Board of Control, and whom, therefore, without any extreme stretch of that charity

which had such little place in that House—they might suppose to have some idea of what an official communication was—they had seen that right hon. Gentleman, who had for two years been in constant correspondence with Lord Canning, not as Mr. Vernon Smith (they must forgive the breach of order in naming him), but as President of the Board of Control, now that he no longer filled that office, and yet had received a letter which was not addressed to him in his character of Vernon Smithism but in that of President of the Board of Control—proceeding "to ask the advice"—no—he begged pardon—to read it to his noble Friend the head of the late Government, and obey his nod, while he did not think it worth his while to communicate it to the President of the Board of Control. And when the charge was brought against him they had seen the right hon. Gentleman boasting of his laches, glorying in his error, revelling in the mischief that he had done; and in the midst of his vapid exultation using no better argument than the pitiful quibble that he had not consulted his noble Friend (Lord Palmerston) about the letter, but had only read it to the noble Lord. The right hon. Gentleman had only read it, and watched the nods and winks—no, not the nods and winks, but the silence of his noble Friend, and then followed his lead. And then the right hon. Gentleman, the noble Lord, and the right hon. Member for Oxford, hatched among them this Resolution. Lord Canning was to blame in not having sent an explanation with the Proclamation, but the reason no doubt was, that the noble Lord was so little accustomed to receive advice or anything tangible from the right hon. Gentleman's pen that he very naturally got into a loose and slippery way of doing business with the India Board. He thought he was only dealing with his right hon. "Friend," while unconsciously to him the place had been taken by that terrible veteran who had just treated the whole East India Company as if they were already dead men. The right hon. Gentleman had indulged on Friday night in similes drawn from hunting. He (Mr. Beresford Hope) could not help telling him that Lord Canning was in the position of the unfortunate youth described in the *Lays of Ancient Rome*, who

> "unaware,
> Ranging through woods to start a hare,
> Came to the mouth of a dark lair,
> Where, growling low, a fierce old bear
> Lay amid bones and blood."

Mr. Beresford Hope

The noble Lord in writing home expected that his Proclamation would fall into the hands of a hare—the right hon. Gentleman opposite—in Canon Row, but the "fierce old bear," Ellenborough, was waiting for him. His hon. and learned Friend the Under Secretary for Home Affairs, attempted to defend Lord Ellenborough by referring to a despatch which had been sent out to Lord Auckland when Governor General in 1839. But in the course of this defence his hon. Friend described Lord Auckland's position as "ignominious." He (Mr. Beresford Hope) did not think a Governor General ought ever to be put in an "ignominious" position. The hon. Gentleman had also dwelt on the graceful praise which the present Home Secretary and the President of the Board of Trade had, while still in Opposition, bestowed upon Lord Canning; but he should remember that if on that occasion these two Ministers had ascended Mount Gerizim to bless Lord Canning, the Chancellor of the Exchequer and the First Lord of the Admiralty had also climbed Mount Ebal to speak of him in very different terms. As to the calm and contented manner in which he (Mr. Hardy) presumed that Lord Canning would receive the despatch, he (Mr. Beresford Hope) fancied that his Lordship's feelings would probably be represented by the remark—

> "You might have dissembled your love;
> But, prithee, why kick me down stairs?"

He (Mr. Beresford Hope) did not think that the Proclamation justified Lord Ellenborough. What right had the President of the Board of Control, when the only thing that could be previously thrown at Lord Canning was his "clemency," to address to him a despatch so theatrical in its composition. Such treatment of a Governor General of India he, for one, repudiated. The despatch which had gone out would, he feared, be translated into every language of India, and excite the hopes of every discontented Native, and would give even the wretched dotard, the King of Delhi, something to say in arrest of his sentence. So much for the matter of the despatch. As for the publication of it, he thought that so indefensible that he would not insult their understandings by arguing the question. Yet (on the other hand) those who had suppressed Lord Canning's letters to the President of the Board of Control had dared to come down together to watch the blunders of those whom they had allowed to blunder, with a view not to support the dignity of the Crown or the

interests of India, but to enable them to walk across the floor from the Opposition to the Treasury benches, after they had been driven out of office less than three months amidst the cheers of the House and the cheers of the country. What were they to do? Were they to allow Parliamentary representation to become a mockery and a bye-word, as it would if they permitted this pitiful strife of faction to go on? If they did so, they would justify the insolence of Veuillot, and the paid satellites of Napoleon III., in their denunciations of free institutions. There were three alternatives before them—to do nothing, to adopt the Motion of his right hon. Friend the Member for Oxford, or the Amendment of the hon. and learned Member for Swansea. The first of these he considered wholly impossible. There were really before them only the latter two courses to adopt. If Lord Ellenborough had not resigned, he could not see how it would have been possible not to have passed some resolution tantamount in severity to that of the right hon. Gentleman (Mr. Cardwell). He was neither anxious to see the present occupants of the Treasury bench displaced nor their opponents take their places. Still, if Lord Ellenborough had not resigned, so grave a blunder had been perpetrated that the House must have passed a vote in condemnation of it. The resignation of Lord Ellenborough had produced a great change, if not formally, at least virtually, in the direction in which a change ought to be made, and to a certain extent the House had been vindicated by it. It would have a marked effect where one was most needed, he meant in India itself, where the Natives, whose discontent the despatch might foster, would see the great Lord who had drawn it up struck to the ground suddenly, and solely on account of that very despatch. How did the Motion of the right hon. Member for Oxford meet the present state of the case? The latter part of the Resolution was, under the present altered circumstances, somewhat ineffective. And the first part of it sedulously avoided what was most desirable—a modified vindication of Lord Canning's general conduct up to this date. With all the respect which he felt for his right hon. Friend, he must say that the Resolution appeared to him to be a large trap to catch as many flies as possible. It breathed both of "Oxford" and "Cambridge"—the university town and the "House." The thing which, as men and Englishmen, they ought to do was to uphold Lord Canning by a sufficient vindication without committing themselves to the Proclamation. Approbation of Lord Canning's conduct to that extent would be a virtual condemnation of the rashness of Lord Ellenborough in writing, and *a fortiori* of that greater and more inconceivable rashness in publishing the despatch. The real friends of Lord Canning ought to vote for the Amendment of the hon. Member (Mr. Dillwyn). The supporters of the original Motion displayed, not friendship for Lord Canning, but friendship for themselves and the offices they wished to grasp. The Amendment laid down confidence in Lord Canning up to the date of the Proclamation, and, therefore, by implication, condemnation for the Government, so far as Lord Ellenborough's proceedings were concerned. He thought it necessary for the honour and dignity of the House to pass some censure on what had been done, but he would not, as far as he was concerned, make the vote on the present occasion subserve the view of the cabal who wished merely to step into office. Under these circumstances he should vote against the Resolution of his right hon. Friend, in the hope that the issue might be tried on the Amendment of the hon. Member for Swansea.

MR. ATHERTON said, he would give an unqualified and cordial support to the Motion of the right hon. Gentleman the Member for Oxford, and that in stating his reasons he should confine himself strictly to the terms of the question raised in the Resolution. Much time, he conceived, had already been lost in discussing a question upon which he would decline to enter, as waived by the very terms of the Resolution itself. After much diligent inquiry he would frankly confess that he did not feel himself in a position to form a definite opinion upon the policy of the Governor General, even supposing that he issued the Proclamation which had been so strongly condemned by the late President of the Board of Control. The hon. and learned Solicitor General had asked them, "How can you properly consider whether the despatch is or is not a right one until you have made up your minds as to the policy of the Proclamation?" The answer he thought was very obvious. He would assume, for the sake of argument, that the Proclamation was open to exception on the ground of policy; but how was the House to be precluded from condemning, first of all, the terms of the despatch, and next

the most remarkable and mischievous fact of its publication? The highest testimony had been borne by men of all parties to the antecedent merits of the Governor General, under circumstances of unparalleled danger, and it had been admitted that he had shown, in a peculiarly trying and difficult exigency, qualities of the greatest firmness and the highest humanity. His position and services certainly entitled him to courtesy and consideration in any communication addressed to him by the home Government. He (Mr. Atherton) complained, without reference to the policy or impolicy of the Governor General's Proclamation, of the manner in which the late President of the Board of Control had addressed him. The noble Earl had written in terms which could not but inflict deep pain upon Lord Canning:—

"Other conquerors, when they have succeeded in overcoming resistance, have excepted a few persons as still deserving of punishment, but have, with a generous policy, extended their clemency to the great body of the people. You have acted upon a different principle. You have reserved a few as deserving of special favour, and you have struck, with what they will feel as the severest punishment, the mass of the inhabitants of the country. We cannot but think that the precedents from which you have departed will appear to have been conceived in a spirit of wisdom superior to that which appears in the precedent you have made."

He did not complain that the late President of the Board of Control should, in his wisdom, hold such opinions; but his manner of communicating them was calculated to do the public service much injury. Conceding to the full right of the noble Earl to express his opinions privately to the Governor General, he had no right to address him in these sarcastic, arrogant, and insulting terms. Therefore, in the language of the despatch alone he found sufficient ground for the condemnation of its author. He now came to what he considered of greater importance, namely, the dissemination of the despatch as a supplemental act of the Government. When the despatch condemnatory of the Proclamation was laid upon the table of that House it was in effect published not only to the people of Great Britain and of Europe, but to the inhabitants of Lucknow and of all the towns and villages of Oude. He would ask, was it consistent with the safety and stability of British dominion in India, or conducive to the tranquillization of the country, that such doctrines as those contained in the despatch of Lord Ellenborough should be promulgated? That despatch confounded rebellion with legitimate warfare, and put rebels on the footing of the subjects of a foreign State, bearing arms under their natural Sovereign and waging war in his defence. It seemed to be assumed by the despatch that the people of Oude were engaged in a patriotic war for the independence of their country, and that there ought to be a difference between their treatment and that of the rebellious Sepoys. It was well known, however, that the people of Oude were not fighting for the restoration of their King to the throne of his ancestors, but that they had fraternised cordially with the rebellious Sepoys who had flocked in multitudes to that district of India. It had been said that night in the course of the debate that it could not be expected that in the strong exigencies of the State the President of the Board of Control would dip his pen in milk and water. That was the first time he (Mr. Atherton) ever heard milk and water referred to as a fluid used in that way. He had heard of a pen being dipped in gall, and he could find traces in the despatch of that fluid; but of milk and water he could find no trace, except in the passage in which it was said that the war carried on in Oude had more the character of legitimate war than that of rebellion. He wanted to know what was the meaning of that sentence? There were two kinds of war, legitimate war and rebellion, but there was no mixed war combining the qualities of both—no war could be partly legitimate and partly rebellious. If the war in Oude were a legitimate war, it had been carried on by our commanders in defiance of all the rules of legitimate warfare. No quarter had been given or asked, no prisoners taken or exchanged, and none of the common courtesies observed which were usual in modern legitimate warfare. But there could be no doubt that this was a rebellion, for when the war began, the territory of Oude had been for two years annexed to the British Crown, and the people of Oude had become subjects of our Sovereign. When therefore his hon. and learned Friend the Solicitor General said that Oude owed nothing to England, he must say he could not understand what was meant by that phrase. If his hon. and learned Friend meant to rely upon the shortness of the period during which Oude had been a part of our empire, that would be indeed a very dangerous doctrine to promulgate. There was no statute of limitations as regarded rebellion, nor could any

territory be allowed to set up the shortness of time during which it was placed under the legitimate sway of another State as an excuse for breaking into rebellion, nor could such rebellion be treated as legitimate war. Those who took up arms in Oude were as guilty of rebellion as those who took up arms in Bengal, though they were not guilty of the second crime of mutiny. To such a people all the rules of legitimate warfare were entirely inapplicable. Vattel laid it down that all subjects who unjustly took up arms against a ruler, whether with a view to deprive him of supreme authority, or to resist his command in some particular instance, were rebels. As to the responsibility of the Government for the acts of Lord Ellenborough — technically it could not be denied that the Cabinet was responsible for the acts of all its Members; but he would go beyond the technical responsibility, for he found that Members of the Cabinet vindicated the despatch itself, and some of them even its publication. Therefore, by the despatch and its publication the Cabinet must stand or fall. He might observe that he could not see how a Government could be carried on if transactions secret in their inception were to be promulgated. Under these circumstances he felt it his duty to give his cordial support to the Resolution.

Lord ELCHO said, he felt most strongly upon the course taken by the Government, and would unhesitatingly vote for the Motion of his right hon. Friend. He would not enter into the question of the annexation of Oude, the points to which he would direct his observations were the Proclamation, the writing of the despatch, and its publication. As to the Proclamation, he would content himself with saying this, that for the same reasons as he would not dwell upon the annexation of Oude, he would abstain from arguing on Lord Canning's Proclamation, because these were matters regarding which they had not all the facts before them, and therefore could not, without a full knowledge of all the circumstances, venture to approve or disapprove of them. If the Proclamation was to be understood in the sense which the Government seemed to attach to it, if it was the intention of the Indian Government to take away all the property of nearly all the proprietors in Oude—if that were so, this further question arose—ought they not to have re-called the Governor General? But the truth was, as he had already stated, upon this point they were not in a condition to give any opinion, and many persons in this country, who were very conversant with Indian affairs, took quite a different view of the Proclamation from that which the Government seemed to do. He would next call attention to the letter of Mr. Edmonstone to the Chief Commissioner of Oude, from which it appeared that the Governor General, so far from considering the Proclamation harsh and cruel, thought it of as lenient a character as could have been issued, compatible with the maintenance of our power, in which he said, that if it had been issued before the assertion of our power, it would have been looked on by the people of Oude as a confession of weakness. He would not weary the House with quotations, but called their attention to the third and fourth paragraphs of Mr. Edmonstone's letter. But what the House had to consider was not the policy of the Governor General, but the conduct of our own Government to the Governor General, and likewise in reference to the people of India. It certainly did appear to him that as regarded the treatment of the Governor General, the Government had acted harshly and cruelly, and, as regarded our Indian empire, with the greatest impolicy. They had acted most unjustly in condemning a draught Proclamation, which it appeared was issued in a different form, upon insufficient evidence; and even if they were right in condemning the Proclamation, they deserved censure for the language in which they had expressed their opinion. Why should it have been in a moment of hot haste presumed that Lord Canning had acted in a manner contrary to all his antecedents? Everybody knew that in consequence of his merciful character he was nicknamed "Clemency Canning;" and the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), had on a former occasion said of Lord Canning "that he had been placed in circumstances of the most unprecedented difficulty, that he had acted with great resolution, and that he was one of those men rarely met with who had the moral courage to be just." Contrast this opinion of a distinguished Member of the Government with the manner in which Lord Canning had been treated, and they would find little to justify the conduct of her Majesty's Ministers. To the terms of the despatch of March 24 he cordially subscribed—the tone, temper, and language of that despatch were not unobjectionable; but how widely different was it from that of the

despatch in question ? He did not hesitate to say that the language of the second despatch was unfeeling and ungenerous. He could not avoid contrasting the conduct of the present Government with regard to the Vote of Thanks to Lord Canning with that which they had adopted in this instance. Then they said that they had not sufficient information to form an opinion of his conduct; now the tables were turned, and upon the most insufficient information they were quite ready to censure him.

Sir ROBERT PEEL: Sir, I rose immediately after the right hon. Baronet the Member for Halifax (Sir Charles Wood) for the purpose of complimenting him upon the vigour with which he addressed the House. He said that it was owing to the warm interest which he felt in the welfare of India that he was disposed to quarrel with the policy of Her Majesty's Government. I admit that the question we are now discussing raises a very grave and serious issue, and in the consideration of it I am desirous, with the indulgence of the House, of offering a few observations. I have listened attentively to a good many speeches which have already been addressed to the House, and I devoted particular attention to that of my right hon. Friend who introduced the subject. We shall all admit that he was very neat and temperate in his expressions. He was very accurate in his dates; in fact, I am sure of this, that I never shall forget that immortal period between the 12th of April and the 6th of May; but I must say that he illustrated his facts with a series of arguments not half so forcible as I should have expected. He attempted to insinuate that Her Majesty's Government were desirous of shielding their collective responsibility behind the assumed liability and self-sacrifice of one of their colleagues; but I must say, that I think the explicit declaration of the noble Lord the Secretary for the Colonies must have satisfied the House that such an imputation was altogether unfounded. There was one observation, however, which fell from my right hon. Friend which I caught fresh from his lips, because I was very anxious to make an allusion to it. I felt equally with the House the force of the remark, and that I might not misrepresent my right hon. Friend, I took down his words. He said, addressing the Chair, "Do not suppose, Sir, that the object and the motives," those were his two words—"that the object and motives of this Motion are at an end, because Lord Ellenborough has resigned." Why, of course they are not at an end. Do not suppose, I may say, that the House of Commons is so limited in its apprehension, as not to perceive that the object and the motives of this Motion have a far wider and more liberal basis. Depend upon it, it is not the interests of poor Lord Canning that have been considered by his friends in this Motion. Rest assured that it is not the welfare of the millions of India that has prompted it. An attempt must be made—some opportunity must be seized to attack the Government, and therefore it was necessary to make India the battle-field. Now, that I must say, is a matter which is greatly to be regretted. Our chief object in the vigorous prosecution of hostilities in India is not the temporary establishment of the power, the *prestige*, and the dignity of the British name, but that we should so comport ourselves as to be able to look forward to the continuance of our power, and, if possible, to the possession of the sympathies of the millions over whom we rule. That being the case, I must say that I think this Motion, instead of tending to assist our fellow-countrymen in India, will greatly increase their embarrassment; and I believe that the country deprecates quite as much as this House does, the course which is now being pursued. It is absolutely impossible to separate the policy which has been pursued in India from the censure that is attempted to be passed upon Her Majesty's Government. I do not wish to discuss the question of the annexation of Oude; but in order to form my argument, I must say, that the nations of India have become subject to British rule either by military operations, by treaties, or by official acts of arbitrary spoliation; and it is the result of one of this last class of operations that directly bears upon the subject which we are now discussing. Alleged misgovernment of the Native Princes of India has been always the pretext or justification for annexation. In the course of our rule in India we have absorbed some 200 sovereignties, I fear on too many occasions with no better justification than that of convenience or expediency. Lord William Bentinck admirably alludes to the mode of our proceeding with reference to the annexation of countries. He says, that a political agent of the Indian Government takes up his abode at the court of the Royal victim; by degrees, he usurps all

authority, acts the part of a dictator rather than the Minister of a friendly Power, and exercises a jurisdiction totally incompatible with the Royal power and dignity. Now, I must say, that this was precisely the course pursued in the case of Oude. Alleged misgovernment in Oude was the cause of its annexation. Mr. Grant, Lord Dalhousie's chief coadjutor and adviser in that matter, says, "We unhinged the whole social fabric and political state of that country and then annexed it." I am not going to discuss the policy or expediency of that annexation, but I must say, that when these are the officially reported grounds on which it took place, there is a great deal of sense and proper feeling in this 14th paragraph, which I will read to the House :—

"We must admit that, under the circumstances, the hostilities which have been carried on in Oude have rather the character of legitimate war than of rebellion, and that the people of Oude should rather be regarded with indulgent considerations than as subject to a penalty exceeding in extent and severity almost any which have been recorded in history as inflicted upon a subdued nation."

I think that Lord Ellenborough, in writing this paragraph, was perfectly justified in thus alluding to the people of Oude. But Lord Canning is of a different opinion. I do not wish to say one word disrespectful to Lord Canning. I perfectly concur in the panegyric passed upon him by the noble Lord the Member for London; I admit that his position has been one of great difficulty; but, at the same time, I do not think, when the interests of millions are concerned, that we should hesitate to express our opinion upon a policy which is presumed by many to have placed those interests in jeopardy and peril. Lord Canning has been in circumstances of peculiar difficulty. He arrived at Calcutta as the successor of one of the most able, accomplished, and enlightened administrators that of late years had ruled over the destinies of India—I mean Lord Dalhousie. He had hoped, of course, that the acts of Lord Dalhousie's Government would have given him a secure and undisturbed possession of power. But he was disappointed —it turned out to be quite the reverse. And why? Because the whole course of our Government in India had been not to enlist in our favour, but to rouse against us the energies and the feelings of the people of India. The consequence was, that as soon as the master-mind of Lord Dalhousie was no longer there, Lord Canning found himself encompassed by a hostile people, and hampered by weakness and prejudice. At the very outbreak of this insurrection Lord Canning was accused of supineness and indecision almost amounting to incapacity. But now that the danger is passed, that the neck of the revolt is broken, that what is called our national honour has been vindicated by British bayonets, Lord Canning comes forward and recommends an act of arbitrary spoliation, which, I venture to say, is unequalled in the annals of any civilized country. We well know that this kind of spoliation and confiscation is unknown in India. Whatever tumults or convulsions may have swept over that great peninsula, no religious fanaticism, no result of war, has ever visited such consequences upon the populations of India. But we know more than that. We know that from this policy of Lord Canning, Sir James Outram has dissented. Sir James Outram, and, I believe, Sir John Lawrence, recommended a discriminating amnesty. But an attempt has been made to shield Lord Canning under the policy of Lord Dalhousie. It is said that Lord Canning is only doing what Lord Dalhousie did before. This I deny. Lord Dalhousie gave to his Proclamation a prospective action, whereas Lord Canning's Proclamation has a retrospective operation—retrospective operation in Oude, when only the ground under the soles of our feet is our own—when the whole country is in arms against us. The way to conciliate 5,000,000 of people in that country is not by proposing to confiscate their proprietary rights. It is this policy of confiscation from which Her Majesty's Government dissent. Is there a man to stand up in this House and tell me that this policy should be adopted? Is there a man who, if I may use the expression, is such a traitor to those principles in which every freeborn Englishman is nurtured as to tell me that the successful operation of the British arms is to be followed by the universal spoliation of a people? No, no; that is not the policy, that is not the system that we ought to adopt. You cannot separate the policy of Lord Canning from the censure that you are endeavouring to cast upon the Government. I stand here as a free and independent man, and, as such, venture to say that the Government have not been fairly dealt with in reference to this Motion. The question that ought to be decided is, whether we, as a corporate body, as the Parliament of England, should sanction the arbitrary

spoliation of a whole people, or recommend that even our most severe acts should be tempered with moderation and justice. But has Lord Canning the power to carry out the policy he has proclaimed? Lord Canning, who was heretofore called, as is asserted by some, "Clemency Canning," has, it is true, enormous power, and it may be that his Proclamation was dictated by that lust of power that, in spite of oneself, gathers growth and strength under the exercise of such uncontrolled influences. I have a very high, a very noble opinion of Lord Canning; but I want to know whether he wishes to assimilate his conduct in India to the early successors, for instance, of the Spanish conquerors of America? Theirs was a system of universal spoliation. Or does he wish to assimilate his conduct to that of the Power that ground down beneath the iron heel of despotism a great nation — that drove, with its utmost severity, the iron of despair into the soul of unhappy Poland? If he does not, let him moderate his rule in accordance with the principles of civilized nations. An hon. Gentleman who spoke the other night from these benches alluded to the former condition of Ireland—now, happily, prosperous—when confiscation was attempted. That attempt never succeeded. Let me refer to one example in our own history. Lord Derwentwater, in 1715, in accordance with the Proclamation issued by his Royal master, was attainted and executed, and his estates were confiscated; but the vengeance of the Government went no further. Let me take a far more notable instance in our English history. In 1746, when the insurrection in Scotland was subdued, when the last hopes of the family of the Stuarts perished upon the field of Culloden, those who had bravely advocated their cause perished upon the scaffold, and their estates were confiscated; but the vengeance of the law went no further. The estates of the followers of the Stuarts were confiscated, but the great mass of the people of Scotland were left in the uninterrupted enjoyment of their property. These are examples that Lord Canning might have followed. And now with reference to the discussion we have had in this House. We are told that the same mail, of last Monday, that took out information to India that Parliament had determined to transfer the Government of India from the East India Company to the Crown, took out also intelligence which must be exceedingly unsatisfactory to the people of India. Never was an act performed more reprehensible than that to which I allude. It has been stated openly, and for the purpose evidently of making it conspicuous, that the Directors of the East India Company met last Monday and passed a unanimous vote of approbation of Lord Canning. That vote is palpably in opposition to the Government of the day. It is meant to be so. I, for one, have always stood up for the East India Company. From the first I have voted in their favour. I believe that their Government has not been so unjust and arbitrary as some have represented. But this late vote of theirs is a good example of a double Government of which we have heard so much. It is in flagrant opposition to the Government, and must produce the worst effects in India. But it is not merely in India that this opposition will be felt. We have to deal with its effect in this country. We have heard a great deal about the premature publication of a despatch, and a great deal of blame has been cast upon the Secretary to the Board of Control for the observations that he has made upon it. But depend upon it that is not the real question at issue. The Resolution says that "this House sees with regret and serious apprehension that Her Majesty's Government have addressed to the Governor General," &c. Now, I must say there seems to be something concealed in this expression of great and serious apprehension. There is something hypocritical about it. It is not a straightforward expression of opinion. I want to drive home at the canting hypocrisy of certain disinterested politicians. I want to show that it is not that we feel regret and apprehension because the Secretary to the Board of Control made his statement, or because the despatch was prematurely published, but because your Parliamentary factions are interfering with India — because you are making India the battle-field, nay, rather the shuttlecock of your party squabbles and Parliamentary cabals. The right hon. Member for Halifax said that he would not much care if Her Majesty's Government were turned out to-morrow, for the people would rejoice. Well, there lies the question. This is a party move. The question we are now discussing lies between Lord Derby and the noble Lord the Member for Tiverton. I venture to say I am not speaking merely my own opinion, but that of thousands in this country, when I say that the question really is

whether Lord Derby shall continue to advise the Crown and exercise the duties of that position which he has honourably and fairly acquired, or whether this House of Commons is, with trembling humiliation to the Piccadilly manifesto, to allow the noble Lord the Member for Tiverton to scramble back to power. It would be a very serious matter, after such a manifesto, after we have with justice condemned the policy of the noble Lord the Member for Tiverton, to let him now come back to office upon a party question relating to India. It is said by some that if the Government is beaten, Lord Derby has no policy on which he can go to the country, and that he must go out on account of the want of strength of his party; but in these days the strength of a Government depends not so much upon its numerical force as upon its being in accordance with the active sympathies of people out of doors; and the general sympathies and feelings of the public will always be in favour of any Government, be it presided over by Lord Derby, the noble Lord the Member for Tiverton, or the noble Lord the Member for London, who, after all, is the legitimate leader of the Liberal party, if it is evident that they are equal to the conduct of public affairs. Now, as this has been made a party question, let me ask you before we come to a decision upon the subject to consider the position of the champions in the struggle. The noble Lord the Member for Tiverton has just been convicted, upon the clearest evidence, of toadying to foreign influence. He has just been convicted, and very properly convicted, of preferring the favour of despots to the friendship of a constitutional Sovereign and a liberal Government; and yet you want to bring the noble Lord back to office. ("No!" and cheers.) Why the noble Lord has shown in a crisis—in a moment of emergency—that he is wanting in moral courage. It is palpable to every one, and has been decided by this House and endorsed by the country, and I will venture to say that the Government of Lord Derby is infinitely more liberal in action than was that of the noble Lord. There were not many questions left as legacies to the present Government by their predecessors. There was no Reform Bill. There were, it is true, some loose observations about an Indian Bill, in which that great subject had been treated like a medical reform or turnpike trust Bill; and I think the only two legacies were the *Cagliari* question and the Conspiracy Bill. Well, Sir, Lord Derby's Government repudiated the Conspiracy Bill; and, more than that, without hesitation they obtained the release of our two suffering countrymen and demanded an indemnity, which they will probably succeed in obtaining. I must say that I think—and I believe my opinion is in accordance with the general feeling out of doors—that the Government of the noble Earl is entitled to the gratitude of the public for the zeal, spirit, and determination with which they grappled with that important question. The issue of this struggle, if the Government are beaten, may possibly be a dissolution; and although I believe that the influence of the decision of the House of Lords the other night will be great, still Government may be beaten, and in the event of an appeal to the country let me remind you that many hon. Gentlemen may lose their seats in this honourable assembly; and that quite irrespective of this decision, from circumstances quite irrelevant to it—that is to say, from not having had time to prepare their own plan of action. Is it right that Gentlemen thus situated should be subjected to such a move as this? Let us rise, however, above these party questions; the issue at stake is a grave one, and we should decide it not upon personal considerations, but with the dignity befitting men who deal with great national interests. We are at present sacrificing thousands of men for the purpose of establishing a beneficent rule over the Natives and people of India, and in dealing with a subject so important let us rise superior to personal feeling, and act and decide like Statesmen. Let us attempt, under God's providence, to deal with the subject, not by making it the occasion for a party squabble—not by means that can only engender discontent, disobedience, and disorder—but let us deal with it under the happy influence of those principles which our institutions have taught us to admire, and whatever schemes of spoliation others may hereafter devise, let us deal with this great matter in a spirit of wisdom, moderation, and justice. I think that is the spirit in which Her Majesty's Government wish to act, and that it is that spirit which led them to resent Lord Canning's Proclamation. As regards the despatch of Lord Ellenborough, I think that the nineteenth clause is a very noble expression of opinion, and I agree with Mr. Layard that it ought to be written in letters of gold. It says, "We desire

to see British authority in India rest upon the willing obedience of a contented people. There cannot be contentment where there is general confiscation." That I believe to be the honest opinion of the Government and I think that it was that feeling which actuated them in their determination to reply to Lord Canning's Proclamation, and I therefore give them my humble but sincere support. It is possible that circumstances may come about that the Government may be beaten; but I feel that those principles which they advocate cannot be subdued. They are principles which we in this House are bound to protect; and although I cause a laugh occasionally, I now appeal most seriously to all the representatives of Liberal constituencies, and I ask them to stand true to their colours. I ask them to side with the cause of justice, and the eternal principles of right, and not to be led away by specious arguments into the adoption of a course which their better judgment and calmer reflection will infallibly condemn. I ask this House in dealing with this question to lay aside every motive irrespective of, and inconsistent with, a disinterested view of public affairs, and if, in considering the matter any doubt should arise in your minds, as I confess there exists in mine, any doubt as to the wisdom, the policy, the expediency—nay more, the justice—of this Motion, I ask you in accordance with your own convictions, acting up to those principles of honour which should guide and animate the public conduct of public men, to give the benefit of that doubt in favour of Her Majesty's present advisers.

SIR GEORGE LEWIS: The hon. Baronet has exhorted those Gentlemen now present to treat this important question like statesmen, and I wish that he had rendered that precept more forcible by his example. Nothing can be more remote from the truth than the allegation that the Motion before the House is a hypocritical production for the purpose of raising a party issue. Nothing can be more remote from the truth than the assertion that this question has not been forced upon the Opposition, and forced upon them in such a manner that it would have been impossible for them to have passed it over without a dereliction of duty. If Gentlemen upon this side of the House had, since the change of Government, been in search of a question upon which to hang a party Motion, or to take a party division, we might have found one not merely upon this India question, but upon many points connected with the legislative measure with regard to India which has been proposed by the Government. We have shown no such wish; the question has been thrust upon us; and I repeat, in the most deliberate manner, that we are actuated by no party motive, and that it would have been an infraction of duty on our part if we had failed to ask the House of Commons to express an opinion upon the Resolution now before us. The hon. Baronet has reopened the whole question of the policy of the annexation of Oude, as well as of the despatch of Lord Ellenborough, and at this time of night I confess that I feel great reluctance in attempting to follow him through so large a field of inquiry; but I wish to remind the House of some dates with respect to the annexation of Oude. The question of that annexation does not date from the Minute of Lord Dalhousie. The treaty under which that Minute was drawn was made by Lord Wellesley in 1801; and when Lord Wellesley, at the termination of his brilliant Administration, returned to this country, he was subjected to charges and threats of punishment upon account of his policy with regard to the treaty with Oude. Now, as regards the Minute of Lord Dalhousie, by which Oude was annexed; in that Minute he declared in the most explicit manner the grounds upon which the annexation of Oude was effected. He showed that by the treaty of 1801, the Governor General bound himself to defend the King of Oude against his external and internal enemies; on the other hand, the King of Oude bound himself to govern his subjects with justice and equity. The part of the contract on the side of the British Government was performed with perfect fidelity from 1801 up to the date of the annexation by Lord Dalhousie, complete defence having been given to the King of Oude against his foreign enemies and his own rebellious subjects. But the successive Viziers and Kings of Oude had omitted to fulfil their part of the contract, and in that manner an infraction of the treaty took place. It was upon that ground that Oude was annexed, and the ground was distinctly stated in the Minute of Lord Dalhousie so as to remove all doubts and entirely to contradict the allegations of Lord Ellenborough's despatch. The policy in respect to the annexation of Oude has thus been made to rest on a distinct breach of treaty by the King; and there can be no question that the present Government,

if they intended to take a different view, ought, on their accession to office, to have communicated that view to the Governor General, in order to put him on his guard against any policy founded on a contrary opinion. The right hon. Gentleman the Chancellor of the Exchequer, in the speeches which he made in the course of last year, attributed much of the origin of the rebellion to the policy which had been pursued in Oude; and the noble Lord the Minister for Public Works (Lord John Manners) also condemned the annexation of that kingdom, and even recommended that it should be restored to its native King. All these were reasons why the policy with respect to Oude should have been considered when the present Government acceded to power; and as that course was not taken, Lord Canning was naturally led to believe that no change of policy was intended to be adopted. Then came the first letter to the Governor General sent through the Secret Committee, to which no objection was taken. It recommended a policy of clemency quite in accordance with that which had previously been followed by Lord Canning. It dealt with the question of the punishment of mutineers, and did not enter into the matter raised by this despatch. The Government shortly afterwards received the letter of Mr. Edmondstone, enclosing the Proclamation on which the present question turns. This despatch, with its enclosures, are laid upon the table without any information as to how they reached the Government, without any covering letter, and with a mere intimation that the Government have received a copy of the letter addressed by Mr. Edmondstone to the Secretary of the Chief Commissioner of Oude. We do not know that any official account has been obtained of the issue of the Proclamation; and now several weeks have elapsed since the receipt of Mr. Edmonstone's letter, and the House has no information from the Government whether they have been officially apprised of the issue of any Proclamation. As far as I know, the evidence of the promulgation of any Proclamation at present rests only upon the newspaper reports. The Proclamation comes to us in the shape of a draught, accompanied with instructions as to the mode in which it is to be applied. It will be found, on examining the letter of Mr. Edmonstone, that the Governor General classifies the persons in respect to whom the Proclamation is to be enforced into three distinct categories. With regard to those—

"Who have been continuously in arms against the Government, and have shown inveterate opposition to the last, but who are free from the suspicion of having put to death or injured Europeans who fell in their way—to these men their lives are guaranteed and their honour."

And it is stated that the best way of dealing with them in the first instance will be to require that they shall reside in Lucknow under *surveillance*. That disposes of one class of persons to whom the Proclamation is intended principally to apply. Then there is another class who are less guilty, with regard to whom there is a declaration which has been quoted adversely to Lord Canning, but which appears to me to bear a wholly different interpretation. It is contained in the 14th paragraph, namely:—

"The permission to return to their homes must not be considered as a reinstatement of them in the possession of their lands, for the deliberate disposal of which the Government will preserve itself unfettered."

That is to say in respect of the class who are second in point of guilt it is to be understood that their submission will not necessarily entail the re-grant of their lands; in other words, the confiscation of the proprietary rights of the different landowners having been declared in general terms, the conditions on which the lands are to be re-granted will be fixed by the Government. Thus the re-grant of the lands of this second class of persons is not to be made a matter of course, but will depend upon the discretion of the Government in dealing with the circumstances of each particular case. Therefore, it is clear that, according to the intention of the Governor General, the re-grant of the lands must be considered as a general measure, and only those persons whose guilt is of a pronounced character are to be excepted from that restoration. Next comes the third class, who are to be treated with greater leniency; and then it is declared that "these remarks apply to the talookdars and chiefs of the province. Their followers, who may make submission with them, from their numbers, must of necessity be dismissed to their homes"—which, however, is to be considered as a reinstatement of them in the possession of their lands. The letter then proceeds to say:—

"The Governor General wishes the Chief Commissioner to consider what has been above written as suggestions rather than instructions, and as indicating generally the spirit in which his Lordship

desires the Proclamation shall be followed without tying down the action of the Chief Commissioner in matters which may have to be judged under circumstances which cannot be foreseen;"—

thus leaving a wide discretion with the authority who is to carry the Proclamation into effect. I wish to call the particular attention of the House to what seems to me to be the main stress of this question, namely, what is meant by the term "a general confiscation of the lands of Oude;" because that is the ground on which Lord Ellenborough's censure is founded, and it is the ground, as I understand it, on which hon. Gentlemen opposite call on the House to give a vote equivalent to a vote of censure on Lord Canning. The hon. Baronet the Member for Tamworth referred to cases such as that of Lord Derwentwater and those who were concerned in the rebellion of 1745. He stated that those persons having been tried and condemned for treason, their lands were necessarily confiscated, and he made the remark—I know not in what sense he meant us to understand it—that "there the matter ended." Now, everybody is aware that the Earl of Derwentwater underwent decapitation, and certainly his punishment did not end with the confiscation of his estates. That was also the case with other persons who were convicted of treason during the rebellions of 1715 and 1745. The general rule with respect to persons who have been engaged in rebellion against the Crown of England in former times, and which is well known to have been applied on a large scale, especially in reference to Ireland, has been that the penalty of forfeiture was actually inflicted. It was a common observation during the debates on the Catholic Question, and it has been frequently repeated in this House, that all the land of the sister country had been forfeited four times over. That was a lamentable extremity resorted to in the bad times of this country, and it was the penalty inflicted for high treason, or upon those who were convicted of crimes equivalent to high treason. It is known that in one part of our history, treasons were multiplied for the purpose of multiplying these forfeitures, and confiscation was the punishment actually adopted in those cases. But with regard to the confiscation contemplated in the Proclamation of Lord Canning, what I understand to be meant is not actual, but threatened, confiscation. [*A Laugh.*] A habit very much resorted to by hon. Gentlemen opposite when they hear a statement which they don't approve is to treat it with derision, as though it were something wholly undeserving of consideration. I may be wrong in this interpretation, but I maintain that any candid and equitable judge who will take a fair view of this Proclamation, of the practice with respect to the annexation of territories in India, and of the conduct of the Indian Government, must at least admit that this is a reasonable construction to put upon Lord Canning's Proclamation. What I complain of is that the Government did not wait for any information, did not write to Lord Canning for an answer to any question upon matters of doubt, but assumed at once that the Proclamation bore the construction which they put upon it; whereas I maintain that, according to the fairest and most reasonable construction, the Proclamation does not bear that interpretation, and that, at all events, it was a great offence on the part of the Government to assume their own interpretation as clear, and to condemn upon that assumption in a matter on which the gravest doubts still remain. I deliberately maintain that what Lord Canning meant to do was in a case of general rebellion, where the territory belonged to the Crown and to the East India Company, to declare as a penalty that the proprietary rights were forfeited to the Government. I cannot conceive any sane man believing that it was the intention of Lord Canning to dispossess all the landowners of Oude,—to forfeit and confiscate the land in the literal sense of the word. Was such a proceeding ever heard of since the times of remote antiquity? In those times conquest was occasionally followed by the slaughter of the whole male population, by selling the women and children into slavery, and by covering the territory with a new set of imported colonists. But that is a policy which in modern times has been wholly exploded; and I repeat, I cannot conceive that any sane man can believe it was the deliberate intention of Lord Canning to dispossess the entire population of Oude of their property, to send them adrift, to seize the whole country in the name of the Government, and to forfeit the land in the manner in which, for example, the land of Lord Derwentwater was forfeited. Such an act Lord Canning would never have dreamt of. No; my belief is that what Lord Canning intended to say was "Your proprietary rights, in consequence of your rebellion, are for-

Sir G. Lewis

feited to the Government; but if you fulfil certain conditions, if you will satisfy us of your loyalty, if you will give us such securities for the future as we may think adequate, we shall again reinstate you in possession of your former lands." That is a reasonable construction of the Proclamation; but if it should turn out to be an erroneous one, then all I can say is that the Government ought, before they assumed that anything so improbable as a general confiscation was about to take place, to have ascertained by inquiries from the Governor General that such was the policy he intended to pursue. I maintain, therefore, that the course which the Government have followed with respect to the Proclamation is entirely inconsistent with reason and proper feeling. But there are other matters which call for remark in considering the despatch of the 19th of April. The Under Secretary for the Home Department offered a rather bold challenge when he said that there is not a single fact in the despatch respecting Oude which cannot be proved by irrefragable evidence. I think there is one paragraph which I can disprove by irrefragable evidence. The 11th paragraph runs as follows:—"That Sovereign," meaning the King of Oude, "and his ancestors had been uniformly faithful to their treaty engagements with us, however ill they may have governed their subjects." Now, if anybody will look at the minute of Lord Dalhousie annexing Oude he will see that it is precisely in the maladministration of the domestic government that the breach of treaty consisted. The despatch assumes that the misgovernment of Oude and the observance of the treaty are two distinct matters; whereas the charge against the King—that which is made the ground of the annexation of his territory—is his failure to govern his subjects according to his treaty engagement with us. What we undertook to do in the original treaty, which was one of the subsidiary treaties of Lord Wellesley, was to defend the King against his enemies, external and internal; and in consideration of that defence the King engaged to govern his subjects well. It is affirmed by Lord Dalhousie that for fifty years that engagement had been violated, and it was in consequence of the violation of the treaty that he delared Oude forfeited to the English Crown. These facts must have been present to the mind of Lord Ellenborough when he wrote his despatch, and I confess I am utterly at a loss to reconcile the 11th paragraph with that knowledge. The House has heard so much of the responsibility of the Government for the publication of the despatch that I am unwilling to trouble it by travelling over that ground; but I cannot forbear from remarking that there have been two versions put forward by speakers on the Treasury bench intended to excuse that publication. The Solicitor General said that the publication had been rendered necessary by the circumstance that copies of the despatch had been given to Earl Granville and to the hon. Member for Birmingham (Mr. Bright), and that, inasmuch as copies of the despatch had thus passed out of the hands of the Government, the publication became a matter of necessity. That does not seem to me to be a very conclusive argument, inasmuch as those copies were, I suppose, given upon an honourable understanding that they were not to be made public; and, if Earl Granville and the hon. Member for Birmingham had been requested not to disclose the contents of the despatch, I do not see why the Government could not have alleged that fact as a reason for refusing further publication. But the noble Lord who spoke later in the debate took an entirely different ground. He said that after the answer had been given by the Chancellor of the Exchequer by which the contents of the despatch were described to the House, the curiosity of the House and the public had been raised, and it would have been impossible to suppress a despatch on so important a subject as that of the Proclamation with regard to Oude; and that the Government, upon consideration of these circumstances, had come to the conclusion that it was necessary to lay the despatch on the table. That seems to be a straightforward and manly way of meeting the subject; but at the same time it represents the publication as completely the deliberate act of the Government, and is entirely inconsistent with the explanation of the Solicitor General, who merely insisted upon the accident of copies having been sent to Earl Granville and to the hon. Member for Brighton. But the complicity of the whole Government in the publication of the despatch does not end here. It seems that after the entire despatch had been promised the Government deliberated upon the expediency of withholding certain portions of it—namely, the paragraphs relating to the annexation of Oude; and certainly, on reading those

paragraphs we cannot wonder that the imprudence of producing them should have suggested itself. On the following day Lord Derby and Lord Ellenborough came down to the House of Lords and stated that it was necessary to withhold certain portions of the despatch, but that, with those exceptions, they were prepared to lay it on the table. It is clear, then, not only that they had deliberated upon the production of the despatch, but that they had come to the conclusion that certain portions ought to be withheld, and therefore that the remaining portion might with propriety be submitted to Parliament. After that deliberate decision in favour of producing the despatch, it becomes impossible for the Government to deny that they are responsible for the publication. But even if it could be shown that the publication of the despatch was not the deliberate and intentional act of the Government, the argument with regard to the duty of this House would remain wholly unchanged. It matters not to us whether the Government presented the despatch through design, or through negligence almost as culpable as design. What we have to consider is, that the despatch is upon our table, that it has come to us through the proper official channels, and that we are served, as it were, with legal notice of the fact that such a despatch has been written to the Governor General of India. It becomes the duty of this House, having a knowledge of the existence of that despatch, and being aware that it has been addressed to the Governor General of India, to pass on it that judgment which is suggested by the fact that it goes out to the people of England and to the whole of Europe as the opinion of the British Government with respect to the annexation of Oude and the Proclamation of the Governor General. It also goes out to India in the same character; and if we take no steps in consequence —if we silently acquiesce in the writing and despatching of such an instrument, then we share in the joint responsibility of the Government, we become accomplices in their act, and, by abstaining from censuring that proceeding, we make ourselves parties to it. It appears to me that we need not too closely consider the precise circumstances of the presentation of the despatch to Parliament. It is sufficient for us to know that it has been presented, and that we are in possession of it through the regular official channels. It becomes then our duty to take notice of it accordingly. In my opinion the Motion before the House conveys the judgment which this House ought to pass on it; and we should be responsible for the consequences the despatch is calculated to produce in India, paralyzing the authority of the Governor General and conveying prematurely to the world at large the disapprobation of Her Majesty's Government with respect to his proceedings and the measures he is taking for the reduction of the province of Oude, if we did not signify in unambiguous language our disapprobation of its policy.

Mr. WHITESIDE said, the right hon. Gentleman who has just addressed the House, forgetful of the arguments previously adduced by his right hon. Friend who introduced the Resolution, has, I think, satisfactorily proved that it is impossible for the House to affirm it by a vote. The responsibility incurred by the right hon. Member for Oxford is a great one. He undertakes to satisfy the House that the progress of public business should be interrupted; that the Government should be overthrown; and to prove by weighty arguments that what he submits to the consideration of the House is of so serious a character, as to demand without delay, its decision in conformity with his Resolution. As the debate has proceeded we perceive that large principles have been brought out, in contrast with which personal considerations fade into comparative insignificance, and the House will find that it has to decide on a principle which affects not only the interest, but the existence of nations, and perhaps the peace of the world. The right hon. Gentleman and several other speakers have frequently adverted to the name of Lord Canning. I respect that noble Lord, because of those personal virtues which the world truly ascribes to him. I respect him further, because he is descended from one whose shining talents made him conspicuous, and who on the great theatre of human action established the supremacy of his genius. I press no personal strictures upon that noble Lord; I appreciate the sincerity and the fervour of that friendship which has enlisted so many advocates in his behalf; but from my heart I repudiate and disavow the policy indicated in that awful Proclamation which now lies on our table. Considering the care that must have been bestowed on the composition of the Resolution before the House, considering the wise, politic, and experienced men who

planned the operations connected with this movement, I cannot congratulate the right hon. Member for Oxford on the distinctive character of his Resolution. What is it that the Resolution calls on the House to do? In the first place, you are in the most earnest manner invited to express no opinion whatever upon the effect and character of any Proclamation which may have been issued by the Governor General of India. That is what you are first of all called upon to do, and that means, that no matter how false and fatal the policy contained in the Proclamation—no matter how disastrous might be the consequences resulting from that policy being carried into execution—the political prudery of the right hon. Gentleman is such that he would offer no opinion on the misery and desolation that might ensue, or on the causes which produce them. The right hon. Gentleman says, that no opinion is to be offered on the Proclamation, and having sat down, straightway rises the late Chancellor of the Exchequer, and says that the whole question before us is the meaning of that Proclamation, and that the whole matter to decide is, what is the meaning of the word confiscation, forgetting that his more artful friend has specially warned the House to give no opinion on the matter. The right hon. Member for Northampton, the Minister for India of the late Government —to whom, I presume, if this movement should succeed, the destinies of that great empire are again to be committed—likewise tells the House—and I confess I shuddered as I heard it—that the policy of the Proclamation is the true question before the House, and he endorses it with all the weight and value of his name. With the entire authority of his official experience he acquaints the House that the true meaning of the Proclamation is, that everything that every man in Oude possesses belongs, and ought to belong, to the Governor General, to do what he chooses therewith; and then, having the happy talent of drawing conclusions which no other rational man could draw, he assures the House that in his judgment the Proclamation is one of mercy and peace. But what is the second branch of the Resolution? It is this—that the House of Commons is to censure the Ministry for offering an opinion on a matter upon which the right hon. Mover will give no opinion, and here the right hon. Gentleman makes, as it strikes my understanding, a very great mistake as to the relative duties of the executive and legislative branches of Government in this country. I can conceive the first part of the Resolution being quite right—namely, that the House should refuse at a particular time to give an opinion on a particular act of the Executive, while it might be the duty of the Executive to give an opinion on the conduct of a subordinate officer. The Executive exercises authority and supervision over every governor and every man in the service of the country, and it might be quite fair under certain circumstances for the Executive to give an opinion on the conduct of any one of its instruments, and yet quite wrong in the House of Commons to do so. Therefore, I think that the Resolution is unfortunately worded, unless the right hon. Gentleman is of opinion that there is such a determined purpose of party in this House, that despite of reason, the force of argument, the cogency of facts, and the power of truth, you will affirm the principle of a Resolution which nobody can accurately explain and few clearly understand. The right hon. Baronet the Member for Halifax in my opinion has argued this question very fairly, as did also Earl Grey in "another place." They said, for to such a narrow ground in the progress of the debate has this question been reduced, that it is the fact that the publication of the despatch—which is the great matter in controversy—was effected on that fatal night when the Chancellor of the Exchequer gave a plain answer to a plain question. The argument of Earl Grey was this, that the very fact of answering the question involved a statement that the policy of Lord Canning was disavowed, and therefore that disavowal was a publication; and the argument of the right hon. Baronet the Member for Halifax was that the answer led to the offence for which the representatives of the country are called on to pass a vote of censure upon the Ministry. Now, I do not shrink from fair argument, but I expect that hon. Members—no matter what their politics may be—will extend to the Government on its trial that fairness to which the meanest criminal is entitled. How was this Resolution introduced by the right hon. Mover? I confess I listened to him with all that attention and courtesy which a gentleman of his position and great experience merits. I expected every moment to hear the great point of his impeachment stated clearly and brought home against the criminals. I expected to find out what was the criminality of

which the Government were guilty. I expected the right hon. Gentleman to establish by the force of his arguments and by the power of his eloquence that this House ought to pronounce the censure he proposed; but I regret to say that the right hon. Gentleman sat down without having furnished the information which might reasonably have been expected to sustain his accusation, though I admit that great questions were and are raised in the matter under debate. Setting aside the right hon. Gentleman's technicalities, details, and dates, all of which I think were collected more by the scissors than by the head, the right hon. Gentleman did not give the House that lesson of wisdom which was expected, and failed to point out what was the necessity for the honour of the country and the safety of the Indian empire, or even for the character of the noble Lord, the Governor General, to affirm so vague, indefinite, uncertain, and unsatisfactory a Resolution. He announced that he did not require the opinion of Parliament, and he invited every Member to give no opinion upon the Proclamation, and yet he has been followed by four Members of that side of the House who feel themselves coerced, by their sense of truth and justice, to say that the Proclamation is the very foundation of the matter. Then what becomes of his arguments and of his Resolution? But what says the hon. and learned Gentleman who seconded the Motion, of whose great astuteness and whose competence to explain the English language there can be no doubt? The hon. and learned Member for Cork, against sense, against law, and, as I say, against the plain meaning of the English tongue, contends that the Proclamation does not mean what it says it meant. Following the same extraordinary argument as the late Chancellor of the Exchequer he forgets the Resolution and the speech of the right hon. Mover, but, having a laudable terror of his constituents, he declares that if it could really be shown to his satisfaction that if the inhabitants of a country means the people who therein do dwell, that the people of Oude means the people who dwell in Oude, and that landowners means the people who own land, he has such a strong opinion of tenant right of fixity of tenure, and the right which all men have to reap the fruits of their industry, that if you could only satisfy him that confiscation means confiscation he would be one of the most resolute supporters of the Government. I trust when next my hon. and learned Friend stands upon the hustings of Cork and addresses a brave and generous people his opponent will meet him with this Proclamation in one hand and its condemnation in the other. Let that opponent read the sentence of confiscation upon the property of a nation and the sentence of censure upon the condemnation; and then will his constituents believe that he is the sincere advocate of their opinions, one who bases his principles upon philanthropy, and his humanity upon justice? Why, may I ask the hon. and learned Gentleman, has he never read the meaning of confiscation? Is not confiscation the transfer of private property to the Prince by way of penalty upon its proprietors for offences committed by them? What does he think of transferring the property of a nation, innocent and guilty alike—those who have committed no offence to be dealt with in the same way as those who have offended? Let me draw the attention of the House to a date, which, amidst all the particularity of dates we have had in the course of this discussion, has not been mentioned. The argument is, that the plain answer of my right hon. Friend the Chancellor of the Exchequer in reply to a plain question from the hon. Member for Birmingham justifies a censure upon the Government. But if it be that the opinion expressed then, that the policy avowed not in one but in three despatches is just the policy which one of yourselves distinctly called upon the Government to adopt, and which amidst your cheers my right hon. Friend said the Government would adopt, how as politicians, as men of sense and consistency, can you agree to this Resolution. What occurred upon the 23rd of April? I believe my hon. Friend the Member for Devonport (Sir E. Perry) is in his place, for I am about to call him as a witness. Remember, you are asked to censure the Government for censuring the despatch of Lord Canning. Upon the day I have mentioned the hon. Gentleman the Member for Devonport asked the Chancellor of the Exchequer whether instructions had been sent to India that terms of amnesty, including protection to life and property, and full toleration in matters of religion, should be held out to the inhabitants of Oude, excepting in gross cases of heinous crimes; and if no such instructions had been sent, whether in the opinion of Her Majesty's Government it was not ex-

pedient to do so? Now, how anybody who proposed such a question or favoured its import could support such a Resolution as this is to me perfectly enigmatical. The hon. and learned Gentleman went on to say he firmly believed that if certain principles, arising from a spirit of vengeance, were allowed to operate, our tenure of India was not worth six months' purchase. The hon. and learned Gentleman then observed, "A remarkable document had within the last few days appeared in *The Times*—the Proclamation of the Hindoos. These Hindoos declared that the four great things which a man valued—his religion, his honour, his life, and his property—were safer under Native States than under British rule. If that doctrine were generally entertained throughout India, we need not look upon that dependency any longer as our own, and it was incumbent on the Government to take steps to put an end to that belief." The hon. and learned Gentleman then proceeded to say that, "as to Oude, our arms having been successful there, he hoped that Government would act on what he was sure all the statesmen of the country believed the sound doctrine, and try to rule by beneficence and mercy, as well as by strength of arms. He did not wish to revive the controversy on the annexation of that country in 1856, but he contended that Oude must be looked on as a conquered province, and the inhabitants who had risen in arms against us were entitled to all the protection which international law and the rights of war afforded to persons in such a position." Now, the noble Lord opposite (Lord John Russell) heard every word of that statement and cheered it, and yet he has made a speech now denying that the principles of international law have any reference to Oude. But what further did the hon. and learned Gentleman add? "He hoped the Government would now open the widest door to these men, who had fought for what they believed to be their rights, and that they would be assured of the utmost protection"—to what?—"to life, property, the enjoyment of their religion, and what they called their honour." The Chancellor of the Exchequer was called upon to answer whether he would send instructions to that effect—to protect the property of the people of Oude, to carry out the policy which the hon. and learned Gentleman recommended, and which was alike creditable to his heart and his understanding. The Government answered by my right hon. Friend the Chancellor of the Exchequer that despatches had been sent out in conformity with the views of the hon. Member for Devonport; and having succeeded in obtaining that answer—that it was the policy of the Government to protect life and property in Oude, and to treat the people of that country as a conquered people, entitled to the benefits of international law—the very same men who called upon the Government to do this, and cheered the announcement of the fact, turn round and say, Why did you send out a despatch recommending such a course? The right hon. Gentleman the Member for Northampton (Mr. Vernon Smith) made a speech in our hearing the other evening, and in that speech he said, "I approve the policy of that Proclamation, and I say that is the very way to deal with the people of the East." Would the House believe that on the 23rd of April that right hon. Gentleman stood up and re-echoed every word that was spoken by the hon. Baronet the Member for Devon in direct contrast and contradiction, as I maintain, to his present opinions? My right hon. Friend did not state what that unfortunate Proclamation contained, because there was no desire unnecessarily to publish that document to the world. Let no Gentleman suppose that I am about to evade the consideration of the argument of publication. I pray the House to consider carefully, and to scrutinize closely, a part of these transactions, which I do not think has received sufficient attention from the House, and that is the state of things with reference to a second letter, which has been most anxiously inquired after, but without effect. I have now to inform the House that to-day this curious fact has been ascertained. By the mail of Saturday Lord Ellenborough received three private letters from Lord Canning, not addressed to him at the Board of Control; and every word of those three letters, marked private, concerned the public business of his department. But that is not the only singularity of the transaction. Those three letters, marked private, came by one post, and from beginning to end there is not one single line in any of them in reference to this Proclamation, which, therefore, still remains unexplained by any document whatever. Let us now pursue the inquiry. Referring for a moment to a particular letter which has been so eagerly desired, but which there has been such an inflexible Resolution to withhold, I ask

what was stated in that letter? Why, that a full explanation of that extraordinary Proclamation would be forwarded by the mail. I have these words, "by the mail," and the letter stated that a full explanation would be sent. ["No, no," from the Opposition, and vehement cries of "Read, read," and "The letter," from the Ministerial Benches.] I agree that the human memory is fallible, but a written document is not so; produce the document and then I shall be satisfied. That letter not having been produced, I say, unless you violate all the rules of evidence and all the maxims of law, you will make every presumption against the man who being called on to produce a written document, refuses under sage advice to do so, and then quibbles about its meaning. And these are the men who, with loud protestations on their lips of their regard for the honour of the country, appear to be a little forgetful of what is due to their own. My real belief is this—that when the right hon. Gentleman the Member for Northampton got the private letter he considered what was due to the Prime Minister that was, and the Prime Minister that wished to be. Being puzzled, therefore, as the right hon. Gentleman himself states, by a question which overtasked his faculties, he could not decide it. Why did he not consult the churchwarden of his parish? I can fancy him saying to himself, "Here is a passage in a letter that relates to a Royal Proclamation; now let me consider, is that public or private? I am unable to fathom the mystery; I shall consult my noble Friend the Member for Tiverton; he is the only man who can ease my puzzled understanding; upon that subject I will unbosom myself to him; he will tell me the nature of a private letter; I will be governed by the advice of one who made me Minister of India, and who may make me Minister of India again." He consulted the noble Viscount accordingly, and the noble Viscount is here to tell the House of Commons—men of business and men of sense, with quick and clear perceptions—after half a century's experience as a Member of this Assembly, that a letter relating to a Royal Proclamation from the ruler of a State—a declaration of the Sovereign will affecting the inhabitants of a country—was in his opinion so entirely private or so unimportant that it did not require to be mentioned to the Minister of the department whom it concerned. The noble Lord is a man of great tact, and tact does wonderful things; but there are some things that a man of tact even cannot explain, and this is one of them. I ask the noble Viscount why he said to the right hon. Gentleman that the document did not require to be delivered to the Minister at the Board of Control? Was there ever anything so unconstitutional committed by two ex-Ministers of the Crown? Did they hold a cabal to consider the effect of that document? Was it for them to deliberate on that question? and if they did deliberate upon it, why did they not give the benefit of their deliberation to the Gentleman for whom the document was intended? I say it is an insult to your understandings for any noble Lord or any right hon. Gentleman to say that a document of that kind ought to be suppressed. If the right hon. Gentleman the Member for Northampton was averse to the production of this private letter he might have copied from it the paragraph relating to the Proclamation and forwarded it to Lord Ellenborough, leaving it to him to consider whether it was necessary or expedient that he should attend to it. There never was a more unconstitutional doctrine uttered in this House than that an ex-Minister, after consulting another ex-Minister, was at liberty to withhold or not, as he pleased, a document relating to public business, because it happened to come into his hand in the form of a private letter, and then to be allowed to make use of it to extract an answer from an unwilling Minister in the other House of Parliament. But I have another question to put before I have done with this subject. Were there no other letters of a private nature? For aught we know the right hon. Gentleman and the noble Lord may have a bag full of private letters, for we have now this extraordinary fact, that in the letters which have arrived since no allusion whatever is made to the Proclamation. It is not an unnatural inference, therefore, that the promised explanation of which we have heard so much may have been forwarded by some other channel than that which leads to the office of the Board of Control, and therefore has never reached the hands of Lord Ellenborough. It lies with those who have withheld one document to explain satisfactorily and distinctly to the House whether, in point of fact, that document is in existence or has been destroyed, and whether they are in a condition to produce it to the House — whether, in fact, any

other letters have been received and submitted to a Cabinet Council of ex-Ministers to say whether they should be produced or not. It is not for me to impute motives, but I have so high an opinion of the noble Viscount, and I have so very decided a conviction that he never does anything without having some good reason for doing it, that, though I am not at liberty to surmise what his reasons were, I have no doubt he had excellent reasons in his own mind for the advice which he gave to the right hon. Gentleman the Member for Northampton. Does he recollect the rebuke once given by the late Duke of Wellington to an official who told him of some public business being mentioned in a private letter:—"What, Sir, do you think we tolerate private letters relating to official business?" I say every man of sense in this country will treat the excuse given with reference to this letter with scorn, because no one can believe that the right hon. Gentleman the Member for Northampton withheld the document on the advice of a statesman more judicious, more experienced, more clever, I may be permitted to say, than himself, without an object. And I go further, and say that no one is at liberty to assume that Lord Ellenborough would not have given to that document all the weight that he thought it deserved. In what position did that noble Lord stand? He received a Proclamation which he believed required speedy notice at his hand, and he wrote in the strong, decided, and honest conviction of his heart a despatch which was expressed substantially in the terms which he had employed in a previous despatch in the month of March. That despatch declared that Oude was a conquered country, that the people were not to be dealt with as rebels, and that life and property were to be protected. I appeal to the House whether this Minister is to be condemned when he has written in a despatch in the month of May the same opinions and declarations respecting the protection of property in India which he had previously written in the month of March? The hon. Member for Aberdeen and some others said it was all very well to speak against the Proclamation, but this is the way things are done in the East,—confiscation is always the mode of proceeding. I was electrified when I heard that statement. There were great conquests in India before that of Oude, and there were large territories ceded to the Crown and great statesmen in India before Lord Canning. I find from a statement put on record by Mr. Tucker what took place during the Governor Generalship of Lord Wellesley with reference to the ceded and conquered provinces. A Proclamation was then issued containing these words:—

"The proprietary rights of all zemindars, talookdars, and other descriptions of landholders possessing a right of property in the lands composing their zemindaries, talooks, or other tenures, to be confirmed and established under the authority of the British Government, in conformity to the laws and usages of the country and to the regulations which have been, or shall be hereafter, enacted by the Governor General in Council."

That is the Proclamation of Lord Wellesley, and it was followed up by Lord Minto. Then I have the judicious commentary of Mr. Tucker on the subject, in these words:—

"In fact, it should be our object to disturb the existing state of things as little as possible. But a difficulty founded upon private rights can scarcely be urged by those who contend for the right of Government to demand 'rent' from the whole territory. This sweeping assumption of the right of property in the land is a virtual annihilation of all private rights; for I will not permit the right to perform a daily taskwork to be any right at all. We must create property before we talk of rights; and property in land can never be created under any system which is founded upon the assumption of the Government being the universal landlord."

The statement that confiscation has been the practice in India is disproved by facts and documents, and by the corroborative testimony of the best men who have written on India. What did Lord Dalhousie say in his Proclamation of Oude when he annexed the territories of Oude. He enjoined all the inhabitants to "render obedience to the officers of the Government," and he concluded with the words, "protection shall be given to life and property, and every man shall enjoy, henceforth, his just rights without fear of molestation." I challenge those who talk of confiscation of private property to show that it has ever been practised either in the East or in the West under the circumstances of conquest. In every instance the private property of the conquered has been respected; and if hon. Gentlemen opposite will show me a single instance in modern times of a Proclamation such as that now under our consideration I will at once give up the argument. Are you aware that the highest authorities upon Indian affairs have declared this Proclamation to be a dangerous document? Are you aware that the de-

scription which Colonel Sleeman gives of the men whom the Proclamation affects is, that their estates are in general well cultivated; and that Mr. Tucker gives it as his opinion that whenever an insurrection broke out they and the ryots would be found enrolled under the same standard? I may perhaps mention, in corroboration of the statement of Colonel Sleeman, that an officer who lately had to ride into Lucknow seventy-five miles through Oude for his life, describes the route through which he travelled to be thickly studded with as many comfortable homesteads as were to be found within the same distance in England. He stopped at several respectable dwellings on his way, obtained refreshment, and was readily informed as to the best means of saving his life. Yet these are the men whose properties are, in accordance with the Proclamation of Lord Canning, to be confiscated; and confiscated, too, without reason, and in opposition to all law and justice. And it is because they have declared that it is the guilty alone who ought to be punished, and not the innocent, that you call upon the House of Commons to censure Her Majesty's Government. What has one of the most experienced chairmen (Mr. Tucker) who ever presided over the East India Company said of the talookdars and zemindars of Oude? "You may call them middlemen," he observed, "but they are the gentry of the country." It is argued that no sane man would confiscate indiscriminately the property of a class such as that; and the noble Lord the Member for London, in adverting to the subject, was pleased to speak of what he called the forensic habits of my hon. and learned Friend the Solicitor General. But I may tell the noble Lord that no judge would form his opinion of a document upon any other rule of construction than that which was justified by the expressions which it contained. It is therefore idle to tell us that Lord Canning means something entirely different from that which the words of the Proclamation imply. Her Majesty's Ministers were compelled, when the document came under their notice, to look for the meaning of Lord Canning in the expressions which he used. It is, however, said that the letter of Mr. Edmonstone renders the intentions of Lord Canning perfectly clear; but I must beg leave to remind hon. Gentlemen opposite that the people of Oude never saw that letter. The 14th paragraph, indeed, implies that those men against whom the Proclamation is directed may have permission to return to their homes; but that permission is idle, because it is carefully provided that they shall have no homes to which to return, inasmuch as the letter states that the privilege thus accorded "must not be considered as a reinstatement of them in the possession of their lands, for the deliberate disposal of which the Government will preserve itself unfettered." The whole thing is, in fact, as plain as a pikestaff. It means this, and nothing more—"Go; thank God your lives have been spared. How you are to sustain yourselves is a matter about which we give ourselves no concern." ["No, no!"] Some hon. Gentlemen seem to dissent from that view of the Proclamation, but the right hon. Gentleman the Member for Northampton seemed disposed to abide by that construction; and, indeed, the point is one upon which our own unaided understandings will enable us at once to arrive at a just decision. The more thoroughly one examines this document, the more clearly must he perceive that it is meant to have a general application. It is addressed to the chiefs and people of Oude, and although the right hon. Gentleman the Member for Radnor says that it does not affect the smaller proprietors, yet I maintain that it does not distinguish between the greater and the lesser or village zemindaries. There are passages in the blue-book referring in the clearest terms to the latter class, which is described as composed of a numerous and a brave race of men, who would be found prepared, whenever occasion arose, to set aside the plough and take up the sword. Well, against a class of men such as that it is that this monstrous Proclamation is fulminated; and yet it is said that, in seeking to prevent Lord Canning from doing not that which is right, but that which is clearly wrong, in their regard you impair his authority. The right hon. Gentleman the Member for Northampton had, upon a former evening, alluded to Sir John Lawrence, and had expressed it to be his opinion that he (Lord Canning) must have consulted with that distinguished person in reference to the expediency of issuing this Proclamation. Has the right hon. Gentleman, I would ask, received any private communication showing that to be the case? Was Sir James Outram a party to the issue of the Proclamation, or General Mansfield? Do you imagine that those gallant officers are

Mr. Whiteside

men likely to sanction a policy which will convert a brave people into your mortal foes? And are you, let me ask, prepared to say that the Government is to be censured for having pronounced a condemnation upon that policy? Do you think that if you do so, and that if you succeed in turning out the Ministry which had the courage to denounce the Proclamation of Lord Canning, there is one man upon the benches opposite who will dare to enforce the policy which it enunciates? That Proclamation is against the opinion of Sir John Lawrence, whom Lord Shaftesbury had said to be the greatest authority existing on this subject, and the fittest man, with one exception, to be Prime Minister of England. Will you run counter to his opinion? Does the House remember the part taken by the late Sir Robert Peel in the Committee on Ceylon? A Proclamation was said to have been issued, confiscating the property of certain persons, and declaring that, unless they delivered up the property of certain rebels which they were supposed to conceal, such persons would be killed and their property confiscated. The Government were called upon for an explanation. The late Sir Robert Peel recommended that a Royal Commission should be sent out to Ceylon, to discover if such a Proclamation had been issued. The Commissioners reported that it had been issued. Colonel Watson appealed to the noble Lord (Lord J. Russell), then Secretary for the Colonies, who never attempted to justify that Proclamation. That officer persuaded the noble Lord to give him a military inquiry, which reversed the decision of the civil tribunal, and the gallant officer thus got out of that Proclamation, and so escaped the punishment which would otherwise have been inflicted upon him. Sir, I now come to the great speech in support of the noble Viscount (Viscount Canning) by the noble Lord the Member for the City of London. The opinion of that noble Lord is always received with the respect to which it is entitled from his great experience, and I am well aware of the difficulty with which I have to contend in putting my humble authority against the weight of his superior knowledge. The noble Lord first asked, "How came you to enter at all in your despatch into the circumstances connected with the annexation of Oude?" The noble Earl who wrote that despatch refers to it to lead to the conclusion which is expressly stated in the 14th paragraph, that, for the reasons given in the several statements preceding, you ought not to deal with the people of Oude as a people who are rebels, but as a people whom you have conquered in fair and legitimate warfare. I submit, therefore, that this portion of the noble Lord's speech is not satisfactory. But then, the noble Lord said, "What business have you to cast reflections upon the past Governments of India?" But the noble Lord forgot the speech of the right hon. Baronet the late Chancellor of the Exchequer, who, in his speech on the India Bill of the late Government, covered the East India Government with obloquy, and accused that Government of perfidy, rapacity, cruelty, and spoliation. I do not, therefore, know why the temperate observations of Lord Ellenborough upon a single transaction, and that the annexation of Oude is to be visited with such severe censure. I am afraid I shall shock the noble Lord, but the historian speaks truth, while the statesman sometimes suppresses it, and Mr. Mill says, that when the historian considers the argument that we ought to take possession of rich provinces, because we govern them better than Native Princes, such an argument appears to rest upon a basis of hypocrisy. This is the pith and marrow of the noble Lord's speech:—

"Hitherto it has always been the practice for a Government on coming into office to accept the settlements which have been made by former Governments, and when a conquest has been made, a war entered into, or an acquisition secured to the Crown, not to look any further into the abstract merits of the question, but to adopt that which has been done, to carry on the war, and to defend these acquisitions. In this manner alone can the policy of the empire be carried on with safety. If one Government were to say—'We disapprove what was done by the East India Company under Lord Dalhousie;' and another were to say, 'We disapprove what was done with regard to Scinde;'—if, when Mr. Fox was in office in 1806, he had said, 'I disapprove the wars of Lord Wellesley, which secured to us Delhi and Seringapatam,' it is evident that the empire would be in a state of continual fluctuation, and you would have no policy lasting from year to year."

Sir, I say that is not a sound argument. I say next that it is not, historically speaking, the course which has been pursued by the greatest statesmen of this country—that it is opposed to the liberty and happiness of the human race—and, lastly, that it is opposed to the dictates of Christianity. I will not go beyond the history of India. The noble Lord says, that when provinces are obtained you are not to inquire into the means by which they have been ac-

quired. Was that always the policy of this country? Warren Hastings was a man of great talents and capacity, who stole provinces, who increased our empire in India, and then returned to this country. Was the policy indicated by the noble Lord that of the illustrious Whigs of that time? Did they say that you could not apply the principle of morals and international law to the unjustifiable acquisition of provinces? Burke, on the contrary, asked if the principle of what he called a "geographical morality" was to be acted upon by the Parliament of England, and whether a thing which would not stand the test of inquiry in the East was to be tolerated in the West? Why, Sir, that argument of the noble Lord would sanction all the acquisitions of all the conquerors, exterminators, oppressors, and tyrants of the world. I repudiate that argument. It is an unsound argument. I would not undo what we have done. Yet if a great Power acted to-morrow as we have done in Oude, I should hold myself at liberty to revert to the past, and to judge of the future by the past, and to regulate my future policy accordingly. The House remembers what Warren Hastings did. There was a Scotch gentleman who vindicated the policy of Warren Hastings, and wrote a pamphlet upon what he called the hypocrisy of the House of Commons. They ordered that a prosecution should be commenced against that author; but his defence was entrusted to an advocate who, in his domain, was as great as the greatest statesman of that time. How did Erskine defend Stockdale? On the great principle that the House had allowed Warren Hastings to do what they might have prevented his doing by interference to check him; that it was only when he had attempted to exceed the ordinary bounds of humanity that they called on the country to condemn that policy which they by their tacit acquiescence had sanctioned? The jurymen of England acquitted the writer of that admirable pamphlet in defence of Warren Hastings. In the speech of the wonderful advocate there occurs a passage which might have been quoted with truth by the inhabitants of Oude to those who have served our Queen in these transactions in the East.

"I speak of man and his nature and of human dominion (said Mr. Erskine) from what I have seen of them myself among reluctant nations submitting to our authority. I have heard them in my youth from a naked savage in the indignant character of a Prince surrounded by his subjects addressing the governor of a British colony, catching a bundle of sticks in his hand as the notes of his unlettered eloquence. 'Who is it,' said the jealous ruler over the desert encroached upon by the restless foot of English adventure, 'who is it that causes this river to rise in the high mountains and to empty itself into the ocean? Who is it that causes to blow the loud winds of winter, and then calms them again in summer? Who is it that rears up the shade of those lofty forests and blasts them with the quick lightning at his pleasure? The same Being who gave to you a country on the other side of the waters, and gave ours to us, and by this title we will defend it,' said the warrior, throwing down his tomahawk upon the ground and raising the war sound of his nation. These are the feelings of subjugated man all round the globe, and depend upon it nothing but fear will control where it is vain to look for affection."

The noble Lord has said, "You will damage the power of England by this policy. You have no right to desert a public servant who has never been heard in his defence." Was that his argument in the debate on China? When the question was discussed whether the conduct of Sir John Bowring, who happened not to be a noble Lord, should be repudiated or sanctioned, what said the noble Lord? Speaking language worthy his character and the character of a British statesman, what he said was this:—

"I am told that if we pause in the prosecution of this war, the Chinese will suppose we are afraid of them. I am told that we must not cast aside our officials—that all this is necessary to be done to maintain the prestige of England; but the prestige of England will never sanction injustice. My answer is, let justice be done, and I am content."

I answer the noble Lord in the spirit of that argument. The source of the power of this country is not to be found in her victorious arms, her triumphant fleets, nor in the terror of her mighty name. But thus she has conquered and ruled, not to confiscate, exterminate, or destroy; but to save, to bless, to spare! That is the true policy of the country. England never executes her great mission more completely than when she flings over a prostrate nation the shield of justice. Upon that ground, the policy of the Government is to be maintained. I defend it, not in the letter, but in the spirit. I throw the despatch on the table, and I say it is in substance just and politic. It is a policy of justice against a policy of injustice. It is a policy of equity against a policy of inequity. It is a policy of mercy against a policy of cruelty. That is the case which I present to you, and I deceive myself if that appeal be ever made to a British Parliament and made in vain.

The right hon. Gentleman the Member for Halifax spoke of this as a weak Government, of its weak policy, of the inferior power of its members. Condemn its policy if you like, but condemn it manfully. Bring forward a Motion, and say the policy of the despatch is wrong. We will meet it boldly. If you pretend to question the policy of that despatch, bring forward your direct Motion, and try whether that policy will be approved by this House, and then try whether it will be disapproved by the country. The right hon. Gentleman says—he may say, and it is fair to say—that the Ministers of the Crown have failed to perform their duty. This House has a right to say so, and if it say so to-morrow it is their duty to submit to the decision with cheerfulness and respect, and the only effect of such a decision upon patriotic men ought to be to inspire them to labour more earnestly to deserve and redeem your favour. But I say that during the short time they have been in office they have discharged their duty. They have quenched the flames of rebellion in the East, and pacified the kingdoms of the West. They have endeavoured to repair the laws and institutions of the country, and I think I may make a fair comparison between the Budget of my right hon. Friend and the Budget of the right hon. Gentleman opposite. What the result of this Motion may be I know not, but I hope, whatsoever may befall, it will, at least, be known that their policy did not lead the Ministers now assailed to truckle to the strong or trample on the weak, but to uphold the honour, to maintain the independence of the country, to cherish the free spirit of our ancient laws, and to keep unsullied the grandeur of the monarchy and the glory of the empire.

MR. COLLIER moved the adjournment of the debate.

THE CHANCELLOR OF THE EXCHEQUER expressed a hope that the debate would be renewed this day, and that hon. Members who had notices on the paper would give way for the purpose of ensuring the attainment of that object.

VISCOUNT PALMERSTON joined in that request. He hoped his hon. and gallant Friend the Member for Southwark, who had a notice on the paper, would allow the adjourned debate to take precedence.

SIR CHARLES NAPIER: I beg to say I consider the Motion of which I have given notice one of so much importance that I cannot give way.

Motion *agreed to.*

Debate *further adjourned* till *To-morrow.*

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, May 18, 1858.

MINUTES.] A CONFERENCE.

PUBLIC BILLS.—1ª Non-Parochial Registers.

2ª Consolidated Fund (£11,000,000); Stamp Duty on Drafts.

OATHS BILL.—A CONFERENCE.

The House informed, That the Managers for the Commons were ready for the Conference: Conference had accordingly; and Report made, That the Commons had delivered a Paper containing their Reasons for disagreeing to the Amendments made by their Lordships to the Bill; and also that the Commons had returned the Bill; Commons' Reasons to be *printed;* and to be *considered* on the *First Monday after the Recess at Whitsuntide.*

OUDE.—RESTORATION OF THE ROYAL FAMILY.—PETITION.

THE EARL OF ALBEMARLE *presented* a petition from Inhabitants of Keighley, in the West Riding, praying that the Royal Family of Oude may be restored to the throne of their ancestors. The noble Earl said, that on a former occasion, in presenting a similar petition from the Inhabitants of Manchester, he stated that it was not in his power to support the prayer of the petition, although entertaining a most decided opinion against the policy of annexation; but as he considered that the annexation of Oude was a *fait accompli,* he thought it could not be disturbed without injury to British rule in the East. At the time he presented the Manchester petition he supposed there was not one Member of the House whose opinions were in accordance with its prayer; but he had since seen the despatch of the 19th of April, which spoke of the people of Oude making legitimate war—an expression which could mean no less than to vitiate the title of our Sovereign to that portion of her dominions. It was strange enough that all those who were assenting parties to that despatch never once raised their voice against the policy of the annexation on any of the various occasions when it was discussed in Parliament, and yet, after it had received the sanction of Parliament and be-

come the law of the land, and two years after its accomplishment, and at the very time when the people of Oude were in open rebellion against our arms, they had taken the opportunity of asserting these claims of the people of Oude. He thought under these circumstances, instead of petitions of this kind being intrusted for presentation to independent Members of Parliament, they should be transferred to the First Minister of the Crown, or to some other noble Lord sitting on the Treasury benches.

Petition read, and ordered to lie on the Table.

House adjourned at Half-past Five o'clock, to Thursday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 18, 1858.

MINUTE.] PUBLIC BILL.—3° Stamp Duty on Passports.

OATHS BILL—CONFERENCE WITH THE LORDS.

The time being come for the Conference with the Lords upon the subject matter of the Amendments made by their Lordships to the Oaths Bill:

Ordered,—

That the Committee who were appointed to draw up Reasons to be offered to the Lords at a Conference, for disagreeing to the said Amendments, do manage the Conference.

Then the names of the Managers were called over; and they went to the Conference;—And being returned:

LORD JOHN RUSSELL *reported*, That the Managers had been at the Conference, which was managed on the part of the Lords by the Lord Chamberlain; and that they had delivered the Reasons for disagreeing to the said Amendments, and had left the Bill and Amendments with their Lordships.

HARBOUR OF WATERFORD—QUESTION.

MR. HASSARD said, he would beg to ask the Secretary of State for War if any Report has, within the last year, been received at the War Office or Horse Guards relative to the great facilities afforded by the Harbour of Waterford for landing and embarking Troops to and from the South of Ireland; and if so, whether he has any objection to lay the same on the table of the House?

GENERAL PEEL said, that a favourable Report had been received from the military authorities in Dublin. If the hon. Gentleman wished the papers to be laid on the table, he could make a Motion to that effect. There would be no objection to produce them.

EDINBURGH CASTLE.—QUESTION.

MR. BLACK said, he would beg to inquire of the Secretary of State for War if there be any objection to afford the public of Edinburgh an opportunity of seeing the Plans of the extensive Works now constructing on the rock on which the Castle of Edinbugh is built?

GENERAL PEEL said, directions had been given to the engineer employed on the Works at the Castle of Edinburgh to put himself in communication with the Lord Provost, with the view of giving the inhabitants of Edinburgh an apportunity of seeing the Plans of those Works.

OUDE—THE PROCLAMATION.

QUESTION.

SIR DENHAM NORREYS said, he would beg to ask the Chancellor of the Exchequer whether the Governor General of India has sent home a copy of the Proclamation addressed to the Chiefs and Inhabitants of Oude, which was actually issued after the taking of Lucknow, and whether it differs in any respect from the proposed Proclamation, a copy of which has been laid before the House; and whether the Governor General of India has given to the Government of England, or to the India Board, any other explanation of such Proclamation, or the reasons which have led to or justify its issue, than such as are contained in the letter addressed by Mr. Edmonstone to the Secretary to the Chief Commissioner of Oude, dated 3rd March, and which has been laid before the House?

THE CHANCELLOR OF THE EXCHEQUER: Sir, in answer to the hon. Baronet, whose question I have now seen for the first time, I beg to inform him that we have not received a copy of the Proclamation addressed to the Chiefs and Inhabitants of Oude by the Governor General, and which was actually issued after the taking of Lucknow; and therefore, officially, I cannot say whether there is any difference between that and the proposed Proclamation—a copy of which has been laid before the House. But with regard to the second, and more important part of the question—whether the Governor General of India has given to the Government

of England or to the India Board any other explanation of such Proclamation, or the reasons which have led to or justify its issue, than such as are contained in the letter addressed by Mr. Edmonstone to the Secretary to the Chief Commissioner of Oude, dated the 3rd March, and which has been laid before the House—I beg to inform the hon. Baronet that we received, on Saturday last, three private letters from Viscount Canning, which have been referred to in the course of the Debate; that there are references in those letters to the Proclamation, but that the previous letters in which the Governor General gave the explanations which he promised, and in which probably there were some other statements that seem to have been referred to in these letters, which are consequently in some points obscure, have never reached us.

SIR DENHAM NORREYS: May I ask one more question? Have the Government received any positive information from the Governor General that the Proclamation has been really issued?

THE CHANCELLOR OF THE EXCHEQUER: We have not received information from the Governor General; but from other sources we have positive information that it has been issued.

VISCOUNT PALMERSTON: I wish, Sir, to make an observation with reference to the concluding part of the right hon. Gentleman's answer to the first question of the hon. Member for Mallow, which seems to contain an insinuation which some Members of the House accepted in the sense it was probably intended to convey. The right hon. Gentleman said that three letters had been received from Lord Canning on Saturday, containing references to previous letters that had not reached the Board of Control, but which he supposed contained explanations of the Proclamation. I have only to say that my right hon. Friend who was lately President of the Board of Control has received no explanations from Viscount Canning, in any private letter, with reference to the Proclamation in Oude. Consequently, if these letters have not reached the present Government, neither have they reached my right hon. Friend who was formerly at the head of the Indian Government.

THE CHANCELLOR OF THE EXCHEQUER: I feel, Sir, I am quite justified in rising again, in consequence of what has fallen from the noble Viscount. Perhaps the House will allow me to observe that I did not make, nor did I intend to make, any insinuation of the kind to which the noble Lord has referred. There are Gentlemen who are ever ready to believe that insinuations are made with regard to their conduct. I repeat unequivocally that I made no insinuation. If I had a charge to make, I should make it not in the way of insinuation, but in language that could not be mistaken. The noble Lord has entirely misunderstood what I said. I said there were expressions in the letters received from Viscount Canning which seemed to refer to what had been stated in other letters; that there were observations in them which contained references to matters of which we had no account; that they were, therefore, necessarily involved in obscurity; and that in these circumstances I was unable to give the explanation which the hon. Baronet (Sir D. Norreys) asked.

SIR JOHN SHELLEY: I think, Sir, it is important that there should be no mistake upon this subject. I wish, therefore, to ask whether Her Majesty's Government have received any positive information of any Proclamation having been issued by the Governor General? Yes or no?

THE CHANCELLOR OF THE EXCHEQUER: I have already stated that we are in possession of communications which speak to the fact of the Proclamation having been issued, but we have no official communication from Lord Canning to that effect.

SIR JOHN PAKINGTON: It is in my power, Sir, to give an answer to the hon. Baronet (Sir J. Shelley). I have, within the last few hours, seen a gallant officer who arrived from Lucknow last night, and who, before leaving Lucknow, had a conversation with Sir Colin Campbell. In that conversation Sir Colin Campbell expressed an opinion that the Proclamation had arrived.

SIR CHARLES WOOD said, he wished to know whether it was to be understood that the Proclamation had only arrived, or that it had been issued, at Lucknow?

SIR JOHN PAKINGTON said, that the information he had received was, that the Proclamation had been sent to Lucknow.

LORD ADOLPHUS VANE-TEMPEST: I wish to ask the right hon. Gentleman the Member for Northampton whether he has any objection to produce those parts of the private letters he received from Viscount Canning at the Board of Control which refer to those subjects?

MR. VERNON SMITH: I have already stated the substance of the letter, and also that had I, to the best of my judgment and discretion, considered it important enough to be communicated to the Government, I would have done so. I did not think any part of the letter important, and therefore did not send it.

LORD ADOLPHUS VANE-TEMPEST: Sir, the right hon. Gentleman has not answered my question. [*Cries of* "Order!" *and* "Chair!"] I submit to the House that the right hon. Gentleman has not answered the question I put to him. ["Order, order!"]

MR. SPEAKER: There is no Motion before the House. It is not, therefore, competent for the noble Lord to enter into any argument at present.

LORD ADOLPHUS VANE-TEMPEST: I wish to ask the right hon. Gentleman the Member for Northampton whether he has any objection to lay before the House those parts of the letters he has received from Viscount Canning which referred to subjects relating to India?

MR. VERNON SMITH: I have already answered the question. I have an objection to produce the letters. I have stated the substance of them, and that is the only answer I have to make.

SIR JAMES ELPHINSTONE: Sir, it has been stated that there is a gallant officer now in London who has recently arrived from Lucknow. [*Cries of* "Order, order!"] I beg, Sir, to move the adjournment of the House. I understand, Sir, there is a gallant officer now in London, who has recently held a high command in the province of Oude, where he has performed many most creditable deeds at the head of his regiment, which he has led in a most gallant manner. This gentleman, I understand, Sir, has stated publicly and on various occasions that he has had communications with officers high in command, and with men high in authority, since the publication of the Proclamation; and that he has also stated the impressions on the minds of those personages in regard to the Proclamation. I think, Sir, that the substance of that gallant officer's information should, if possible, be given to the House.

MR. VERNON SMITH: This is a most irregular proceeding. If the hon. and gallant Member knows what the officer referred to could communicate on the subject, he ought to state it at once to the House.

Motion for the adjournment of the House by leave *withdrawn*.

MR. DILLWYN said, he wished to know whether, in the event of the Amendment, he had given notice of to the Motion of the right hon. Gentleman the Member for Oxford (Mr. Cardwell) being carried, and in effect becoming a substantive Motion, it would receive the support of Her Majesty's Government.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I wish to explain to the House the state of business. I understand we cannot hope to make any arrangement by which the adjourned debate on the Oude question can be resumed to-night at any reasonable hour. I do not think it would be just to the Government that this discussion should be recommenced at the fag-end of the evening. I understand that the hon. and gallant Admiral (Sir C. Napier), acting, no doubt, from a sense of duty, declines to give way, and one cannot consequently expect those hon. Gentlemen who precede him on the paper to make a sacrifice of their position. I think, therefore, that there is no probability of the adjourned debate occurring to-night at any reasonable hour, and I confess I am somewhat reconciled to the delay, because there is apparently no possibility of the House dividing to-night. But I must beg that, on every practice of courtesy and every principle of justice, hon. Members who have Motions on the paper for Thursday will consent to an arrangement by which the discussion on the Resolution of the right hon. Gentleman (Mr. Cardwell) will be resumed at the earliest possible moment on that day. Thursday is a day in the occupation of private Members, and the hon. Member for East Surrey (Mr. L. King) has a Motion of the greatest importance for that day. It is with the greatest reluctance that I make an appeal to that hon. Gentleman to sacrifice the occasion of bringing forward a matter of so much interest, but my appeal to that hon. Member is not made under light circumstances. I hope, therefore, that the hon. Member for East Surrey, taking all the circumstances into his consideration—remembering that a Bill of indictment, as it were, has been preferred against Her Majesty's Government, that they are on their trial, and that we are, further, on the eve of a recess, will see the necessity that the decision of the House on this subject shall not be unnecessarily postponed. I cannot but believe that the hon. Gentleman animated, by the sentiments of a generous mind, will allow

the adjourned debate to be resumed on Thursday. If the hon. Gentleman gives his consent I shall feel it to be my duty to give him facilities for bringing on his measure on the earliest practicable occasion. If the hon. Gentleman consents that the adjourned debate shall be resumed on Thursday its termination must be near at hand, and cannot fail to take place either on that or the succeeding night. With regard to the question of the hon. Member for Swansea (Mr. Dillwyn), if the Motion of the right hon. Gentleman the Member for Oxford is negatived, as I hope it will be, I see nothing in the Amendment of the hon. Gentleman to which I could not give a willing assent.

MR. LOCKE KING said, that after the appeal made to him, he would postpone his Motion on Thursday.

ADJOURNMENT OVER THE DERBY DAY.

CAPTAIN VIVIAN moved that the House at its rising adjourn to Thursday. He had no doubt that hon. Members were anxious to have an opportunity of attending to-morrow those amusements which were of such importance that they were almost a part of our constitution. He trusted that the right hon. Gentleman the Chancellor of the Exchequer, who so often levelled the shafts of his eloquence in that House, would offer no objection to the Motion, and that he would probably be interested in witnessing the feats of another Toxophilite in another place.

Motion *agreed to.*

House at rising to adjourn till *Thursday.*

Ordered, That all Committees have leave to sit, notwithstanding the adjournment of the House.

OUDE—THE PROCLAMATION AND COLONEL FRANKS.

QUESTION.

MR. CRAWFORD said, he wished to ask a question relative to a gallant officer that had just been referred to. It was reported that Colonel Franks, who had just returned from Lucknow, understood before his departure that the Proclamation in question had been issued by Viscount Canning in obedience to instructions sent out from this country. He begged to ask the late President of the Board of Control whether that was so or not ?

MR. VERNON SMITH : The question is so obviously ridiculous, although it arises from the first reference made to this subject, that it scarcely requires an answer. My answer, however, is, that it was not, because the first intimation that I had of the Proclamation was from the letter, the substance of which I have stated to the House.

SIR JOHN PAKINGTON : I am bound, Sir, by a feeling of justice to Colonel Franks to take some notice of the question that had been asked respecting him. I had yesterday the advantage of a conversation of considerable duration with Colonel Franks. He evinced the utmost possible feeling of delicacy with regard to any communications between himself and Viscount Canning, and any information he had derived during his intercourse with Viscount Canning. He expressed in the warmest and most honourable terms his sense of gratitude for the many favours he had received and the kindness which Viscount Canning had shown him, and his extreme reluctance to be a party to anything in the slightest degree reflecting unfavourably on the conduct of Viscount Canning. While I feel bound to say that Colonel Franks displayed a feeling of delicacy most honourable to himself, yet he gave me a great deal of information which I do think of the greatest importance as bearing upon the question before the House. Colonel Franks expressed to me most honourably a great desire that his name should not be brought forward, but Colonel Franks made a request personally to me that if his name were mentioned in this House, and if any reference were made to him which it was in my power to correct in consequence of this interview, that I would do him the justice to correct that wrong impression. I feel bound, therefore, to say that the hon. Member for the City of London (Mr. Crawford) has been misinformed with regard to what fell from Colonel Franks. Colonel Franks had heard the rumour that he was informed by Viscount Canning that the Proclamation was the result of instructions from home. Colonel Franks assured me that any such impression was altogether erroneous. Viscount Canning did not tell him that he had received any instructions to the effect supposed, and the mistake had probably arisen in consequence of the fact that Colonel Franks did infer, from his conversations with Viscount Canning, that, under all the extraordinary circumstances of the Proclamation, that Proclamation could only have been issued in consequence of in-

structions from home. That, however, was only the general inference of Colonel Franks, and he does not for a moment pretend to say that the Proclamation was issued in consequence of instructions from home.

REAL PROPERTY, ETC.—PROBATE DUTY.

MOTION.

MR. W. WILLIAMS, in moving,

"That in the opinion of this House Real Property and Impropriate Tithes should pay the same Probate Duty as that now payable on Personal Property; and that Property belonging to Corporations, Universities, Colleges, Bishoprics, and Deans and Chapters should pay Probate and Legacy Duties equivalent to those now levied on Personal Property,"

said he rose to call the attention of the House to the glaring injustice of exempting land and tithes and other real property from the payment of probate duty, while all other descriptions of property when bequeathed in a greater amount than £20 had been made to pay such duty. This legislative inequality in favour of the rich man was created in the year 1796, when a Bill was brought in by Mr. Pitt to impose upon all property, both real and personal, a Probate and Legacy Duty. The proposition was, that all descriptions of property of the value of £20 and upwards should pay the duty, but in consequence of the resistance of the aristocratic element in the House the Bill was divided into two Bills—the one imposing this tax upon personal property, and the other upon real property. The division of the Bill was accomplished against the strong opposition of Mr. Pitt, Mr. Fox, and other distinguished men of that day. The Bill by which it was intended to impose this tax on real property was lost in the House of Commons, though by only a small majority. Since that period about £60,000,000 have been obtained from personal property, while real property had escaped until lately the imposition of any tax. But if the legacy duty had been then made applicable to real property, a large amount would have been realised for the discharge of a great portion of the national debt. It was true that the inequality betweeu the two descriptions of property had been redressed so far as regarded the legacy duty, by the succession duty, but real property still remained free from probate duty or from the burden of any equivalent impost. He complained of the injustice that £20 personal property left by a poor man paid a duty of 2½ per cent, while the nobleman might leave property in land to the value of a million sterling without paying a shilling probate duty. Let them look, for instance, at the case of the tenant-farmers, for whose welfare hon. Gentlemen opposite expressed themselves so interested. When a tenant-farmer died, his executors had to pay probate duty upon the growing crop, the live and dead stock, farming implements, furniture, and even wearing apparel, while leases for life paid nothing. Again, in the case of building leases, the houses built under those leases paid probate duty, but when the property fell into the hands of the freeholder, no probate duty was payable. This was surely a gross injustice. There was another description of property which also escaped payment of probate duty—he referred to that of corporations, universities, colleges, bishops' lands, and impropriate tithes. The property held by those corporations was enormous. The corporation of London alone had an annual revenue of £300,000, of which £50,000 or £60,000 was derived from a tax upon coals. There were 180 corporations in England and Wales, without reckoning Ireland and Scotland, and the aggregate property held by them was enormous. Then there were the City companies, some of whom had incomes as high as £40,000 or £50,000 per annum. He saw no reason why these corporations should not pay probate duty estimated upon the average life of man. Any actuary could calculate what the fair amount of charge should be. He knew that in former years Chancellors of the Exchequer had argued that landed property ought to be exempt from this tax, because it bore an equivalent, in the shape of the stamp duties on conveyances of reality, but since that time equal duties had been imposed on the conveyances of other kinds of property, such as railway shares, property in the funds,—and there was, therefore, nothing whatever to compensate for the exemption of landed property from probate duty. He was appealing to a reformed House of Commons at a time when a call was made for further reform, and he would beg to remind them that a similar Motion to this had been made in 1796, and was only lost by a majority of two. When the present Chancellor of the Exchequer brought forward his Budget in 1852, he (Mr. Williams) submitted this Motion to the consideration of the House. The right hon. Gentleman admitted its justice, but did not think it was expedient at that time

Sir John Pakington

to adopt it. If the right hon. Gentleman would now support it, no real representative of the people would wish to see him turned out of office. Even the most despotic Governments on the Continent compelled the aristocracy to bear their fair share of the public burdens, and he hoped that England would not be less just to the great body of taxpayers. A succession duty had been imposed by the right hon. Member for Oxford University (Mr. Gladstone), and he (Mr. Williams) trusted the present Chancellor of the Exchequer would carry a measure for the rectification of the probate duties and thus remove a stigma; and perform an act of public justice.

MR. HADFIELD seconded the Motion. He said it would require a little Amendment, so to include intestacies. He thought the principle had been conceded when the succession duty on real estate was imposed; and he asked the right hon. Gentleman opposite (Mr. Gladstone) whether, when he proposed that duty, it was not also his intention to impose a probate duty on that description of property.

Motion made and Question proposed.

MR. ALCOCK said, he thought that the House ought to feel indebted to the hon. Member for Lambeth for having brought forward this Motion. He was one of those who thought that an undue favour was shown to the landed interest in public taxation. He should, therefore, support the Motion, the adoption of which would, he believed, yield to the Exchequer £700,000 a year. The scale of succession duties did not go beyond £1,000,000. Several men had within the last few years died in this country, each leaving property worth much more than £1,000,000, and he (Mr. Alcock) estimated that those who succeeded to their property had each paid £5,000 less than they would have had to pay had the scale of duties not stopped short at £1,000,000. The real property of this country was worth above £100,000,000 a year, and a probate duty of about £2 per cent on it would, although an exceedingly trifling burden to the owners of real property, yield a large amount to the Exchequer. In his opinion it was only reasonable and fair that the landed interest should pay taxes in the same proportion as was levied upon all other descriptions of property.

MR. GLADSTONE said, he did not rise to enter into the difficult subject now under discussion, but to answer one of the hon. Members for Sheffield, who asked him whether in 1853, when he had the honour to propose a succession duty, it was not declared by him on the part of the Government of the day, that it was also their intention to propose that the probate duty should be charged upon real property and upon impropriate tithes, as well as upon personal property. Directly he heard that question he endeavoured to refer to the debate as being more to be relied upon, but he had not been able to do so, and therefore he spoke from memory, and he was sorry to say that he could not speak in confirmation of his hon. Friend's statement. As far as his recollection went, it always appeared to him that the whole state of the probate duty was unsatisfactory, and required revision before the duty was extended. But over and above the necessity of revision and reform, he was bound to say likewise that he thought, so far as the views of that Government were concerned, which of course did not bind any succeeding Government, or, far less, the House of Commons,—so far as he could bring to recollection the views of the then Government, their impression rather was that the burden imposed by the Succession Duty Act constituted on the whole a fair, moderate, and equitable settlement of the case as between landed and personal property. He spoke subject of course to correction by documents, and without stating any positively formed and fixed opinion; he had not heard anything recently on the subject to convince him that that conclusion was indefensible in point of justice. He thought this question could not be discussed with advantage without a great deal of detail and a very full and comprehensive consideration of the subject. It was found a very serious matter indeed to carry in that House the Bill imposing the succession duty, and he could not envy the Minister whose duty it would be to carry out the wishes of the hon. Member for Lambeth, by imposing a probate duty on real property and impropriate tithes.

MR. BRIGHT said, he was aware that the House, after the excitement of the yet unfinished debate, which had already lasted two nights, was not very much disposed at present to discuss the question which had been raised, although the time would come when it would be necessary to enter fully into this subject, and when it did, he thought the theory of the Government of which the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) was a member, would be very rudely

handled. He had, however, only risen for the purpose of stating a case which had come to his knowledge with regard to the operation of the Probate Duty. He remembered, not long ago, speaking to a Member of the House of Commons on this subject. That hon. Member was a fortunate man. A person who was no relation of his left him a handsome property in land yielding a rental of £700 a year. At thirty years' purchase this property was worth £21,000. There was timber on the estate, which might be sold, of the value of £12,000. If that property had been left in North Western stock, or in the funds, or in leasehold buildings, or in cotton machinery, or in any of those forms of property which had not been held absolutely sacred by the House, he would have had to pay the sum of £3,200 for Probate and Legacy Duty. The right hon. Gentleman's (Mr. Gladstone's) Act had done something for him, because before that Act passed he would have had to pay nothing at all, but when he came to consult with the officers of the Government as to what he should pay, they asked him his age—it was a question they would not put to anybody who had other kind of property. He gave them his age, and then they turned to a table and said, "This man's age is so and so, and according to this table his life is worth so many years;" and then they multiplied the net annual income of this property, and they brought it to the sum of £7,000, and this gentleman, instead of paying £3,200, had to pay £700. Now it would be only to insult the understanding of the Members of the House if he were to attempt to argue for a moment that this was a case of great inequality of taxation, for which no adequate cause had ever been assigned, or attempted to be assigned, in that House. They had, some of them on this side of the House, resisted this description of unequal taxation, and, especially since the year 1841, they had been making progress towards greater justice in this matter. But unfortunately within the last five years the country had not been exactly in its senses; and whilst they had been plunged into a career of extravagance unknown in the last forty years, they had become much less careful of all questions of this nature. But he thought they had reached the worst period, and he hoped they should have some improvement. He would make this observation to the Chancellor of the Exchequer, who possibly might continue in office, notwithstanding the serious peril to which some persons thought the Government was exposed; but if he should be in office next year, he should like to see him, instead of bringing forward a budget which was so nicely trimmed, bring one forward based on broad and comprehensive principles. There were two things which the right hon. Gentleman could do, and which he believed the country would support him in. The one was to have a thorough revision of our expenditure, by which he thought large sums might be saved in many branches, and at the same time with regard to this question of taxation on property to show to the House that he desired to make matters a little more fair than they had been hitherto. He had great hopes of the right hon. Gentleman's party. He had watched them for fifteen years, and he was free to admit that they had made more progress on this question than any other party in the House—in fact they did not appear to him to be the same persons that they were fifteen years ago. Since they had got rid of the odious Corn Law question, the political atmosphere of the House had much improved, and hon. Gentlemen on the Conservative side of the House had come forward wonderfully with great advantage to themselves and to the taxpayers. He thought it was the duty of that House to look into the question of the inequalities of taxation, and show that they were really and truly the representatives of the people. As regarded the land, it had great privileges of a political and social character attached to it, and there could be no reason why in the matter of taxation any preference should be shown to it as compared with any other description of property.

Sir HENRY WILLOUGHBY said, he must deny the assertion that the landed interest was unduly favoured in respect of taxation, and he thought that one point had been overlooked by hon. Gentlemen opposite in the consideration of this question. If they took the whole class of local taxation for example, the poor rate and the county rate, upon what property did that fall? Certainly not on funded property, or that large class of property inside the cotton mills. No, it fell entirely upon real property.

Sir JOHN WALSH said, that the supporters of this Motion always based it on the alleged inequality which subsisted between one species of property and another. The real objection to this description of taxation was an objection of principle, which

Mr. Bright

equally applied to funded, personal, and landed property. These taxes were taxes upon capital, which in their incidence were most oppressive and onerous. He did not, however, think that the question could be discussed on the present occasion.

The CHANCELLOR of the EXCHEQUER said, he believed the House would then hardly be inclined to enter into a discussion as to the principles on which the system of taxation should be generally conducted; nor did he think that he would be expected to enter into the merits of the complicated system by which our Succession Duty was raised. He would, therefore, confine himself to the two main points stated by the hon. Member for Lambeth—first, as to the alleged injustice of placing a probate duty on personal, and not on landed property; and, secondly, what might be called the negligence of the Government in not imposing a Succession Duty upon corporations and other public bodies. The first branch of the hon. Gentleman's Motion had often been discussed, and the House was perfectly aware of the difference that existed between personal and landed property, which rendered the application of a Probate Duty easy to the one, and very difficult, almost impossible to the other. The Probate Duty was a stamp that they placed on a document, without which an executor could not avail himself of the property which he was entitled to administer. But, in the case of landed property no document existed which requires a stamp. To the greater portion of the landed property of the country the heirs could succeed without the intervention of a will or any deed whatever. Then, again, the Probate Duty put upon personal property was put upon it all at once, and might easily be obtained by a sale of part of the property; but if they wished to obtain the tax from landed property by a sale of a portion they would have to put it into the market in a manner which depreciated the value of the article and produced all the injurious consequences experienced from forced sales. But it might be said, "If there be very great and perhaps insuperable objection to the laying of a probate duty on land you ought in justice to put an equivalent tax on that species of property." Now, the most difficult thing in the world was to adjust taxation so that there should be recognised on all sides a complete equality. Equality of taxation was about as difficult to establish as equality of mental or bodily strength. The only practical mode by which equality could be secured in respect of this particular duty, and by which what was termed an equivalent could be obtained, would be by repealing the existing Probate Duty altogether and raising the Legacy and Succession Duties. If the House would look for a moment at what would be the practical effect of such a process, they would see the extreme difficulties with which, on that view of the subject, they would have to contend. If they repealed the Probate Duty they lost at once a yearly sum of £1,200,000. They now obtain from the Legacy and Succession Duties £1,800,000 per annum. Therefore, by their process of putting an end to the Probate and increasing the Legacy and Succession Duties, they would have to raise upon the new scale a sum of £3,000,000. For this purpose they must levy, in the shape of Legacy and Succession taxes, about 16 per cent. and a fraction, instead of, as at present, 10 per cent. Such a proposition, he feared, would not have much chance of passing through that House. The only alternative would be that they should terminate all the conditions of consanguinity at present discriminated, and substitute a uniform rate of 4 or 5 per cent. on all property of this description. That plan he thought would be equally unpalatable. He made these observations as to the only mode by which if there were injustice that injustice could be counteracted. But the question naturally arose, "Was there injustice?" It was very true that personal property was now alone subject to Probate Duty. But it should be remembered that the Succession tax had been recently fixed upon real property. Moreover, real property was liable to peculiar taxation from which personal property was exempt, for it was impossible, in considering this question, to forget that £2,000,000 a year were raised by way of land tax, to which, of course, personal property was not subject. In discussing such a question they must look to the incidents of their local taxation, to the item of poor rates, for example, and the general parochial rating of the country. When the discussions on taxation took place which the hon. Member for Birmingham (Mr. Bright) anticipated, it was much to be doubted whether the hon. Gentleman would find it easy to demonstrate the proposition which he thought so simple. The other branch of the Motion before them was of more novel interest; and the hon.

Member for Lambeth was perfectly justified in drawing their attention to it. Undoubtedly, when the right hon. Member for the University of Oxford brought forward the important financial measures which had been referred to, there was an understanding—indeed, he believed an engagement—that the Succession Duty or an equivalent tax should be applied to corporations, and the right hon. Gentleman was exposed to some criticism at the time because some delay occurred in the fulfilment of his intentions. When he (the Chancellor of the Exchequer) acceded to office under circumstances which rendered it necessary for him to see what possible means he would have at his command to meet considerable demands, he remembered quite as distinctly as the hon. Member for Lambeth the engagement entered into by the right hon. Gentleman, and he made some inquiries as to what might be expected to be derived from carrying into effect the right hon. Gentleman's plan. Having to meet a heavy deficiency he would have been very happy to provide for those Exchequer bonds to which the hon. Gentleman had alluded by a resource originally devised and indicated by the right hon. Gentleman the distinguished author of that species of temporary security. The House, however, would be surprised when he told them what would be the probable result of making corporations liable to the Succession Duty. He had before him several papers on the subject, prepared by a very competent person, from which he would quote only one or two results for the information of hon. Gentlemen. The usual calculation was that there were three successions to property by death in a century and an equivalent tax to the present Succession Duty of 10 per cent., if placed upon property belonging to corporations—which never died—would, at the rate of three farthings in the pound, realise a sum of not quite £4,500 annually. This estimate was based on the assumption that 100th part of the real property of the country was possessed by corporations. No doubt that calculation was arrived at by admitting eight considerable exemptions. No one in that House was generally more opposed than he was to legislative, and especially to financial exemptions. But he was bound to say, having examined the subject, and looked into the manner in which it practically worked, that he could not see how they could apply their tax to corporate property without recognising all these exemptions. As he did not wish to weary the House, which, after the late debates, would not be anxious for a financial discussion, he did not enter into details; but, as the hon. Gentleman who introduced this Motion seemed to think that a great source of revenue had been improperly neglected, he thought it was important that the House and the country should understand that we had been under a great mistake with regard to this subject, and that if the Succession Duty was extended to the property of corporations it would produce less than £5,000 a year, which probably would only be obtained by means of a crop of lawsuits, the costs of which would exceed that amount. Under these circumstances he must ask the House not to agree to the Resolution. The hon. Member for Lambeth dealt with these subjects with great ability and with a sincere desire for the public good; and, as he should be sorry to have to divide against him, he hoped that he would not press his Motion.

SIR GEORGE LEWIS said, he quite concurred with the right hon. Gentleman the Chancellor of the Exchequer that the House did not wish for a long financial debate, and he only rose to speak because, if any blame attached to the successors of the right hon. Gentleman the Member for the University of Oxford for not having proposed the extension of this duty to the property of Corporations, it attached peculiarly to himself, because he had had more time for the consideration of the subject than the right hon. Gentleman opposite. He did consider the subject; he arrived at the same conclusion as had been stated by the Chancellor of the Exchequer, and he believed that that conclusion would be fully borne out by the investigation of a Select Committee. After allowing for the property of charities and other descriptions of property which would be exempt according to the present state of the law, and making deductions for the cost of the litigation which this species of taxation always produced, he believed that the balance would be against the public. That was that the cost of collection would exceed the amount of revenue paid into the Exchequer. Under these circumstances, he arrived at the conclusion that it was undesirable to propose the extension of the Succession Duty to the property of Corporations. As to the extension of the Probate Duty to real property, he concurred generally with the re-

The Chancellor of the Exchequer

marks of the Chancellor of the Exchequer, but that right hon. Gentleman had inadvertently described this duty as a stamp upon deeds. [The CHANCELLOR of the EXCHEQUER said, he had not intended so to describe the tax.] The fact was, that Probate Duty was exclusively applicable to wills; and the real difficulty in the way of extending it to real property was, that wills relating to real property did not require Probate, but, in the language of the law, "proved themselves." At present the same will frequently related to both real and personal property, and when such a will was proved no duty was paid for the realty. If the law was merely altered so as to make the realty in such a case liable to duty, the result would be that where both realty and personalty had to be left conveyancers would make two wills instead of one; they would prove the one relating to personalty in the Court of Probate, but the other would require no proof, and therefore pay no duty. Therefore, without some further alteration of the law as to the disposal of real property by will, this duty would in a short time be unproductive. This was a fatal objection to the simple alteration of the law as proposed by the hon. Member for Lambeth, and then would arise the necessity for having recourse to the plan of increasing the Succession and Legacy Duties, which would lead to the oppressive consequences which had been explained to the House by the Chancellor of the Exchequer.

MR. HENLEY said, he quite agreed with his hon. Friend the Member for Evesham (Sir H. Willoughby), that if the House went into this question they would also have to look into a variety of subjects such as local taxation, the land tax, and so forth. The hon. Member for Birmingham (Mr. Bright) had put a strong case, but the real merits of the subject had not been touched upon by any speaker who had yet addressed the House; no one had referred to the subject of stamps upon deeds. The hon. Member for Birmingham had alluded to the case of the fortunate gentleman who had lately acquired an estate of £30,000, upon which he had only paid a tax of £700. Let him remind the hon. Member that that was not the only anomaly, and that if that property were transferred by conveyance, a very heavy stamp duty would have to be paid; whereas, if it consisted of £30,000 in the funds instead of in land, it could be transferred without any tax at all. That there were anomalies was quite clear, but it was equally clear that they were not all on one side.

MR. LOCKE KING said, he would remind the right hon. Gentleman that there was already a tax upon the transfer of railroad shares, and almost every description of personal property, except the public funds. He should support the Motion of the hon. Member for Lambeth, because he had for many years been endeavouring to get equal laws for real and personal property—a subject which he intended at some future opportunity to bring under the notice of the House.

SIR JAMES GRAHAM said, that, although he should oppose the Motion of the hon. Member for Lambeth, he wished not to be misunderstood, as he was a Member of the Government of the Earl of Aberdeen who passed the Succession Duty, and was a party to the engagement to which his right hon. Friend had referred, that a proposition should be made on the part of that Government to extend the Succession Tax to corporate property. He was not, however, satisfied with the calculations as to the amount which would be produced by a Succession Duty on corporate property, that had been read to the House by the Chancellor of the Exchequer. It was estimated that when the Succession Duty was in full operation it would produce £1,500,000 per annum; therefore, if the corporate property chargeable amounted to only one-hundredth part of the land of the country, the proposed extension ought to produce, not £4,000, but £15,000 a year. The suggestion of the right hon. Gentleman the Member for Radnor (Sir G. C. Lewis) was a very good one; for he could not conceive how a Committee of that House could be better employed than in investigating the question what would be the produce of the extension of the Succession Duty to corporate property. He doubted whether the exceptions would be so numerous as was supposed. Some of those which had been mentioned were of a very doubtful validity. He could see no reason why the property of charities should be exempted; and, on the whole, he thought the produce of the tax would by no means be so small as was imagined.

MR. W. WILLIAMS replied, that he would venture to say that instead of the whole corporate property of the kingdom yielding only £4,000 a year, that belonging to the City would yield ten times that amount.

Question put.

The House *divided*:—Ayes 68; Noes 172: Majority 104.

INSURANCE AND ASSURANCE INSTITUTIONS.

LEAVE.

MR. H. B. SHERIDAN said, he rose to ask permission to bring in a Bill to regulate Insurance and Assurance Institutions, and to arrange for their incorporation. He said that the preamble of the proposed Bill recited that it was expedient that the statute laws relating to those companies should be embodied in one Act, and provision would also be made in the Bill for their registration and regulation. In future no Insurance or Assurance Company would be allowed to be established unless registered under the provisions of the Bill. The law with respect to these companies was at present in an uncertain and unsatisfactory state, and it was necessary that some legislative enactment should be passed with respect to them. He had understood from the Government at an early part of the evening that there would be no opposition on their part to his Motion, and he therefore trusted hon. Gentlemen would consent to the introduction of the Bill upon the understanding that its merits would be discussed upon the second reading.

COLONEL FRENCH seconded the Motion.

Leave *given*.

Bill to regulate Insurance and Assurance Institutions, and to arrange for their incorporation, *ordered* to be brought in by MR. HENRY BRINSLEY SHERIDAN and Colonel FRENCH.

CONSPIRACY TO MURDER (IRELAND).

LEAVE.

MR. BLAND said, he rose to move for leave to bring in a Bill to repeal so much of the Act of the 10th year of King George IV., chap. 34, as related to conspiracies and solicitations to murder. It would be in the recollection of every hon. Member, that in February last the noble Lord the Member for Tiverton, then at the head of the Government, introduced a Bill to alter the law as regarded conspiracy to murder in this country and in Ireland. In the course of the debates which ensued on the introduction of that Bill, it was generally admitted that the law as now existing in Ireland required alteration, and the sections of the existing Act which he proposed to alter were formally repealed by that Bill. The law, instead of making, as at present in Ireland, conspiracy to murder a capital offence, was by the noble Lord's measure assimilated in both countries, making the offence a felony punishable by transportation. The principle of that Bill met with the approbation of the House, and therefore he thought he had some right to ask that so much of its provisions as mitigated the law in Ireland should now pass into a law. During the discussions on the noble Lord's Bill, the present Chancellor of Ireland spoke very decidedly in its favour, and particularly in respect to that part of it connected with Ireland. True that Bill was defeated on its second reading, but not on account of anything it contained in reference to the Irish law. Therefore, in support of the Bill he proposed to introduce, he claimed the votes of those who, on the second reading of the Bill of the noble Member for Tiverton, expressed their opinion that the law as it existed in England was sufficiently adequate for the offence. The noble Lord the Member for London then very truly observed that a mild code strictly enforced was a more effectual preventive of crime than a severe code enforced unequally. On that ground he considered that the punishment being lessened, the chance of escape for the criminal would be less. He had seen jurors disagree upon a case, with respect to which he believed that they would not have hesitated to bring in a verdict of guilty if the indictment, instead of being for murder, had been for some lighter offence; for on a capital charge, unless the proof was of the clearest and most distinct kind, jurors were unwilling to convict. Unless there was a moral certainty of bringing home the offence of murder to the party charged, it was much better to proceed on a milder accusation; and he was satisfied that if that course had been pursued, in the recent case of Dr. Bernard, the jury would not have acquitted him. It was impossible to carry out the existing law in Ireland, and persons charged with capital offences of this nature had considerable chance of escaping. He believed the subject was at present under the consideration of the Commissioners for the Revision of the Penal Code; but notwithstanding that circumstance, he had thought it right to bring forward the subject now, as no one could say when their report would be received. His wish was that the right hon. Gentleman opposite (Mr. Whiteside) would take the matter into his serious consideration, as he had no wish to take up the matter on his own responsibility, but

would cheerfully leave it in the hands of the right hon. Gentleman to submit to the House a measure for assimilating the penal code in England and Ireland.

MR. GREER seconded the Motion.

Motion made and Question proposed,—

"That leave be given to bring in a Bill to repeal so much of the Act of the tenth year of King George the Fourth, chapter thirty-four, as relates to Conspiracies and Solicitations to Murder in Ireland."

MR. WHITESIDE said, if his hon. and learned Friend would be content with calling the attention of the House to this important question, he had no objection to promise that he would take the matter into his most serious consideration; but if his object were simply to repeal the law without proposing any substitute for the punishment, he must give the Motion his most decided opposition. The Act was passed so lately as the reign of George IV. to meet cases of a certain description—not those quoted by the right hon. Member for Ashton (Mr. M. Gibson) on a former occasion, when he drew a very important distinction between cases of conspiracy resting in intention, and cases of conspiracy that had been carried into execution. As for instance, there was a great distinction between three persons, who met together to consider about shooting the right hon. Gentleman, and the case of three persons who, by their conspiracy, actually got him shot. Now, the Act of Parliament was passed to meet cases of this last description. He might instance the case of a lady who was shot not long ago in Cavan, when returning to her own house, not by any persons whom she could have injured, but by persons who were said to have been hired for the purpose, and who were prosecuted by the late Attorney General and convicted of conspiracy to murder. He was happy to admit that solicitations to murder were every day becoming more rare in Ireland, and the changes which might take place in the law, would in consequence be naturally in that direction which would distinguish between conspiracy for murders that were carried into execution, and murders that were not, for he held that a great distinction was to be made between the two cases. But he never could consent to deal with a conspiracy to murder, where the murder actually took place, as a misdemeanor simply. If, therefore, the hon. and learned Gentleman would be content with having called the attention of the House to the subject, and with his (the Attorney General's) assurance that he would give the matter his most careful consideration, he thought that would be much better than any partial dealing with the subject.

LORD JOHN RUSSELL said, as the hon. and learned Gentleman had alluded to him, he must say that he quite agreed in the remarks that fell from the right hon. and learned Attorney General for Ireland. He did not see that any good was to be gained by attaching a severe punishment to conspiracy to murder where no murder had actually taken place. Not only might ignorant persons be easily entrapped into such a conspiracy, but designing persons might, by giving accounts of conversations that never took place, easily use it as a charge against others, who, though they were actually innocent, could bring no proof of their innocence. But in the case of actual murder, the case was altogether of another character. The whole subject was one of great importance, and certainly the law was in an unsatisfactory state. They had been told that in the case of Dr. Bernard, who had lately been acquitted, and into whose case he did not wish the right hon. Gentleman the Home Secretary to enter on the present occasion, if he had been found guilty, the Judges would have taken the matter into consideration whether the law applied to his case. But it did seem hard that after the trial had taken place, after the evidence had been given, and after the prisoner had endured the anxiety of the trial, the Judges were, after all that, to meet and consider the case; and persons very learned in the law said it was probable they would have found that the statute did not apply to his case. Surely, if that were the case, the state of the law required consideration and amendment; and if that were the case in England, much more must it be so in Ireland, where the offence of conspiring to commit murder, even though the murder was not committed, was a capital offence. But, under the circumstances of the case, he hoped the hon. and learned Gentleman would not press his Motion.

COLONEL FRENCH said, he would recommend his hon. and learned Friend, after the promise of the Attorney General for Ireland that he would direct his attention to the subject, to withdraw the Motion.

MR. DOBBS remarked, that he thought his hon. and learned Friend the Member for King's County had very property called attention to the difference between the law

of England and Ireland on this subject. He believed the law as it existed in Ireland was productive of great evils, and was far more severe than was necessary, and he would be glad to see it assimilated to the English law. He would, however, recommend his hon. and learned Friend to leave the question, which was one of a very difficult and complicated nature, in the hands of Her Majesty's Government.

Mr. BLAND said, his object in proposing the repeal of the Act of the 10th of George IV. was to place the crimes of conspiracy and solicitation to murder on the same footing in both countries, leaving it to the law officers of the Crown to propose a measure applying an adequate punishment to such crimes. He thought it was monstrous that by the existing law in Ireland persons who had engaged in conversations which might expose them to indictment for conspiracy to murder, although no murder was committed, and who might have repented the intention the next hour, should be liable to punishment for a capital offence. He believed that after public attention had been drawn to the subject, it was impossible such a law could be allowed to remain upon the statute book. He was, however, willing, under the circumstances, to withdraw his Motion.

Motion, by leave, *withdrawn.*

PUBLIC GROUNDS AND PLAYGROUNDS.

LEAVE.

Mr. SLANEY, in moving for leave to bring in a Bill to enable or facilitate grants of land to be made near populous places for the use and regulated recreation of adults and as playgrounds for poor children, said, he felt it undesirable at that particular hour of the evening (half-past seven) to detain the House at any length; but he hoped to be able to show the necessity of the measure he proposed. With a great increase of population and wealth, the poorer classes had been driven into more confined neighbourhoods, and no suitable spaces had been reserved where they might obtain air and exercise. It was twenty-five years since he first drew the attention of the House to this subject by proposing the appointment of a Committee to inquire into the necessity of public walks and parks in the neighbourhood of large towns, and of twenty-three hon. Gentlemen who assisted him at that period only three were now in the House. The Report of that Committee showed the absolute necessity of reserving places in the vicinity of populous towns for the benefit of the humbler classes and contained several suggestions, many of which had been adopted. Since that time the increase of population in the metropolis and manufacturing towns had increased 100 per cent—the increase in the country at large being 45 per cent. In Bethnal Green the increase in ten years had been 22 per cent; in Shoreditch, 30 per cent; in Islington, 75 per cent; in Chelsea, 50 per cent; in Bermondsey, 32 per cent; in Camberwell, 40 per cent; in Greenwich, 20 per cent. In the same period, Wolverhampton had increased 30 per cent; Birmingham, 25; and Bradford, 40. In the whole of England and Wales the increase had been only 14 per cent in the same period, and 9 per cent in the agricultural districts. In the period from 1801 to 1831, the increase of Birmingham, Manchester, and Liverpool, had been no less than 90 per cent. The House would easily see the necessity of some provision being made to meet this vast increase. In the Report of 1833, in the Health of Towns' Report of 1840, in the Reports of the Poor Law Commission in 1842 and 1845, the want of places of exercise for the poor residents in close towns had been pointed out. Of fifty towns possessing an aggregate population of 3,000,000 the water supply and drainage for the poor was deficient in 1847, so that the necessity for a supply of fresh air to those persons was apparent. In the denser populated districts the mortality was great, being in the eastern parts of the metropolis double that of the western districts. That was an index of illness, sickness, suffering, of widows and of orphans; and it was an index in the end of poor rates and of crime. The case was the same in the manufacturing towns as compared with agricultural districts. The law, as it at present stood, was greatly to blame for this state of things. He proposed, therefore, by his Bill to take power for setting apart suitable grounds in the neighbourhood of large towns. The Committee of 1833 had recommended six such places near London. Three of them—Battersea Park, Victoria Park, and Primrose Hill Park—had since been formed. Independently of legislation, there was a hope of much being done to remedy those evils he had adverted to by the liberality of private individuals. He referred especially to such noble grants of ground for the purposes of public parks as had been made by Lord

Calthorpe and the hon. Member for North Staffordshire (Mr. Adderley). Three parks, also, had been opened in Manchester for the public enjoyment recently. Much, also, might be done by the owners of villas and parks near the metropolis. At present the first thing they did was to build up a high wall round their domain: if the proprietors would remove those walls, and substitute an open railing, it would afford great pleasure to the pedestrians in those neighbourhoods. The principle of limited liability might also be called in, to aid the efforts of those who wished to provide places of public recreation. He would suggest the erection of shelter houses in each of the parks, where amusements might be provided under proper regulation. He anticipated shortly the erection of what might be called railway villages, where working men would reside, being conveyed to and fro at a light expense by the railway companies. He would further suggest that the five or six commons in the neighbourhood of London should bedrained and appropriated as places of public recreation. His proposition had also reference to providing playgrounds for poor children, a matter of deep importance to the rising generation in the vicinity of large towns. He had received an anonymous letter on this part of his Motion, addressed from a London clubhouse, the writer of which stated that he (Mr. Slaney) could surely never be in earnest in his intention to propound such a suggestion to the House of Commons. He had, on the other hand, received a letter from the municipal body of the important and populous town of Sheffield, highly approving that part of his plan, and he thought he might fairly set that off against the communication of his anonymous correspondent. There were within the metropolis several large squares formerly inhabited by great people, with large pieces of ornamental ground in the centre, and these might, under certain restrictions, especially as to time, be rendered available for the purpose he had indicated, the more so if it were practicable to get the children who might resort there to submit voluntarily, under the supervision of monitors, to a silent system. [*A laugh.*] Of course, he did not mean an absolute silent system, but one which would impose comparative silence. He saw no reason why a corner of Lincoln's Inn Fields might not be appropriated to the recreation of poor children at proper hours of the day. He scarcely ever saw any person walking there, and under proper regulations his suggestion might reasonably be adopted. It might likewise apply to some other squares—Soho Square for instance—which were in the immediate vicinity of the abodes of dense masses of the poor population. In the hope that the Government would not oppose his Motion, as it was a matter of great interest and importance to provide for the healthful recreation of the inhabitants of populous places, he would conclude by moving for leave to bring in the Bill.

MR. BRISCOE seconded the Motion.

Motion made and Question proposed.

MR. WALPOLE said, that as he had long known the unwearied exertions of the hon. Member for Shrewsbury (Mr. Slaney) to improve by legislation the condition of the working classes and of the poor in large towns, he was glad he had an opportunity of moving for leave to bring in this Bill. He (Mr. Walpole) would assent to the Motion, but would reserve the expression of his opinion on the details of the measure until it was before the House.

Leave *given.*

Bill to enable or facilitate Grants of Land to be made near populous places for Public Grounds for the use and regulated recreation of adults, and as Playgrounds for poor children, *ordered* to be brought in by Mr. SLANEY and Mr. BRISCOE.

MANNING THE NAVY.

COMMITTEE MOVED FOR.

SIR CHARLES NAPIER said, that in pursuance of his notice, he had now to bring forward his Motion for a Commission to inquire into the best means of manning the Navy. The time had come when the House of Commons, the Government, and the country should put their shoulders to the wheel with the view of devising some system of manning the Navy in a manner worthy of the country and of the service itself. He should of course be told by the First Lord of the Admiralty that this was not the proper time to bring such a subject under the notice of the House; but he had waited for upwards of forty years—in the hope that this important question would be taken up by some Government, either Whig or Tory, but he had waited in vain. Since October last he found that the Horse Guards had succeeded in enlisting 50,000 men and 30,000 militia; while the Admiralty had not been able in the same time to man two line-of-battle ships and two frigates. The *Diadem* was commissioned on the 19th of April; she sailed on the

13th of July following. He found that the number of men obtained were, 103 in the first week, 80 in the second, then 28, 37, 57, 32, 20, 17, 17, and 19 in subsequent weeks. That was the way in which they were able to man the British Navy—was that right? How came it that, for thirty years, all the statesmen in this country, Whigs and Tories, peers and commoners, who had sat at the head of the Admiralty, had not been able to fall upon some means of giving us an efficient Navy? Generally speaking, the Admiralty did not originate anything advantageous for the service; it more commonly came from without. If a naval officer made any recommendation or suggestion to the Admiralty, they were sure to give him a rebuff. This was so well known, that few officers attempted to go near the Admiralty. Their suggestions, if they made any, must be by letter, and those letters anonymous, otherwise they were treated with a great deal of indifference, and probably punished in some way or other for their presumption. He had been in the habit of making suggestions to the Admiralty for the last forty years; but he could not say that he had received any very favourable attention. One suggestion which he made in 1816, respecting an increase in the officers' pay, had at last been adopted, after forty years' consideration. He would now come to the system of impressment. In the year 1816 he had recommended to Lord Melville a plan by which impressment might be avoided. That plan remained on his Lordship's table some eighteen or twenty years. In 1827 he (Sir C. Napier) made a similar application to Lord Auckland, but that noble Lord thought it was hopeless to induce the House of Commons to take interest in it. In 1835 Sir James Graham brought in a Bill, which, nevertheless, had many faults. It proposed to call out men by Proclamation when the urgency of the service required it. Had the Government issued such a proclamation they would have had to go to the expense of half a million of money before they succeeded in manning the Navy. Afterwards he (Sir C. Napier) brought in a Bill in conjunction with Mr. Sidney Herbert; but, unfortunately, from various causes, that Bill did not succeed. It was not well worked, and the sailors themselves were averse to it. Again, in 1847, he brought in a Bill to amend the Act of Sir J. Graham. In that Bill he proposed that the men should be called out by classes as wanted. For example, if the Queen wanted 5,000 men the register was to be examined, and those who had just served their apprenticeship were to be called out. If they were not enough, those who had served for one and two years were to come forward. But there was no use in calling out men unless there was some mode of making them obey the call; and this he proposed to do by what he considered a mild compulsion. But the House did not think the measure necessary at the time, and it failed. Our system was inferior to that of the French. During the war in Syria several of our line-of-battle ships had to wait at Portsmouth for months before they could obtain their complement of men. For himself, he believed that in case a sharp war were to occur again, they might be obliged to have recourse to the system of impressment unless something was done now; but he did not think seamen would stand it—they had got a better notion of their rights than they formerly had, and they would resist any attempt to impress a man on board ship, and that if life were lost in so doing no jury would convict a man of murder for defending his personal liberty. Formerly the horrors of the system were very great. If a wife wanted to get quite rid of her husband, a father of his son, or a son of his father, they had only to bribe the pressgang, and the poor victim was forced into the service. Even the Speaker of the House of Commons, if he had once got into the hands of the pressgang, would have found it impossible to get off. They would have paid no attention to his remonstrances, or would not have believed him. He knew something of the subject, for long ago he had been engaged in these transactions himself. Unless Parliament were prepared to resort to some regular mode of manning the Navy it must again have recourse to the system of impressment—a system under which the sailor was subjected to a degree of slavery which, he contended, ought not to prevail in the case of any class of men in a free country like England. But the real question for the consideration of the House was, what were the best means for manning our Navy? If they raised the wages of sailors which were very fair at present, merchants must inevitably raise their wages also. He thought means might be found less objectionable than this. In the first place, he would raise the pay of petty officers; to petty officers of the first class he would

give £4 a month, or twice the pay of the ordinary seaman, and to those of the second class, he would give half as much as the ordinary seaman's pay. That would not act injuriously upon the merchant service. Then he would recommend—what would perhaps horrify some hon. Gentlemen—that the petty officers should be allowed to advance to the positions of commanders, captains, and other high ranks. The distance might be a long way off, but many men would aspire to reach it, and it would induce many men to enter the Navy. He did not, however, think that the means which he had just mentioned would be in themselves quite sufficient to effect the object which he had in view. An additional encouragement might be found in the re-establishment upon a better footing of the merchant seamen's fund, with the management of which the sailors had become so disgusted that they had almost altogether given up being subscribers. He believed that fund now received from the Treasury a sum of £65,000 per annum, but if the amount were considerably increased sailors would be induced to become regular contributors to the fund, and the means would thus be furnished of providing pensions for their widows and orphans. That much good would thereby be effected he had no doubt, and his own views as to the expediency of taking some such step were borne out by the opinion of a gentleman who was conversant with the subject, and with whom he had been in communication with respect to it very recently. A Commission had been appointed in 1853 which had recommended that a bounty should be given to sailors, but upon that, as well as upon several other recommendations of the Commission, Parliament had not thought proper to act. He might further observe that the authorities by breaking faith with our seamen had caused a loss of confidence upon their part which was calculated to operate most prejudicially. Not very long ago, for instance, a gratuity used to be given to sailors when paid off for good conduct to the amounts of £6, £7, and £10, but the Admiralty in its wisdom had not hesitated to take away that trifling boon even from those sailors who had entered into the service in the expectation that they would be entitled to the privilege. On the recommendation of the same Commission the system had been instituted of granting to the men stripes on their arms as marks of distinction, each stripe being accompanied with additional pay. This privilege, however, they withdrew, so that when the men became petty officers they did not receive more than before. He believed that lately the Admiralty had reinstated matters, and allowed the petty officers to gain the stripes, so that this ground of complaint had been taken away. In 1857 we had as fine a Navy or at least, what remained of it—as could possibly be, yet numbers of the men who composed our crews entered in 1853 as raw recruits. He was informed that the merchant service only furnished 400 seamen to our Baltic fleet in 1854 and 300 in 1855. When the House of Commons was asked to reduce the Navy in 1857, and eight sail of the line were paid off, the continuous-service-men, who had enlisted for ten years, were not told that they were turned out, but that they might go if they liked. The consequence was—for Jack was very touchy—that the men availed themselves of the privilege very largely. In 1857 there were 17,432 continuous-service men in the fleet, of whom 2,973 were discharged. However, he did not approve the ten years' continuous-service system. He believed that the plan of the right hon. Member for Carlisle (Sir James Graham) was wiser—to enter the sailors for five years. If the ships were kept in commission five years—and their stores would last that time—the officers might be relieved every two years or two and a-half years, so that other officers would have an opportunity of seeing service. Otherwise there would be continued the state of things described by his hon. and gallant Friend (Admiral Walcott), who for twenty years went on his knees to the Admiralty to allow him to see active service, but in vain. He would keep the ships constantly moving about. The soldiers were removed from Gibraltar, to Malta, the Ionian Islands, the West Indies, and he would do the same with the sailors. He would let them come home occasionally to see their wives and friends and have a run on shore. When he first knew the Navy the sailors scarcely knew what the shore was. They never saw the face of the fair sex, and this was a horrible state of things. The men in the Lisbon squadron of Sir William Parker were never ashore for three years, and other fleets were the same. When he went out in command of a squadron, the late Lord Auckland asked him whether he ought to let the men go ashore. He said he would let them go ashore, whether they got drunk or not, for the evil

would right itself. When they got to Lisbon the scenes were very bad. He recommended the authorities to put all the drunken sailors they could find into the guardhouse, and keep them there for two or three days. The Government complained, but he persisted. The Queen sent a message to him not to let the sailors come ashore. Still he persisted, and the result was, that in a short time the men who were allowed to go on shore behaved as well as the officers. Under the ten years' continuous-service system, the tie between the Royal Navy and the merchant service would be almost severed, because the vacancies would be so few that they would be filled up by the boys. But if the men were taken for five years, they would then probably take their turn in the merchant service, and tell the men that the Royal Navy was not so bad a profession. This would be better for the Navy than the ten years' continuous service, which the men did not like. The late First Lord of the Admiralty said, it was true that the men were discharged with their own consent in 1857, but that they had passed over the quarter-deck and entered themselves again for five years' service. He had ascertained how the case stood, and he found that only sixty-three men had crossed the quarter-deck and entered again. In 1857, the Admiralty paid off eight ships of war, on the ground of economy. It was supposed that a saving of £100,000 or £150,000 would be thereby effected. But was the fact so? Did the House believe that all this money was saved? Would the right hon. Gentleman state how much it would cost to put these eight sail of the line in the position in which they stood when they were paid off. He believed the Admiralty would not be able to put them into commission again, fully manned and fully stored, under £200,000. A ship newly fitted out would last five years; but if it were put out of commission at the end of one or two years, there were sure to be complaints of inefficiency, and the ship was usually newly caulked, coppered, masted, and rigged, at a great expense for very trifling defects. In 1853, an Act was passed which repealed the Act of 1835. It enabled the Queen to call the seamen out in classes, but did away with the double bounty given by the Act of 1835, providing that the men should have such pay as the Government might think fit. That was very equivocal in Jack's eyes. He knew what the double bounty was, but he did not know what pay the Government might think fit to give. The register was also abandoned. He disapproved both those alterations, and thought the Act of 1835 would have been much better amended, if the Act of 1853 had merely provided that bounty should not be given to seamen unless in time of war, and that the men should be called out in classes. He did not say that they should begin the register over again, but some means ought to be found for enforcing the calling out men by Proclamation. The manning of the fleet was as simple a thing as could possibly be. Supposing the Channel fleet was to be composed of ten sail of the line, three of them should be flagships. He would discharge from the ships in time of peace one-half the marines. Those marines should garrison the whole of the seaport towns. In the event of war they would go on board again, and the militia would walk into their places. In a case of emergency they might discharge one watch to another ship. The coast-guard men must remain to take care of the revenue; but if they called out the Coast Volunteers, they might, by his plan, muster men enough for twenty sail of the line within a fortnight, and that force would be completed in a very short time. But what was the state the country was now in? He did not say that Louis Napoleon was going to invade this country. God forbid! He hoped he would not; but Louis Napoleon might not be his own master. The French army had lately been increased by 40,000, and now numbered 500,000 men. According to the representations of the late First Lord of the Admiralty, while we had forty-two screw ships, France had forty. France had 70,000 trained seamen for fitting out a fleet. A quarrel might arise. They very nearly had one the other day, and he was not quite sure it was over yet. People armed to the teeth at all points could pick a quarrel whenever they pleased. He would ask the House what position England would be in if they heard to-morrow there were fourteen sail of the line manned at Cherbourg and 40,000 or 50,000 troops sent there by the railroads. What would be the effect on the funds? People would be running about right and left, but there would be no means of defence. He spoke plainly, because it was quite immaterial whether he did so or not. The French knew what we had in our ports, just as well as we knew what they had in theirs. When he (Sir C. Napier)

Sir Charles Napier

was in Russia there was no attempt to conceal anything from him. He went on board almost every ship they had, and did the House suppose the French would not do the same here? We were in a defenceless state. We would not pay an insurance for our lives and property. He believed that if the Prime Minister stood up in his place and said he would not be responsible for the safety of the kingdom unless there were ten sail of the line, the whole country would cheer him from one end to the other. The country did not understand it, nor did Members of Parliament, nor merchants of the City of London. The time was come when they ought not to defer for a day longer the putting the Navy in a proper state. There must be a fleet independent both of the coast guard and volunteers, who formed only a reserve for cases of emergency. If the French were to make a descent upon our coast what should we do? The Commander in Chief could not take the field with more than 30,000 men, while France had an army of 500,000 men, and we had no fleet to send to meet hers at sea in the event of hostilities. It might be said that they could order out the whole coast guard; but did any man mean to tell him that an Admiral could go to sea with his ships manned with coast guards and volunteers, who were only compelled to go fifty leagues from the coast, and in case of emergency 100 leagues? He did not say that men whose services were limited in that way would object to go further if necessary, but still there would be the danger of a mutiny. Altogether he thought it would be most inconvenient to have the fleet manned in that manner. If they wished to support the honour of the country, they must be prepared to put to sea, in the event of being threatened by the French or any other fleet, so as to be certain of victory. In the battle of the 1st of June the French fleet was not manned or officered as it ought to have been, owing to the Revolution; but, in spite of all this, never was an action better fought, and the enemy never hauled down their flags until half their ships' crews were *hors de combat.* Now, the French sailors were as well disciplined as ours—indeed, better; both men and officers were constantly employed, and the men, after employment for five years afloat, were liable to serve again if called upon. Surely he had said enough to show that it behoved the Minister, whoever he might be, to come down to this House and say, "I must have at my disposal a proper fleet." He (Sir C. Napier) did not wish any extravagant expenditure. There were many ways in which a great deal of money could be saved. For example, he believed that £20,000 or £30,000 might be saved by putting a stop to the nonsense which now went on through having an Admiralty at Whitehall, and another at Somerset House. He wanted a Commission to inquire into all those things—not only the question of manning, but one which would investigate everything in the dockyards, see how it was that at Haslar forty or fifty gunboats were so drawn up that they could not be launched for two months, and inquire also whether the Admiralty was properly carried on. The Commission should not be composed of Lords of the Admiralty or of any who had served in that capacity, but of men experienced in the service who were not warped by red tape. Such a Commission, he believed, would pay well for the service done; and he therefore begged to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Commission to inquire into the best means of manning the Navy and improving its management, with a view to reduce its expenditure without impairing its efficiency."

MR. JOHN LOCKE seconded the Motion.

Question proposed.

ADMIRAL DUNCOMBE said, he rose to move, as an Amendment to the Motion, that a Select Committee be appointed to inquire into the best means of manning the Navy and of improving its management, with a view to reduce its expenditure without impairing its efficiency. It appeared to him that a Committee of that House would afford a better instrument than a Commission for conducting that inquiry into the state of the Navy, which he and the gallant Admiral the Member for Southwark were equally anxious to see instituted. He believed that the manning of our fleet was at present a subject of paramount importance. We had of late had in commission along our shores four of the finest ships of their respective classes that had ever been built — the *Marlborough*, the *Euryalus*, the *Renown*, and the *Racoon*, and they had all been for several months unable to proceed to their destinations in consequence of its having been found impossible to provide them with a sufficient number of men. But that was

an evil which had been growing for many years. In the year 1856, Sir Maurice Berkeley, the first Naval Lord of the Admiralty, and one of the most able and indefatigable officers who had ever filled that office, had stated in that House that we could not have manned more ships than we had done during the progress of our recent hostilities with Russia, and that he really did not know what we should have done if we had been engaged in a maritime war. It appeared to him (Admiral Duncombe) that that was a most serious and a most humiliating statement. He thought the time had come when the House and the country should direct their attention to that particular point; and he should add, that he believed if the Estimates voted by that House were properly applied, we should have better means at our disposal of manning the Navy. He had been told for the first time that evening by the hon. and gallant Admiral the Member for Southwark, that the Government had consented to grant his Motion for a Commission; but he (Admiral Duncombe) certainly felt some surprise that the Government, who must have been aware of the Amendment of which he had given notice, had not thought proper to make known to him in any way their intentions upon the subject. But as he still believed that a Committee would be preferable to a Commission in that instance, he begged leave, in conclusion, to submit his Amendment to the House.

MR. BENTINCK seconded the Amendment.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "a Select Committee be appointed to inquire into the best means of manning the Navy," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LINDSAY said, he thought that the Motion and the Amendment had very nearly the same object in view. He believed both sides of the House would agree that this was a most important subject, considering that the Navy was our right arm. The subject for inquiry might be divided into two heads: manning the Navy, and as to its general management and efficiency. As to the first and most important point, he thought it had been conclusively shown that inquiry was necessary; their ships were worthless unless they had men to man them, and it would appear that some of our finest ships were sent to sea without the proper complement of men. The two hon. and gallant Gentlemen who had spoken had recommended different courses, a Royal Commission and a Select Committee. He was opposed to a Commission, as he thought the tribunal would be too narrow to consider the question. A Select Committee, on the other hand, was the most competent body that could be desired, as they could summon witnesses, and take all other steps to ascertain the curious anomaly by which the mercantile marine was well supplied, while the Navy was always in want of men. He thought the inquiry ought to be extended to everything connected with the dockyards, for he was one of those who held that there was a great waste of labour in the Government dockyards, as he found that ten men in a private yard would do as much as fifteen in a Government establishment.

ADMIRAL WALCOTT: Sir, I must, in justice to the gallant Admirals who have preceded me, assure them that I recognize the same praiseworthy intention in either of their suggestions for a better plan of manning the Navy; but, as for this object, according to their several propositions, the alternation lies between the appointment of a Royal Commission and a Committee of this House. I confess I incline to the former, and for this reason; it might be constituted of civilians who had held the post of First Lords of the Admiralty, and hon. Members conversant with naval matters, with officers of high experience of the naval profession, whether Members of this House or not. In concurring, then, as I do with the gallant Admirals in their views, as to the propriety of securing to the navy the highest state of efficiency, I conceive greater weight would be attached to their opinions, when thus expressed in a deliberative and collective capacity, than, as otherwise would be the case, merely tendered in evidence, individually, before a Committee. For the last four or five years when the Navy Estimates have been before the House, I have never failed to enfore upon the attention of First Lords of the Admiralty the importance of having twelve sail of the line fully manned by prime seamen and ably officered in the highest state of efficiency and preparation, constantly at sea, because it would afford the immediate means, on the most sudden emergency, of supplying by drafts of inferior seamen and

landsmen, twice that number of ships for the service of the country, and this irrespective of frigates and sloops. In former days we manned our navy principally from the coasting trade, and seamen and apprentices taken from our merchant ships. Those men were the pride of our navy. I may say the collier brigs were the school and nursery of seamen for the Royal Navy; but screw colliers are driving the old collier brig off the face of the waters. Screw colliers have very small crews and do not enter boys, and our merchant ships are now not compelled to carry apprentices, consequently, we have not the same power to call seamen into our employ, and, moreover, our merchant ships enter too many foreigners of all nations, because they are obtained at a lower rate of wages than our own seamen. Let it, however, be understood, that in the case of a sudden emergency, we have in our mercantile service 180,000 seamen, whilst in the event of a war a large proportion of these seamen so employed in the commercial service of the country would not be required, and we could therefore rely on their assistance. As regarded our Coast-guard reserve of seamen, it is true that we cannot command their services at sea beyond a distance of one hundred leagues from our shores, but nevertheless, I am confident that there would not be found one man in that service who would not be willing to admit our claims for their assistance, should it be required. My desire in making these remarks is to remove the impression, and fortify the country in the belief, that we are not in the melancholy state which the statement of the gallant Admiral (Sir C. Napier) is calculated to create. With respect to the reduction of the eight sail of the line to which the gallant Admiral has adverted, I scarcely know what to say upon that point, because it was the House of Commons which first reduced the naval Estimates, and compelled the First Lord of the Admiralty to acquiesce. The income tax having been reduced there was no alternative. The gallant Admiral has with great truth commented on the subject of that system of impressment, which, in former days, was resorted to for the purpose of manning the navy, now banished as it were even in idea; and nothing but our very existence as a nation could justify a resort to it, and heartly do I rejoice in the circumstance, for impressment was little better than slavery. It has been truly said by the gallant Admiral, that in the war, at the period to which his remarks applied, our seamen were not allowed to go on shore for three or five, and in some instance seven years; but to say that they were never allowed during those periods to see the face of a woman was going a little too far. [Sir C. NAPIER: I alluded to the Tagus.] Women were allowed to go on board the ships at each of the home ports in the Mediterranean and some other places. As I am given to understand the Commission asked for will in part thereof be granted as affects manning the navy, it would be an unnecessary trespass upon the attention of the House if I offered any suggestions as to the best manner of manning the navy, for I am confident that every Member of it will be able to deal most effectually with the important question proposed to be submitted to them, and that each will endeavour to the utmost of his ability to forward the best interests of the naval service.

LORD CLARENCE PAGET said, he had come down to the House intending to support the Motion of the hon. and gallant Member for Southwark. He (Lord C. Paget) had hoped, from the terms of his Motion, that he was going to strike out a new line, and to suggest a little economy in the management of the Navy, when he proposed to ask the Crown to appoint a Commission, to consider the best means of manning the Royal Navy and improving its management with a view to reduce its expenditure without impairing its efficiency; but he found that the gallant Admiral in his speech asked that there should be an increase in the pay of petty officers, and in other branches of the service, which he (Lord C. Paget) confessed he did not think necessary. The ample funds in the hands of the First Lord of the Admiralty were perfectly sufficient to maintain an admirable fleet, whether as respected manning or shipbuilding. The question was, whether they were to have a Royal Commission or a Committee of Inquiry? He did not hesitate in giving his preference to the Amendment of the hon. and gallant Member for the East Riding of Yorkshire (Admiral Duncombe), because he thought a Committee of that House would be able to get better evidence than a Royal Commission, which would most likely consist of some old naval officers, some belonging to, or who had been connected with, the Admiralty. He had great respect for those distinguished officers; but he felt that there was a kind of "odour of sanctity" about them which would pre-

vent them from receiving the opinions of younger and more active officers. He had another and important reason for objecting to a Royal Commission. A few weeks ago, when he addressed the House on the subject of a reform of lighthouses, he was informed by the right hon. Gentleman at the head of the Board of Trade (Mr. Henley) that a Royal Commission should be issued, but he had heard nothing of it since, and he presumed if one were promised for the Navy, it would prove equally tedious, and be probably put off till long after the House had separated for the year. As they possessed some excellent Members for a Committee, he thought it would be well to nominate one at once, for examining into the management of the Navy. There were plenty of naval Members of that House who were competent to carry out this inquiry. The hon. Member for Norfolk (Mr. Bentinck) was a perfect Christopher Columbus, and then there was the right hon. Member for Ashton (Mr. M. Gibson) who was as good a sailor as could be desired. He might be allowed to say that he thought this was the most opportune time for inquiry. He had heard warnings thrown out against inquiry at the present time, when they could not get men for their ships, and when vessels in Portsmouth harbour were entering only three or four men a week, and that it was inexpedient to publish this fact to the whole world, but this country had never, in his recollection, been so well prepared for any contingency which might happen as now. At the close of the Russian war that admirable force, the Coastguard, was augmented, and placed under an excellent officer, Commodore Eden; and under the naval administration of the right hon. Member for Halifax (Sir C. Wood) the Coastguard received a great accession in numbers, who were also first-rate seamen. In fact they had a force amounting to 8,000 men. No man could read the newspapers without being struck with the fact that while they had splendid ships and first-rate officers, they could not procure men. But they were safe with the Coastguard, and the 10,000 Coast Volunteers, who were, he believed, efficient. There was, however, no opportunity for members of the former force occasionally going to sea to keep their hands in, and it was, besides, most important to consider how its ranks should be reinforced; for, able and efficient as it was at present, unless proper means were taken to recruit its ranks, it might come to consist of a set of men like those complained of by the gallant Admiral for always reading the Bible with their spectacles on. He meant no offence to the gallant Admiral—it was very proper that sailors should read their Bible; but what he meant was that the members of the force would become elderly men, and would consequently, not be possessed of that energy and activity which was so essential, and, therefore, he thought it would be worthy of the consideration of the Committee, if one should be appointed, to endeavour to improve this part of the system, for many of the men would be glad to return to sea again. He would therefore propose that the Coastguard should take an occasional tour of duty at sea, their places being supplied by the crews of ships arriving from foreign service. The next point for them to consider was the manning of the fleet. It was an easy thing to propose an increase of pay to petty officers, and such a course must be popular among them, but they had no right to expect to be paid differently from others. By improving the system he thought they might increase efficiency without enlarging expenditure. He was perfectly satisfied with the exertions which had been made in general by the right hon. Gentleman late at the head of the Admiralty, but he could not help finding fault with one part of his administration. In 1852-53 there was a Committee of naval officers appointed to inquire into the question of manning the Navy. They reported that it was desirable to employ ships of war for the purpose of transport instead of hired vessels, where that could be done without prejudice to the public service; but their recommendation had never been fully carried into effect, notwithstanding the number of ships of war available for that duty. At Liverpool there was a line of-battle ship, which was fit to go to sea to-morrow, and yet he had seen in a newspaper that the steamer *Pacific*, of 1,500 tons burden, had been taken up to carry troops to Ireland, and in the same newspaper he had read that the *City of Manchester*, a steamer of 2,109 tons, had been chartered for the conveyance of troops to Gibraltar. Now, these were services which could well have been performed by ships of war, and in his opinion the statement which was sometimes made, that carrying troops interfered with the discipline of a man-of-war, was entirely without foundation. On the contrary, he thought that if more ships of war were employed in the transport service a larger number of able seamen would be retained in the service of the State. In the Estimates

Lord Clarence Paget

of the present year he found a sum of £495,000 for the hire of transports. When the Estimates of last year were framed we were at peace with all the world, and then our Estimates for the transport of troops in hired merchants ships was £207,000. The Committee he had alluded to recommended that the business of reliefs and all common business should be undertaken by vessels of war. Our Estimates this year for survey, troop, and store ships was £102,700 ; the survey ships he should imagine took up more than half that sum, so that they had spent only £50,000 in carrying out the recommendation of the Committee, whilst there was a charge of £495,000 for hired merchant ships the crews of which would not be available in war. If we had only applied half that sum in keeping up men-of-war transports, employment would be found for half pay officers who were now wasting their best years on shore, while a saving would probably be effected in the item for transports. He had suggested on a former occasion that the crew of the *Royal Albert*, three-decker, instead of being turned adrift upon the world, should, as an experiment, be kept together and placed in one of the barracks and made to do the work of the Dockyard at Portsmouth or Plymouth. In the Dockyards we had now 500 men employed in our hoys, 400 riggers, and 2,500 labourers, the work performed by all of whom might be done by the sailors of our fleet who would thus have a tour of duty on shore. He was convinced that without adding a shilling to the expenditure of the country we might obtain a large accession to our force of regular seamen ; and he trusted that the Commission or Committee would be appointed to take these matters into its consideration.

Mr. BENTINCK said, he thought that the importance of this question could not be overrated. Last night, however, when they were engaged in a discussion of a totally different character, the question whether certain Gentlemen should be transferred from one bench to the other, there were present 500 hon. Members anxious to hear the magnificent speeches which were made, the House was crowded up to the galleries till one in the morning, and everybody was in the highest state of excitement ; but now, upon a question involving not merely the honour and reputation, but the very existence of this country, they in the early part of the discussion had only about fifteen hon. Members present. That was certainly a very curious spectacle for the Senate of the first maritime country in the world to present. From what they had heard, it appeared that what was called economy in these matters was in nine cases out of ten nothing more than extravagance and sheer waste of money. When they talked of the necessity of extending the naval defences, what they meant — and there was no use in mincing the matter — was this, that we were not in a position to defend ourselves from an attack from our nearest neighbour. Across the water they knew exactly the condition of our naval defences ; they knew everything that passed in our dockyards, and therefore it was idle—nay, absurd, to make any mystery about the matter ; and the fact was, that when they were discussing this matter they were considering how they could resist a French invasion. He did not anticipate a French invasion, for he believed that the distinguished man who sat upon the throne of France would do all in his power, in the interest of both countries, to prevent an outbreak ; but even that great man was not omnipotent, and it was impossible to say what might, from the consequences of a casualty, happen after what had recently occurred in England. Notwithstanding what had fallen from the gallant Admiral opposite, it was not very clear how we could at all times command a sufficient number of seamen for meeting what was termed an emergency, but which simply meant an invasion, without maintaining the "continuous-service" system. It was perfectly true that for an ordinary war they would have time to man their ships ; but how were they to deal with an emergency unless they had a number of men ready to be employed ? In France, when once they laid hands on a seaman they never parted with him, in a manner, for they knew where to find him again ; whilst we were perfectly aware that we could not at this moment man two or three line-of-battle ships. His hon. and gallant Friend had said, that if they had ten sail-of-the-line, they could easily man ten more ; but where were the ten sail of the line ? About two months ago they elicited from the First Lord of the Admiralty that for many months past they had not had a single ship commissioned for defence, whilst it was merely in the chapter of accidents when they might want them. They should consider the enormous wealth of this country, and then say whether it was not perfect madness to leave that wealth in a defenceless state. As to the question of Commission or Committee, he preferred a Com-

mittee; and for the reason that they would have a Committee directly; and another reason was, that it appeared to him that if the Board of Admiralty had been constituted as it ought to have been, this Committee would not have been necessary; for what had the Board of Admiralty been considering for thirty years, but how to manage the navy?—and if the house were asked to solve the question for them, it showed that they were incompetent to deal with the subject. The hon. Member for Tynemouth (Mr. Lindsay) had told them that there was great difficulty in manning men-of-war, and none in manning merchantmen; and it was a simple question of money; they would not pay the market price, and hence the difficulty. Let any man consider what would be the loss, in position, character, and security, from the occupation by an enemy of any part of our coasts for a few days, and then say whether the necessary sum for manning the fleet was too much to pay to avert such a calamity. He repeated, that this question involved not merely the honour and the dignity of the country—not merely the dominance of the British lion, of which we had heard so much—but the very existence of England. He entirely agreed with the noble Lord opposite (Lord Paget) in his remarks upon the transport service, and he only wished that he would move for a return of the cost of the transport service of the country, from the commencement of the Crimean war to this time, for it would have shown the House that the waste of expenditure on the transport service during the Crimean war was something that nobody would believe, and which sum would have been sufficient to have built a navy. He trusted the present Board of Admiralty would turn their attention to the transport service.

Sir JOHN PAKINGTON said, he was extremely sorry that the hon. and gallant Member for the East Riding of Yorkshire (Admiral Duncombe) should have thought that the Government had been guilty of any discourtesy towards him in respect of this Motion; but he certainly did anticipate that another debate, of which the House was now in the middle, would have occupied every night this week, and that this question would have been postponed. Had it not been for that expectation he should have informed his hon. and gallant Friend of the course that the Government intended to take on the present Motion. Turning to the speech of the hon. and gallant Officer opposite (Sir C. Napier), he thought that he had borne rather hardly upon successive Boards of Admiralty when he said that it was in vain for any officer to approach the Board, because any representations from officers of the navy were always treated with indifference. He should himself be exceedingly sorry to be guilty of any discourtesy either to the gallant Admiral or any other officer of the navy; and from his experience, which was limited to a very few weeks, he could not believe that the members of the naval profession, who succeeded each other at that Board, would show any disinclination to entertain proposals which might come from such high and justly respected authorities as the gallant Admiral. He honoured the feelings which had led the hon. and gallant officer to press this matter upon the attention of Parliament; he fully admitted the immense importance of this topic, and the difficulty, if not danger, to which this country was exposed by attention not having been paid to this subject earlier, but he thought that the House would do him the justice to admit that great part of the speech of the gallant Admiral was directed to topics which he himself brought under the notice of the House when introducing the Navy Estimates. He then expressed in strong terms the deep sense which he entertained of the importance of this subject, and stated, as far as he could after so short a tenure of office, what were the views of the Government on the matter, and how anxious he felt to find some remedy for the existing state of things. He then referred to the slowness with which our ships were manned; but he was happy to inform his hon. and gallant Friend behind him (Admiral Duncombe) that considerable progress had since been made in completing the crews of the very ships which he had mentioned. He also alluded to what he thought the very unwise dismissal of the continuous-service men and the paying off of ships last year, and to the necessity of recommissioning the same ships this year; and stated the views of the Government upon that practice of commissioning ships for a short time, which he then and still thought a most unwise practice, and which he hoped to amend. He was sure that the gallant Admiral and his hon. and gallant Friend behind him would admit that these were matters which could not be corrected in a few days or weeks. On the same occasion he stated, almost in the words of his hon. and gallant Friend, that the defenceless state of our coasts was humiliating and disgraceful to the country as a naval Power. Since then he

had from day to day been endeavouring, in conjunction with the Board of Admiralty, to remedy that state of things, and he hoped not without some success. We had now more ships and men available than we had at that time. He did not seek to attain impossibilities by endeavouring to correct in a few weeks evils which were the result of the impolicy of years; what he aimed at, and what he did not despair of accomplishing, was, to put the manning of our navy on such a permanent footing, that England should not again suffer the same risk and the same inconvenience to which she was now exposed. At the same time he must express the regret with which he had heard the gallant Admiral say that we had no means of defence and no ships. [Sir C. NAPIER said that he had not used such an expression.] In speaking of a matter of great national importance, it was necessary to be cautious, as the words spoken would go through Europe. He, therefore, could assure the gallant Admiral that he took his words down, and they were, that we had no defence whatever, and no ships. No doubt he meant that we had no ships in full commission or in the Channel. [Sir CHARLES NAPIER: Hear, hear!] In the ports we had some of the noblest ships that ever were built. At Sheerness, at Portsmouth, and at Plymouth, we had some of the noblest men-of-war ever launched, which were in the first condition of steam ordinary, and could be prepared for sea in forty-eight hours. He was sorry to say that at this moment we had not the means of manning them so readily as he could wish; but he hoped that defect might be corrected; and supposing an emergency should arise, he had that faith in the spirit and energy of the country, that he believed there would be no difficulty in sending a fleet into the Channel at a very short notice. He was very glad to hear from the hon. and gallant Admiral that he did not think that this country would sanction the resort to any compulsory manning of the navy, or any return to the system of impressment. He did not believe the spirit of the country would bear a return to that system. The only result of its adoption would be to drive our sailors to other countries, and he hoped that we should never sanction any plan for manning the navy more stringent than that adopted for recruiting the army. If, then, we could not adopt compulsion we must turn to other means, and must endeavour to put our navy on so permanent a footing that we might at all times, and under all circumstances, rely upon having a force which should amply provide for the defence of the country. The real and practical question was, how that was to be done? and he quite acknowledged that that was a fair subject for inquiry. When notice of the Motion was given, he stated, in private conversation with the hon. and gallant Member for Southwark (Sir C. Napier), that inquiry had already taken place to a sufficient extent; but, upon reconsideration, he had altered that opinion, and he would shortly explain to the House the reason of the change. The noble Lord the Member for Sandwich (Lord C. Paget) had asked him whether he had ever seen the Report of the Committee of 1852 with respect to the manning of the navy. To that Report he had alluded at considerable length upon a former occasion, when he stated what the noble Lord would admit to be the fact, that the Report in question was the origin of all the improvements recently introduced as regarded the manning of the navy. He thought that the hon. and gallant Member for Southwark had hardly done justice to the contents of that valuable Report. The hon. and gallant Admiral had stated that the recommendations of the Committee, with respect to bounties and other matters, had not been carried out; but, with one exception, he had omitted all reference to those parts of the Report which had been carried into effect. A great deal of what had fallen from the hon. and gallant Officer on the subject of the continuous-service system he had heard with regret and surprise, for he had no idea that the gallant Admiral disapproved the system of continuous service for ten years. He believed that the dismissal of 3,000 continuous-service men by the late Government was one of the most unfortunate steps connected with the navy which had ever been taken. The Board of Admiralty had been occupied for the last few weeks in anxious endeavours to give extended effect to the continuous-service system. Their object was to increase the number of continuous-service men. They were also considering measures connected with the system of pensions, and were devoting a good deal of attention to the present state of the petty officers of the navy, being anxious to adopt a system under which no man should be allowed to hold rank and pay as a petty officer unless he had entered for continuous service. It was by such measures that they hoped to effect their object of establishing a good standing navy. The noble Lord the

Member for Sandwich had referred to the *Royal Albert*, and had recommended that the crew should be held together. That, however, could not be done until all the men were entered under the continuous-service system. In addition to that system, the country had derived considerable advantage from the Coastguard and Naval Volunteers. The establishment of the corps of Naval Volunteers was entirely owing to the Committee of 1852. It might be termed a marine militia, and he thought the hon. and gallant Member for Southwark would hardly recommend that more compulsion should be resorted to with respect to it than was now adopted in the case of the land militia, at all events until it had been proved that the present system had failed. At present the volunteer plan was most successful, and, so far as the Naval Volunteers and the Coastguard were concerned, we had a reserve which, though not so numerous as it ought to be, was still very effective. The noble Lord the Member for Sandwich (Lord C. Paget) had expressed a fear that the Coastguard were allowed to become rusty and unsuited to sea service. That was a point to which the Board of Admiralty were directing their attention. They hoped to perfect a system under which the seagoing powers of the men should be kept in constant activity. With respect to the three most important points connected with the navy —the continuous-service system, the Coastguard, and the Naval Volunteers—the Committee of 1852 had conferred great benefits upon the country, and had rendered unnecessary any further inquiry. But there was one branch of the subject to which the attention of that Committee had not been sufficiently directed—he meant the value and capabilities of the mercantile marine as an auxiliary to the Royal Navy; and it was here, he thought, that further inquiry might take place with advantage. Since the Committee drew up their Report, considerable changes had occurred in the constitution of the mercantile marine. The old manning system had been repealed, and the registration system had broken down. In consenting, therefore, to a further inquiry, he by no means wished to throw the slightest blame upon the gallant and very distinguished Officer who conducted the investigation of 1852. It was of the utmost importance, however, that means should be found for making the mercantile marine more useful to the navy in case of emergency, and with that view he thought it desirable that some inquiry should be instituted. Then came the question whether the investigation should be intrusted to a Commission or to a Committee. He preferred a Commission. There was no reason why a Commission, as anticipated by the noble Lord the Member for Sandwich, should consist exclusively of naval officers and Lords of the Admiralty; on the contrary, one of his reasons for preferring a Commission to a Committee was that it would enable the country to obtain the assistance of gentlemen practically acquainted with the mercantile marine, and who were not Members of that House. Besides, it was important that the inquiry should be carried on and concluded as promptly as possible, and the noble Lord the Member for Sandwich was wrong in supposing that delay would be the necessary result of a Commission. If the House approved a Commission he would take care that there should be no unnecessary delay in its appointment; and when once appointed it might sit whenever it liked, without reference to holidays or adjournments, and carry on the inquiry continuously. The result would be that the public would receive the Report with greater promptness than the well-known dilatory proceedings of a Committee of the House of Commons admitted of. Such an inquiry would be better conducted by a Commission than by a Committee of fifteen Members of Parliament, many of whom would not, of course, be cognizant of all the difficulties and intricacies of the subject. To this extent he was willing to meet the proposal of the hon. and gallant Member for Southwark, but he could not consent to the second portion of the Motion. He by no means denied the great importance of the subjects to which the hon. and gallant Admiral had referred, but what were they? The gallant Admiral had adverted to the constitution and working of the dockyards, to the whole constitution of the Board of Admiralty, and to the whole management of the Royal Navy. Now, he asked hon. Members how soon did they think there would be a chance of obtaining any Report, either from a Committee or Commission, if the inquiry was not to be confined to the question of manning the navy, but to be extended to all those other subjects? He thought it one of the most unbusiness-like proposals he had ever heard of. The manning of the Royal Navy was a most important, distinct, and practical question, which a body of gentlemen might direct their attention to, and

Sir John Pakington

make their Report on; but if the gallant Admiral thought the constitution of the Admiralty or of the dockyards required correction let him make a distinct Motion on that subject; but in the course of a long speech he had alleged no reasons why the Commission should go into that extensive inquiry. He might be permitted to say, however, that the present Board of Admiralty were not negligent with regard to that subject and other subjects. They were now engaged in organizing two Committees. To one of them was to be intrusted an inquiry into our steam machinery and the best mode of applying steam to the Royal Navy. That was one large subject of inquiry of great importance. The other Committee was to investigate the present system of the dockyards. It appeared that in reference to efficiency and economy some inquiry was necessary. He was now preparing a Committee of inquiry on that subject, and he believed that by such a Committee the inquiry would be more effectually carried out than by embarrassing a Committee or Commission with the investigation of the whole of these subjects. He would give the House some little idea of the extent of these inquiries by stating that a very eminent individual connected with the mercantile marine informed some of the gentlemen organizing these Committees that the different heads of inquiry could not be satisfactorily gone through under three years. He mentioned this to show that the gallant Admiral was preparing more work than any Committee or Commission could satisfactorily perform. These were the reasons why he could not consent to the latter part of the Motion, and therefore he should suggest that the Motion should conclude with the words, "manning the Navy." With that alteration he was willing to consent to the Motion.

VISCOUNT PALMERSTON said, he thought that they were all agreed as to the great importance of the subject to which his hon. and gallant Friend had so ably called the attention of the House, and he should not, therefore, trouble the House with any observations in support of the object he had in view. The only question on which there was any difference of opinion was as to the relative advantages of a Committee or Commission. Perhaps either of these means of inquiry would very sufficiently accomplish the object in view, but he thought that there were reasons why a Commission was preferable to a Committee. Some of these reasons had been indicated by the right hon. Baronet opposite. In the first place a Commission was a more "continuous-service" instrument than a Committee. A Commission sat during adjournments and prorogations and could go from place to place. In taking the evidence, there would be more facility of interspersing conversations with examinations, and a greater freedom of communication between the persons conducting the inquiry and the persons examined, in the case of a Commission than the formality of proceedings in a Committee would probably allow of. He should therefore support the Motion of his hon. and gallant Friend for a Commission in preference to the Amendment suggesting another mode of inquiry. The right hon. Baronet opposite had suggested the expediency of limiting the inquiry to the subject mentioned in the first part of the Motion, and he would recommend his hon. and gallant Friend to accept the suggestion. That subject would be quite sufficient to occupy the Commission for a considerable time; and his hon. and gallant Friend, if he succeeded by his Motion in providing a good plan for securing the manning of the navy, would accomplish a great national object, for which the country would be deeply indebted to him.

MR. WARRE said, he concurred in the statement of the hon. Member for Norfolk (Mr. Bentinck) that if they wanted a good article they must give the market price for it, and he trusted, as the continuous-service system was about to be restored, that the House, when the proposition came before it, would not object to vote the money for the purpose. As the difficulty of obtaining men for the Navy had been adverted to, he would observe that there was no difficulty in obtaining lads from 14 to 17 years of age. They were perfectly willing to enter the service, and would soon rise into men; and when once they began the service they were apt to abide by it. If that were so, it would be worth while to make some expenditure for the purpose of receiving a number of those lads, and training and educating them. He preferred a Commission to a Committee, as an instrument of inquiry, and he presumed that the hon. and gallant Admiral would not be indisposed to limit his Motion in the manner suggested by the first Lord of the Admiralty.

MR. BARROW said, he must express his regret and surprise that the Government had not supported an inquiry by a Committee of that House rather than by

a Royal Commission, which was always liable to some suspicion. He was sure the report of a Committee of that House would have more confidence with the country.

SIR CHARLES NAPIER replied, he decidedly objected to the employment of men of war as transport ships. He assured the right hon. Gentleman the First Lord of the Admiralty that in what he said he did not mean at all to reflect upon him, but upon the late Board of Admiralty, of whom he had a good right to complain, and he was surprised that, of three Lords of the Admiralty who were in the House not one of them stayed to hear the debate. He gratefully accepted the suggestion of the right hon. Gentleman the First Lord of the Admiralty, believing, as he did, that he would not have got so much if the late Board had been in power.

Amendment and Motion, by leave, *withdrawn*.

Resolved,—

That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Commission to inquire into the best means of manning the Navy.

VALUATION (IRELAND).

COMMITTEE MOVED FOR.

MR. GROGAN said he rose to move,

"That this House do resolve itself into a Committee to consider of an Address to Her Majesty, praying that she will be graciously pleased to give directions that the ratepayers of Ireland be relieved from one-half of the expenses of the annual revision of the valuation, in such manner as she may deem fit, and to assure her Majesty that this House will make good the same."

He wished to explain that the valuation in Ireland was carried on under an Act of 1828, and since by several other Acts, originally for merely local purposes, the expense having been about £360,000. The ratepayers did not object to its original cost as it was of great local use, but the minute annual revision of it, costing at present £8,300, and likely to cost £12,000 when the whole of Ireland was brought within it, was really of greater use for imperial purposes, as the Government at present, for the expense of copying the documents already framed at the cost of the ratepayers, obtained what formed the basis of their taxation. Upon that was founded the license duty, all levies for Exchequer purposes, the Succession and Legacy Duty, the elective franchise, and to a very large extent the operations of the Incumbered Estates Court, and on that ground he thought the ratepayers were entitled to be relieved of part of the expense of making that annual revision.

MR. SPEAKER said, that it was not competent to the hon. Gentleman to move that the House do go into Committee at once; and he should put the Motion, introducing the words "Thursday next."

Motion made and Question proposed,—

"That this House will, upon Thursday next, resolve itself into a Committee to consider of an Address to Her Majesty, praying that She will be graciously pleased to give directions that the Ratepayers of Ireland be relieved from one-half of the expenses of the Annual Revision of the Valuation, in such manner as She may deem fit, and to assure Her Majesty that this House will make good the same."

THE CHANCELLOR OF THE EXCHEQUER said, that his hon. Friend had stated his case with great fairness, and he thought that those who had paid attention to this subject would agree that his hon. Friend was justified in bringing the case under the consideration of the House. No doubt this, which might be called a tax for a peculiar interest, was employed for Imperial purposes, and had become part of the machinery by which the public business of Ireland was carried on. When notice of the Motion was given by his hon. Friend, he (the Chancellor of the Exchequer) told him that he would consult Sir Richard Griffith on the subject—having received a deputation on the subject—and request that gentleman to draw up a Report, in which the matter might be brought before the Government in all its bearings, and that he would give his sedulous attention to that Report, which would very much influence any determination to which he might come. That Report he had received, but he would honestly say that such had been the pressure of public affairs during the last week, and the demands on him in the conduct of the business of the House, that he had not been able to give that attention to the subject which a question that concerned the Consolidated Fund demanded. He could not undertake to sanction a change which would affect the Consolidated Fund, without giving it a greater scrutiny than he had been able to give it. He would assure his hon. Friend that he would give the subject all the attention it so eminently deserved, and inform him, as soon as it was in his power, of the decision of the Government. He admitted that the subject deserved attention, but he thought it would not be becoming in him to call on the House to permit an addition to be made to the charge on the Consolidated

Fund without having had sufficient time to consider the subject.

MR. M'CANN said, he thought that they could not press the Chancellor of the Exchequer further than he had stated, and he had no doubt when the subject was considered justice would be done.

MR. MACARTHY suggested to the Chancellor to consider whether there might not be a saving of expense to the country by making a septennial instead of an annual valuation, from which no particular advantage was derived.

MR. GROGAN said, he was quite satisfied with the statement of the right hon. Gentleman and was content to leave the matter in the hands of the Government. He would therefore withdraw his Motion.

Motion by leave *withdrawn*.

WEIGHTS AND MEASURES BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed—"That the Bill be now read a second time."

MR. HORSFALL said, he rose to move as an Amendment that the Bill be read a second time that day six months. He agreed with the hon. Mover that it was quite desirable to have uniformity in weights and measures, but he objected to the mode in which that object was proposed to be obtained. The Bill proposed to make it compulsory that all descriptions of grain and fruit should be sold by measure. Now, in most of the large towns of England, and in all the towns of Ireland, wheat was sold by weight. The effect, therefore, of passing such a measure as this would be to introduce a perfect revolution. He had been in hopes that the hon. Gentleman, when he brought in the Bill, would have stated some satisfactory reasons why so important a change should be made. He had failed to do so, however, and he presumed, therefore, they must judge of the arguments in support of the Bill by a paper which had been very generally circulated, and a copy of which he (Mr. Horsfall) then held in his hand, entitled, "Weights and Measures and Sale of Corn: Reasons in favour of the Bill." Now, in those "Reasons" he found some very extraordinary statements. One of these was, that the inspectors of weights and measures, although they were authorised to inspect weights and measures in shops, were not authorised to do so in the public streets. But no grain was sold in the public streets; at least he had never heard that it was in any town in England. Further, they were told that it was clear no person could effectually protect himself against fraud in the purchase of corn without having both weight and measure. All he could say, however, was that in most of the large towns grain was sold by weight; and after communicating with his constituents he had been informed that there had never been an instance of fraud known in Liverpool, where corn was sold by weight. It could not be said, then, that there was very much in that argument. Again, one of the "Reasons" stated that the articles which were sold by weight were almost invariably adulterated. Well, he had never heard of corn being adulterated, and, upon inquiry among those who were interested in the trade, he was assured that there was not an instance of the sort on record. But the main reliance of the promoters of the Bill was placed on a return which had been ordered by the House upon the Motion of the hon. Member for Derby (Mr. Bass). Now, he confessed he felt somewhat staggered upon looking at that return; but, recollecting that it came from his old Friends at the Board of Trade, he entertained some little distrust; and placing it in the hands of those whom he deemed to be competent to analyse it, he found that it was a purely fictitious statement—a complete fallacy. It stated, for instance, that at Bristol, Gloucester, Leeds, Macclesfield, Hull, and Newcastle, all important market towns, grain was sold by the imperial measure; whereas the fact was that in every one of them grain was sold by weight. He left the House, then, to say what reliance ought to be placed upon such a return as that. Yet this very return was one of the grounds upon which the House was invited to pass this Bill. The only semblance of an argument that could be urged in behalf of the measure was that the import duties were levied by measure; but this had not been put forward by the promoters of the Bill. If he were called upon to suggest any uniform system, he would recommend that, instead of making it imperative to sell by measure, it should be made imperative to sell by weight. But it was not his province then to propose a plan, but rather to point out the objections to that which was contained in the Bill, and having done this, he begged to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the

word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. PAGET seconded the Amendment. The amount which a measure would hold depended a good deal upon the skill of the measurer, and a measure, when shaken would hold much more than when the corn was put lightly into the measure; so that it was a common saying in the corn trade, that sharp measure would not hold out when carried to any distance. The intention of the Act of 1835 was that, with reference to grain, measure, and not weight, should be adopted throughout the country, but by an elasticity in one of its clauses weight was permitted, and the country divided itself into two great districts—one adopting the principle of measure, the other that of weight—and that state of things still continued. Throughout the east and midland parts of the country, which supplied the great manufacturing districts of Lancashire and Yorkshire, weight had now become almost universal, though for a short time after the passing of the Act the principle of measure was adopted. For himself, he could say that for some years after the passing of the Act of 1835 he had endeavoured to carry out its provisions and sell by measure, but that system imposed upon him such an amount of trouble, and led to such frequent disputes, that he was obliged to resort to the principle of weight, since which he had scarcely had a single dispute. Where he had one dispute now, he should have at least ten if he went back to the principle of measure.

MR. ADAMS said, there was a strong feeling adverse to this Bill, particularly among the merchants engaged in the corn trade. He thought he could best explain the discrepancy pointed out in the Board of Trade Return by stating the practice,—which was that, although nominally took place by measure, they were actually carried on by weight. He believed that the passing of such a Bill as the present would not only entail on the dealer an additional amount of labour, but a considerable increase of expenditure. The present mode was perfectly satisfactory both to merchants and farmers, and he had never heard of a dispute between the seller and the buyer as to the quantity actually delivered; but he believed that under the proposed measure endless disputes would arise, and therefore he thought the plan highly objectionable.

Mr. Horsfall

MR. M'CANN would undertake to say that there were not two expert measurers in London who would measure twenty quarters of grain and produce the same result. What was wanting in the empire was a uniform method of transacting business in a sound way, and that was by weight. Everything ought to be sold by weight, and the pound avoirdupois ought to be the unit of weight. In retail business it was impossible to prevent fraud on the humbler classes by any other means, and, therefore, he was decidedly in favour of weight as a standard.

MR. KIRK said, he believed that actually and virtually the sale of all grain and all agricultural produce in Ireland was by weight. The great thing required was a uniform standard of weights and measures throughout the three kingdoms, and the simplest plan would be to fix the unit at one pound, as had been suggested by the hon. Member for Drogheda. Owing to the want of simplicity, farmers were obliged to enter into elaborate calculations, which it was desirable as far as possible to obviate. A bushel in one part of the country meant 67lbs., in another 70lbs., and in another 80lbs., and that fact alone was sufficient to show the want of that simplicity in our system which ought to govern all the calculations of a commercial community like this.

MR. BASS said, he understood that the object of this measure was to obtain some uniformity of weights in the three countries of Ireland. Scotland, and England. The great opponents of the measure of course came from Liverpool, as representing the Irish interest; but he did not think their opposition ought to prevail. The Bill gave weight tested by measure, or measure tested by weight, the only true test of quality; whereas at present all transactions were carried on by measure. Under the present system if a man sold a bushel of barley, there was no means by which its quality could be tested beforehand: in fact the system afforded no measure of capacity whatever. He purchased largely in Norfolk, in Suffolk, in Northamptonshire, in Lincolnshire, and in Yorkshire, but he never could buy except by measure, which had no reference to weight. On the other hand, he had recently been obliged to go into the German and French markets to buy grain, and there the rule was that you bought so many bushels of such a quality which should weigh so and so. Now that was all that was asked for by this Bill: it was to enable a buyer to ascertain weight

as well as measure. If hon. Members would look at the Report of the Committee of 1834, they would find a great deal of information on the subject, and he might adduce in support of the views which he entertained the testimony of Mr. R. Page, who was perhaps better known under the name of "Daniel Hardcastle," and who stated that, with the exception of one or two places, corn was sold by measure throughout Europe.

Sir JOHN SHELLEY observed, that in most counties there were two different modes of selling corn, and the disadvantage of this want of uniformity was, that if a man went from one county to another to make a purchase, he had to dot and carry one before he could ascertain the weight according to the measure of his own county. The object of this Bill was to correct that, and he, for one thought the House would be doing a great service to the farmers if it adopted some such system of uniformity as this measure proposed.

MR. HENLEY said, it was impossible to overrate the importance of the question raised by the Bill. Several gentlemen had waited on him during the progress of the Bill, but from all he had heard he was convinced that they were not yet in a position to legislate on the subject. He was sure that the hon. Member must see that there were a great many difficulties in the way of his proposal. The earlier speakers that night had declared entirely for weight, and for an alteration of the present mode of weight by the introduction of the decimal mode of reckoning. Was the country ripe for that? There were other parties, among whom were the supporters of the Bill, who contended that the standard should be, not measure, but measure combined with weight. It was said that uniformity would be attained by that system; but it was already in practice, and yet it had not secured uniformity. In Liverpool people sold by the bushel of 70lb., and in Leeds people sold by the bushel of 63lb. He wanted to know whether, if sales were to be made by the bushel of a certain weight, the sellers should add more corn to the bushel in case the weight was deficient. That was a point on which he found that a difference of opinion prevailed among the supporters of the proposal. Amid such a conflict of opinion, it appeared to him that the House would do well not to proceed with the Bill, and he should recommend the hon. and learned Gentleman the Member for Southwark to withdraw it for the present. If, on the other hand, he went to a decision, he should be obliged to vote against him.

MR. JOHN LOCKE, in reply said, the right hon. Gentleman entirely misapprehended the first clause of the Bill, as he never contemplated to enact that by that clause the sale of corn by a certain measure ought to be of a certain weight. It was only intended by that clause to enact that corn should be sold by measure, but it was added *ex abundante cautelâ* that if the weight was in any case added, the sale should, nevertheless, be held to have been by measure. He extremely regretted that he had ever had anything to do with the subject, because hon. Gentlemen in the corn trade seemed to argue on a principle that if it were said twice two made four, they could prove that twice two made five. It seemed to him a rather good Bill, independently of the first clause, and if that clause were struck out there was sufficient good in it to justify its being read a second time. He entreated the President of the Board of Trade to allow the Bill to go into Committee, and promised not to occupy time with the question whether corn should be sold by measure or weight. He would give up either the vegetable part or the corn part of the Bill; but he hoped the provisions would be retained which prevented persons in the streets selling by false weights and measures, and enabled legal weights and measures to be properly verified.

MR. PACKE said, the hon. Gentlemen who had the conduct of the Bill gave a different account of it—one saying that it had nothing to do with measure, and another that it had nothing to do with weight. He thought, however, the great advantage in the Bill was the uniformity of system which it tended to secure throughout the kingdom. He should be inclined to vote for its going into Committee with the view of introducing such Amendments into it as would remove the objections that were urged against it. He would, therefore, vote for the second reading.

Question put.

House *divided*:—Ayes 84; Noes 92: Majority 8.

Words added.

Main Question, as amended, put and *agreed to*.

Bill *put off* for six months.

House adjourned at One o'clock, till Thursday.

HOUSE OF LORDS,

Thursday, May 20, 1858.

MINUTES.] PUBLIC BILLS.—1ª Stamp Duty on Passports.
2ª Chelsea Hospital (Purchase of Lands).
3ª Protection of Female Children; Consolidated Fund (£11,000,000); Stamp Duty on Drafts.

OUDE.—LORD CANNING'S PROCLAMATION.

RECEIPT OF DESPATCHES.

THE EARL OF DERBY: I think it right to inform your Lordships that in the course of this morning there have been received from India despatches of considerable importance, containing among other things, the recommendations of Sir James Outram with reference to the Proclamation upon which so much discussion has taken place, and also Lord Canning's reasons for issuing that Proclamation in the form in which it has appeared. Under ordinary circumstances I should have thought it doubtful whether papers containing a discussion upon matters of policy between two high officers of the Crown in India ought to be laid on the table; but, as I find that these despatches have been already laid before the Court of Directors, and considering that the course which Lord Canning has pursued has been the subject of great comment, I think it would be most unjust to that noble Lord that there should not be laid before Parliament in his own words and language the grounds and the reasons which induced him to issue that Proclamation. I wished to have been able to place these papers before your Lordships in the course of this evening; but they are actually being copied out at the present moment, and therefore it will be impossible to lay them on the table until to-morrow.

EARL GRANVILLE: To-morrow I understand the House adjourns for Whitsuntide holidays, and the papers will not therefore be in the hands of Members before the adjournment. If the noble Lord would now move that these papers be laid on the table, they might be in the possession of Members in the course of to-morrow.

THE EARL OF ELLENBOROUGH: That course is one which is very frequently pursued, and I think it is of the highest importance, and is absolutely necessary, that the House of Commons should be in possession of those papers before they divide to-morrow.

THE EARL OF DERBY: I believe they will be in the possession of the House of Commons before the division takes place; and I can assure your Lordships that I have not the slightest wish to prevent them from being immediately laid before Parliament. If your Lordships wish that I should go through the fiction of now laying on the table papers which I have not yet got, I have no objection to do so. I will now move that there be laid before this House copies of any despatches that may have been received to-day from India, containing the grounds on which Lord Canning thinks he was justified in issuing the Proclamation. I have not the precise terms in which the Motion should be couched.

THE EARL OF ELLENBOROUGH: I can supply those terms. The Motion should comprise, first, a letter from the Secretary of Sir James Outram, to the Secretary of the Governor General, dated the 8th March, on the subject of the Proclamation; next, the answer of the Secretary of the Governor General to the Secretary of Sir James Outram, dated the 10th of March; and last, the letter of the Governor General's Secretary, dated March 31.

THE EARL OF DERBY: I beg to move, then, that these papers be laid on the table.

Motion *agreed to.*

House adjourned at half past Five o'clock, till To-morrow, Twelve o'clock.

HOUSE OF COMMONS,

Thursday, May 20, 1858.

MINUTES.] NEW MEMBER SWORN—for Leitrim County, William Richard Ormsby Gore, Esq.
PUBLIC BILLS.—1° Public Groundsand Playgrounds; Titles to Land (Scotland); Bishops' Trusts Substitution (No. 2).
2° Common Law Procedure Act Amendment.
3° Chancery Amendment.

THE LANDOWNERS OF OUDE.

QUESTION.

SIR DENHAM NORREYS said, he would beg to ask the late President of the Board of Control whether the late Government had determined on, and communicated to the Governor General of India, the line of policy which, in their opinion, should be pursued towards the Landowners of Oude when the fitting occasion should arrive for the publication of their policy; and whether the late Proclamation fairly

represents the view so communicated to the Governor General?

MR. VERNON SMITH: Sir, in reply to the question put to me by the hon. Baronet, I have to state that the late Government had not determined on or communicated to the Governor General of India "the line of policy which in their opinion should be pursued towards the Landowners of Oude when the fitting occasion should arrive for the publication of their policy;" and, of course, not having determined on or communicated to the Governor General the line of policy which in their opinion should be pursued, the next question of the hon. Baronet as to "whether the late Proclamation fairly represents the views so communicated to the Governor General," naturally falls to the ground.

COMMUNICATION BETWEEN LONDON AND DUBLIN.—QUESTION.

MR. H. HERBERT said, he wished to ask the Secretary to the Treasury whether satisfactory progress has been made towards carrying out the arrangements with the City of Dublin Steam Packet Company, the Chester and Holyhead, and the London and North-Western Railway Companies, for the proposed improved Postal and Passenger Communication between London and Dublin?

MR. G. A. HAMILTON: Sir, I can scarcely state, in reply to the question of the right hon. Member for Kerry, that much satisfactory progress has been made towards carrying out the arrangements with the three companies referred to. The draft of the contract has been examined, and was sent back in February last, but it has not since been returned. I have made inquiry on the subject, and I find that the draft has been for some time in the hands of the Chester and Holyhead Railway Company. The cause of the delay that has occurred in sending it forward is, I understand, the absence for some time of the chairman of the company. There are some difficulties, I believe, in the carrying out of the arrangements, but all those, I have no doubt, will be ultimately removed; and facilities will be afforded for the carrying them out by a Bill at present before the House. I apprehend that the real cause of the delay is the waiting for this Bill to be first passed through the House

KITCHENS FOR THE ARMY.—QUESTION.

VISCOUNT EBRINGTON said, he wished to ask the Secretary of State for War when the Return moved for on the 20th ultimo, for Copies of Reports respecting Captain Grant's Kitchens, will be laid upon the table? Whether, since the commencement of the official inquiries into the working of those Kitchens, others upon different plans have been erected for the use of the troops of the Barrack Department? Whether it is the intention of the Government, after full investigation, to decide upon some one plan of Kitchens for the army, and to adopt that, at least, until some better one is discovered?

GENERAL PEEL said, that the Report to which the noble Lord alluded would be ready for presentation on Monday next, and will be laid before the House on the first day after the holidays. With regard to the second question of the noble Lord, he had to inform him that a Board of Officers had been appointed in order to inquire into the whole subject, and to report upon it. In answer to the last question put to him, he begged to inform the noble Lord that it was the intention of Her Majesty's Government, as soon as any plan was adopted for an improved system of cooking, to order such additions to be made in the barracks as might be deemed necessary for the carrying out of such a system.

CIVIL SERVICE SUPERANNUATION COMMISSIONERS.—QUESTION.

SIR JAMES ELPHINSTONE said, he would beg to ask the Chancellor of the Exchequer whether, in consequence of the final Report of the Civil Service Superannuation Commissioners being now laid on the Table of this House, which again recommends several important alterations to be made, he is prepared to bring in a Bill this Session in accordance with suggestions of said Report.

MR. G. A. HAMILTON: Sir, on behalf of my right hon. Friend the Chancellor of the Exchequer, I beg to state, in reply to the question of the hon. Baronet, that a measure is in preparation on the subject referred to. The question, however, is one of some difficulty. Soon after the holidays we hope to be enabled to lay a Bill upon the table of the House.

MR. GLADSTONE said, in reference to the same subject, he found that the Report of the Civil Service Commissioners recommend the abolition of certain deductions, and likewise that the salaries of officers in different classes should not be subject to certain deductions. He wanted to know whether those recommendations would be carried out in the new measure.

MR. G. A. HAMILTON said, that a statement as to the nature of the measure would be made to the House at the earliest moment.

HARBOURS OF REFUGE.—QUESTION.

MR. MACARTNEY said, he wished to ask the Chairman of the Harbour of Refuge Committee the Member for Devonport what has caused the delay in furnishing the Draft Resolutions, as promised by him to the Committee, at their last meeting, on the 19th day of April; and whether there is any probability of their being delivered to the several Members previous to the recess.

MR. WILSON said, he found upon communicating with some of the Members of the Committee that they could not again meet before Wednesday week. The hon. Gentleman was well aware that the evidence taken before the Committee was very voluminous, and it would take some time to have it all printed. He hoped, however, that the Report would be in the hands of hon. Members before the next meeting of the Committee.

NEW ZEALAND.—QUESTION.

LORD ALFRED CHURCHILL said, he would beg to ask the Secretary of State for the Colonies whether it is true that the Governor of New Zealand had repealed the Arms, Ordnance, and Importation Acts, as framed by Sir George Grey, to prevent the Natives procuring arms and ammunition, and whether such repeal meets with the approval of Her Majesty's Government?

LORD STANLEY: Sir, in answer to the question of the noble Lord, I have to state that it is not the case that the Governor of New Zealand has repealed the Act in question. In point of fact, it would not be in his power to do so. An Act passed by the Colonial Legislature can only be repealed by the action of the Colonial Legislature itself. What has really occurred is this:—The Act is an empowering Act, giving power to the Government to proclaim certain regulations for the sale of warlike stores to the Natives. On the passing of the Act, the then Governor of New Zealand issued a Proclamation imposing some severe conditions and restrictions upon trading in those matters. It was, however, subsequently found that the Government had no adequate means for enforcing them, and the restrictions were evaded. A contraband trade had sprung up, thereby increasing the very evil they intended to guard against. In consequence of that being found to be the case, the present Governor of New Zealand thought it necessary to modify and to relax those restrictions. The draft of the new regulations was sent over here, and was received by the right hon. Gentleman, my predecessor in office (Mr. Labouchere). Lord Panmure, the then Minister of War, expressed his opinion that there was nothing objectionable in the terms of the Proclamation. That being the case, the feeling of the Government was pronounced upon its merits, and I do not, however, under the circumstances, consider myself called upon to express an opinion upon the matter.

SUPPRESSION OF THE MUTINY AT KURRACHEE.—QUESTION.

MR. DILLWYN said, he wished to ask the Secretary to the Board of Control whether any account has been received by the Board relative to the suppression of the Mutiny and the disarming of the 21st Regiment of Bombay Native Infantry at Kurrachee in September, 1857.

MR. BAILLIE said, it was quite true, as stated by the hon. Gentleman, that the Government had received a Despatch giving an account of the suppression of the mutiny and disarmament of the 21st Regiment of Bombay Native Infantry, at Kurrachee, in September last. He was, however, at a loss to know how it happened that these deeds did not appear in the *Gazette*. In justice to the officers whose exploits had contributed to effect those results, the attention of the Indian Government had been called to the matter by the Commander in Chief. The Adjutant General's letter, dated the 26th of September, 1857, was as follows:—

"The Commander in Chief considers that the prompt and able manner in which the disarming of the 21st Regiment was carried out, under the orders of Major General Scott, ably seconded by Brigadier Lowth, commanding at Kurrachee, and Lieutenant Colonels Hutt and Stiles, respectively commanding the Artillery and 2nd European Regiment Light Infantry, as most creditable to all concerned, and most fully concurs in the opinion expressed by Mr. Frere, that the decision with which Major M'Gregor, commanding the regiment, acted on the occasion cannot be too highly commended."

LAW REFORMS.—NOTICE.

THE ATTORNEY GENERAL said, he rose to give notice that on Thursday the 3rd of June, he would move for leave to bring in a Bill to consolidate the Statute

Law of England relating to offences against the person; also, six other Bills to consolidate the Criminal Statute Law of England; and, in the event of the above Bills being read a first time, he would move on an early day to refer such Bills to a Select Committee, to report upon such Bills and upon the expediency and practicability of combining the amendment of the Statute Law with the consolidation thereof; also upon the expediency of the appointment of a Board for the consideration and revision of all Bills for the consolidation and amendment of the Statute Law, and of all other Bills that might be referred to such Board. He also desired to give notice that he would move also, on Thursday, the 3rd of June, for leave to bring in a Bill to amend the law relating to the wills of British subjects resident or domiciled abroad, and to the granting of Administration to the estates and effects of such persons dying intestate; and that on the same day he would likewise move for leave to bring in a Bill to enable persons to establish their legitimacy by the judgment of a Court of Law, and also to enable persons in like manner to establish their right to be regarded as natural born subjects of Great Britain, and to extend the jurisdiction of the Court for Divorce and Matrimonial Causes.

LORD CANNING'S PROCLAMATION.—THE PRIVATE LETTER.

EXPLANATION.

VISCOUNT PALMERSTON: Sir, I may perhaps request the indulgence of the House to allow me to make a statement, which I think arises out of a wish expressed by the House. On a former occasion the House showed itself anxious to be made acquainted with that passage of the letter of Lord Canning to the late President of the Board of Control, to which reference has been made so often in the recent debates. I am now prepared to read to the House that extract. It is perhaps necessary that I should first read an extract from a preceding letter, as explanatory of the extract from the letter now in question. In a letter dated Allahabad, February 20, Lord Canning, after having stated his opinion with regard to the course which ought to be pursued with reference to the mutineers, says:—

"The talookdars, landowners, and their followers, men who have not eaten our salt, and who owe us nothing, and who think themselves, not unreasonably, wronged, are not in the same category with the mutineers. I will proclaim for them a very large measure of indulgence after Lucknow is ours. But until that happens, or until Sir Colin Campbell's guns open upon it, I will not give them any encouragement. I do not believe that mortal man could frame a Proclamation of pardon to mutineers, which, to those in Lucknow, would not be accepted as a sign of hesitation and weakness, and produce more evil than good."

In a subsequent letter of the 6th of March, Lord Canning says:—

"My letter by the last mail mentioned a Proclamation which I intended to address to the Oude chiefs and landowners. It goes to you officially by this mail. I had hoped that it would be accompanied by an explanatory despatch, showing why it was in some respects so sweeping and in others so indulgent, and was in consequence sure to be attacked by some persons. But I have had such an urgent pressure of business upon me for the last few days that I have not been able to do so. You will not, of course, act upon it at present. I send it beforehand only as a copy of instructions to Sir J. Outram."

These are the passages in Lord Canning's letters to my right hon. Friend; but knowing that Lord Canning had also been in correspondence with Earl Granville his intimate Friend, I thought it desirable to ascertain from Earl Granville whether he had received any communication from Lord Canning touching this Proclamation which he deemed of sufficient importance to be communicated to the House. Earl Granville in a letter of to-day says:—

"In reply to your questions referring to my private correspondence with Lord Canning since the change of Ministry, I beg to inform you that the only letter of public importance which I have received was on the 19th April, and of which I read the greater portion to Lord Ellenborough on the 20th April. I did not read the whole of it, for reasons which I have already stated in public and which I do not now feel called upon to repeat; but nothing of real importance was omitted. Every word relating to the Proclamation was read, including the fact that General Outram had objected to its severity, and that Lord Canning had, in consequence, added a sentence to the Proclamation to make it clear that no confiscation of proprietary rights would be the general penalty, but that restitution of them would be the reward for coming in. I was not, however, certain of the date of the communication to Lord Ellenborough, but he has kindly referred to his papers, and has handed me a memorandum giving the exact date of it, and in which he informed me that he had written to Lord Canning on the subject. Lord Ellenborough stated that he had written the despatch on the 18th, signed it on the 19th, and sent it on the 26th of April; and he has intimated that no explanation, or announcement of an explanation, would have altered his decision with regard to the necessity of writing and sending a secret despatch. I have submitted these remarks to Lord Ellenborough, who thinks that what I have written is quite correct.

"GRANVILLE."

I have a letter which Lord Ellenborough sent to Lord Granville, in which he says:

"My dear Lord Granville,—I have read what you have said to Lord Palmerston, and it is quite correct.

Yours faithfully, ELLENBOROUGH."

I thought it very desirable in consequence of so much excitement which prevails, and in consequence of the interest which has been evinced regarding these communications, to trespass on the indulgence of the House, though there was an irregularity in so doing, and I believe I have only performed a public duty.

MR. BRIGHT: On this unpleasant part of the subject I do not wish to occupy the attention of the House; but I wish to put a question to the noble Lord who has just sat down. We have all heard to-night of two letters having been received by the right hon. Gentleman the late President of the Board of Control (Mr. Vernon Smith) from Lord Canning. Before to-night there was no statement of there being more than one. I wish to know, as the Government have stated that there has not for ten weeks been any direct communication between Lord Canning and the late President of the Board of Control, if the noble Lord can tell the House whether those two Letters received by the right hon. Gentleman are all the Letters which Lord Canning wrote to him, or to the late Government during those ten weeks. Of course I refer to Letters concerning the public affairs of India. If the noble Lord or the right hon. Gentleman had given us a frank intimation much earlier of what those Letters contained, he would have avoided giving rise to those unpleasant observations which have been made so frequently in the course of the debate.

VISCOUNT PALMERSTON: The hon. Gentleman was perhaps not in the House when I gave an answer to the question on a former evening. My answer was so far incorrect, that I stated that my right hon. Friend had received three Letters, for in point of fact four were received—and the dates were the 5th of February, the 20th of February—from which I have read an extract—the 6th of March—from which I have also read an extract—and another short Letter of the 17th March, which contains a communication upon military points, and which was sent by my right hon. Friend to the Duke of Cambridge, who said he had already received the same information from Sir Colin Campbell.

SIR HENRY RAWLINSON: I wish to ask the right hon. Gentleman (the Chancellor of the Exchequer) whether he has any objection to lay upon the table of the House the despatches which the Government have received to-day from Lord Canning, on the subject of the Proclamation, so that they may be printed and in the hands of Members to-morrow before the adjourned debate is resumed?

THE CHANCELLOR OF THE EXCHEQUER: In reply I can only say that if the papers to which the hon. and gallant Gentleman alludes are to be presented to Parliament, I will certainly take care that they are presented in time for the debate to-morrow evening; but in the course of the evening I may perhaps be able to answer more definitely the question of the hon. and gallant Gentleman.

Afterwards, Mr. LOCKE KING having agreed to postpone the Second Reading of the County Franchise Bill,

SIR JOHN SHELLEY rose, and asked the Chancellor of the Exchequer whether the House understood correctly that the despatches would be produced to-night. ["Order!"]

COMMON LAW PROCEDURE ACT AMENDMENT BILL.

MR. ATHERTON then moved that the Bill be now read a second time.

THE INDIAN DESPATCHES.

SIR JOHN SHELLEY said, he believed he was now in order, and he wished to ask a question of the right hon. Gentleman opposite.

MR. SPEAKER: The hon. Member is not in order if his question is not relevant to the Bill before the House.

MR. BERNAL OSBORNE: Move an Amendment.

SIR JOHN SHELLEY said, he would put himself in order by moving the adjournment of the debate. In doing so he did not wish to intrude upon the attention of the House, but he thought it most important that they should clearly understand whether these papers which had been received by the Government to-day would certainly be laid upon the table of the House, and be printed by to-morrow. In a debate of this great importance—["Order!"]—he wished to ask again whether there was any reason of which the right hon. Gentleman knew why these papers should not be in the hands of Members to-morrow? He wished to know whether it was the intention of the Government to produce them or not?

Motion made and Question proposed, "That the Debate be now adjourned."

THE CHANCELLOR OF THE EXCHEQUER: I thought my answer to the question was sufficiently clear. The hon. Baronet must remember that when papers of importance are received by the Government (and I have only seen these papers within the last hour), there are many considerations for a Minister before he can give a promise that they shall be placed upon the table of the House. The Government have not only to consider the public interests, but the feelings of many individuals whose names may be introduced before they can come to a decision. All I undertook was, that if these papers are presented to Parliament—and on this point I can give no opinion—I shall take care that they are presented in sufficient time to be in the hands of Members to-morrow morning.

LORD JOHN RUSSELL: I think the question of my hon. Friend (Sir J. Shelley) is perfectly reasonable. He asks that papers which have reached this country—some of which contain observations against the Proclamation, and others contain the views of Lord Canning—shall be placed before Parliament. I can understand that there may be remarks affecting individuals, or statements which ought not to be published; but I cannot conceive that because we are in a great debate, and it is admitted that up to this time we are not in possession of the grounds upon which the Government have acted, it would be right for the Government totally and entirely to refuse the production of these papers. Some modification may be necessary, but I think the right hon. Gentleman cannot but agree to the production of papers which certainly ought to be in our possession.

MR. W. VANSITTART said, the noble Lord opposite (Viscount Palmerston) had said that the late Government received four Letters. He wished to know whether Lord Canning had sent any more than four?

VISCOUNT PALMERSTON said, he had already distinctly stated that there were no more.

SIR HENRY WILLOUGHBY said, the statement of the Chancellor of the Exchequer had been quite misunderstood by the noble Lord the Member for London. He understood his right hon. Friend to say that important despatches had arrived which required consideration. Surely the noble Lord would not be an advocate for laying papers upon the table without due consideration being given to them. The House had already read them a lesson upon the subject, and therefore he thought his right hon. Friend would neglect his public duty if he, in the absence of concert with his colleagues, and without due consideration, promised to lay those papers upon the table.

LORD JOHN RUSSELL: I did not say that the papers should be produced without due consideration. I meant only to say that they should not be totally refused.

MR. SCOTT: The despatches received by the right hon. Gentleman the late President of the Board of Control relate directly to the present subject of debate, and appear to be a sequel to other despatches and letters previously received. I think it but fair that the noble Lord the Member for Tiverton, and the right hon. Gentleman the late President of the Board of Control, should give us all those parts of the despatches and letters which do not relate to private matters, but do relate to the public affairs of India; so that they may be laid upon the table at the same time as the despatches which have just been received from the Governor General. I have no doubt the noble Lord will see the reasonableness of my request, and, as he had full time to consider the nature of those letters, that he will entirely concur in my views as to the desirableness of placing the documents on the table of the House.

VISCOUNT PALMERSTON: If we had received any despatches, we should have been happy to lay them on the table of the House.

MR. SCOTT: I refer not to despatches, but to letters relating to public matters, although some people have called them "private communications."

Mr. MILES said, he could not but think the noble Lord the Member for London had mistaken the answer which his right hon. Friend the Chancellor of the Exchequer gave to the hon. Baronet. It was perfectly clear that a Minister of the Crown, who had received important despatches only an hour before, could not promise to lay them before the House without consulting his colleagues. All his right hon. Friend could say was, that if, after consulting his colleagues, the papers could be laid before the House, they should be in the hands of the Members to-morrow morning.

MR. AYRTON wished to point out the extraordinary course which was being pressed upon the Government. The Motion was framed with the express object of excluding from consideration the cause and the consequences of the Proclamation; but now there was a wonderful desire to have both the cause and the consequences considered. If the mover of the Resolution wished to go into those questions, he should do so honestly, by amending his Motion. Why not ask for all papers, and demand either the approval or condemnation of the Proclamation? Let the right hon. Gentleman take that course, or abide by that into which he had fallen—namely, of considering the despatch apart from the question which it raised. Though it might become the right hon. Gentleman (Mr. Cardwell) to abide by what he had done, it would not become the House to follow so bad an example.

SIR JOHN SHELLEY said, he would withdraw his Amendment.

Motion by leave *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Friday*, 28th May.

OUDE.

PROCLAMATION OF THE GOVERNOR GENERAL.—DESPATCH OF THE PRESIDENT OF THE BOARD OF CONTROL.

ADJOURNED DEBATE.—THIRD NIGHT.

Order read for resuming Adjourned Debate on Amendment proposed to Question [14th May]—

"That this House, whilst in its present state of information it abstains from expressing an opinion on the policy of any Proclamation which may have been issued by the Governor General of India in relation to Oude, has seen with regret and serious apprehension that Her Majesty's Government have addressed to the Governor General, through the Secret Committee of the Court of Directors, and have published, a Despatch condemning in strong terms the conduct of the Governor General; and is of opinion that such a course on the part of the Government must tend, in the present circumstances of India, to produce the most prejudicial effect, by weakening the authority of the Governor General, and encouraging the further resistance of those who are in arms against us."

And which Amendment was,—

To leave out from the word "House" to the end of the Question, in order to add the words, "generally approves of Lord Canning's policy up to the time of the Oude Proclamation, and is satisfied with the firmness and judgment he has evinced during the crisis in India; but this House declines to give any opinion upon the Oude Proclamation until it has had further information on the state of Oude when the Proclamation was issued, and also Lord Canning's reasons for issuing it," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question.

Debate *resumed.*

VISCOUNT GODERICH: Sir, it appears to me to be highly desirable, in the position in which this matter now stands, that we should keep clearly before us the real point at issue, and should bear in mind what is the question upon which the right hon. Gentleman the Member for Oxford (Mr. Cardwell) has asked us to pronounce our judgment. Now, Sir, hon. Gentlemen opposite complain very much that my right hon. Friend has abstained from calling upon the House to give any opinion as to the abstract merits of the Proclamation of Lord Canning. But it appears to me that my right hon. Friend is quite right in this respect, and that the reason which he gives for abstaining from pronouncing any positive opinion in respect to this Proclamation is in itself a strong argument against the course which has been pursued by Her Majesty's Government; for, Sir, my right hon. Friend says that we have not before us at the present time sufficient information to enable us to judge fairly of the course which the Governor General has pursued in Oude; and then he adds, most truly, that if this be so, and if the Government have no means of affording us this information, which it is strongly their interest to lay before us if they could, then we have a right to conclude that they have themselves condemned Lord Canning without really being sufficiently acquainted with the course which he has pursued. I shall, therefore, Sir, under these circumstances, myself abstain from entering at any length into a discussion of the meaning or the merits of this Proclamation; but as hon. Gentlemen opposite have endeavoured to force their interpretation of it upon the House, I am anxious to lay before the House one or two considerations which lead me to think that it is impossible that that interpretation can be a sound one. Now, Sir, we were told the other night by the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Whiteside), that the policy of this Proclamation was one of wholesale confiscation, and that the rights of every cultivator in Oude were to be destroyed and abolished by it. My first objection to that interpretation is, that it is quite inconsistent with the previous policy of the Governor General. We know that that policy has not been marked by cruelty or revenge, but that, on the con-

trary, Lord Canning has been distinguished by clemency and by an adherence to a policy of discriminating justice. But then it is said, that is very true, but the course which the Governor General is now pursuing has been forced upon him by the advisers with whom he is surrounded. Who, then, Sir, are those advisers? The Secretary of Government, with Lord Canning, at Allahabad, when the Proclamation was issued, was Mr. Edmonstone—he signed the Proclamation, and it is to be carried into effect by Mr. Montgomery, who has lately been Secretary to Sir John Lawrence in the Punjab, and has there been connected with the settlement of that country, which is universally admitted to be one of the most successful in India. Therefore, Sir, in considering the intention and meaning of this document, we may fairly refer to the past public career of these officers. It so happens that they were both selected, with four or five others, out of the whole Civil Service by the late Mr. Robert Bird, to carry out the great revision of land settlement in the North-Western provinces, which twenty years' experience has shown, to the satisfaction of most of those best able to judge of such questions, to have been founded on principles eminently successful. What were those principles? Their leading point was the recognition of the village communities as the rightful and most beneficial occupants of the soil, to the exclusion, as far as law would permit, of the so-called proprietors, denominated talookdars, zemindars, or sirdars. I am not going now to enter into the merits of this system; but when we remember that it was fully discussed, approved of, and carried out under the successive Governments of Lord William Bentinck, Sir Charles Metcalfe, and Lord Auckland, we may surely assume that Lord Canning, with such advisers, was more likely to intend his Proclamation to be in accordance with those principles of fostering the industrious village cultivators, than to suppose him suddenly to start a theory which, of course, would be in direct contradiction with all we know of his past conduct, and that of those who are supposed to have advised him on this occasion. But, Sir, if, in order to adopt the interpretation of the right hon. and learned Gentleman, we are forced to suppose that Lord Canning has deviated from the principles which have guided his own past course, and that of those around him, we ought surely to inquire what possible advantage he could obtain from the step he is supposed to have adopted. Now, Sir, it is said that he has destroyed the rights of the ryots and driven from the soil all the cultivators of Oude. But if so, whence is he to derive his revenue? The revenue is produced of course by these men, and if they are got rid of by this Proclamation, Oude will produce no revenue and the Governor General will wantonly have deprived his embarrassed finances of the resources of one of the richest provinces of India. I am inclined therefore, Sir, to believe that the real object of Lord Canning in issuing this Proclamation has been correctly described by my right hon. Friend the Member for Halifax (Sir C. Wood), and that he desired to avail himself of the present opportunity to reduce to order those talookdars and landowners, who have been portrayed to us under those very titles in Sir William Sleeman's work in such dark colours, and then to settle the country upon the system adopted in the North Western Provinces; and I am the more induced to believe that this interpretation will turn out to be the right one, because a policy of this description would only be a continuation of that which had been previously adopted in Oude by Lord Dalhousie. The hon. Baronet the Member for Tamworth (Sir R. Peel) contrasted the other night the course pursued by Lord Dalhousie with that followed by Lord Canning, and he said Lord Dalhousie's threat of confiscation was prospective, Lord Canning's is retrospective. Look at the difference between them! Why, Sir, of course there is this difference—Lord Canning's Proclamation is the complement, the necessary consequence of that of Lord Dalhousie. Lord Dalhousie said, "if you revolt, your property shall be confiscated;" Lord Canning says, "you *have* revolted, your property is confiscated," and I think it is quite clear, Sir, from the despatch of Lord Ellenborough himself that he really connects the policy of the present and the late Governor General together; for, he tells Lord Canning in the sixth paragraph, that "the war in Oude has derived much of its popular character from the rigorous manner in which, without regard to what the chief landholders had been accustomed to consider as their rights, summary settlements had in a large portion of the province been carried out by your officers," and he complains again in the thirteenth paragraph of the same summary settle-

ment which was that commenced under Lord Dalhousie, and which is now, as I cannot doubt, being completed by the recent Acts of Lord Canning. This, Sir, is the interpretation which, in the present imperfect state of our information, I am inclined to put upon this much-disputed document; but, at the same time, I desire to reserve my right to pronounce hereafter my opinion upon the subject when I shall know the manner in which this Proclamation has been applied and the interpretation which has been placed upon it by the Governor General himself. And I should not have been led into expressing any opinion upon the subject now, if I did not think it necessary to guard myself against being supposed to concur in the views entertained in respect to it by hon. Gentlemen opposite. Now, Sir, I turn to the real question upon which we are called to pronounce judgment to-night, I turn to consider the despatch of Lord Ellenborough. But before I enter upon the merits of that singular document I must say a word upon a portion of the speech of the right hon. and learned Attorney General for Ireland (Mr. Whiteside) which ought not, I think, to pass altogether unnoticed. Sir, the right hon. and learned Gentleman on the last night of this debate said that we, on this side of the House, were precluded from criticising the conduct of Her Majesty's Government in writing or publishing the despatch in question because the hon. and learned Gentleman the Member for Devonport (Sir Erskine Perry) had on the 23rd of April last urged upon the Government the necessity of adopting in Oude a merciful and considerate policy; and because, as the right hon. Gentleman said, we on this side had cheered the language then used by the Chancellor of the Exchequer. Sir, I shall leave the hon. and learned Member for Devonport to defend himself, as he is well able to do, from the criticisms of the Attorney General for Ireland. But I must notice the words of the right hon. and learned Member which immediately followed those to which I have alluded. He went on to say, —"would the House believe that on the 23rd of April the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith) stood up and re-echoed every word that was spoken by the hon. Gentleman the Member for Devonport in direct contrast and contradiction" to the opinions which that right hon. Gentleman has expressed in the course of this debate. Now, Sir, "would the House believe it," upon the occasion referred to the right hon. Gentleman in the whole course of the remarks which he then made never said one single word of that which has been attributed to him by the Attorney General for Ireland. The right hon. Gentleman on that occasion confined himself to a single question, to criticising, namely, the language of the Chancellor of the Exchequer, because he thought that it indicated an inclination on the part of the Government not to give that support to the Governor General to which the right hon. Gentleman thought him justly entitled; and he then reminded the House, in words which come home to us now with singular truth, that "there is not a more isolated position in the world than that of the Governor General of India." And what, Sir, was the answer of the Chancellor of the Exchequer to those remarks? The House will recollect that the despatch of Lord Ellenborough is dated the 19th of April, and that it left this country upon the 26th, and yet, the Chancellor of the Exchequer, speaking on the 23rd, told this House that in the observations which he made in respect to the instructions sent out to India, he "certainly had no intention whatever to convey to the House that any censure was implied on Lord Canning." Sir, it is not for me to seek to reconcile that statement of the right hon. Gentleman's with the facts of this case as we now know them. I leave the House to judge respecting it, and I have only now to thank the right hon. and learned Gentleman opposite for having drawn my attention to this discussion of the 23rd of April. And now, Sir, I am able to come at once to the real pith of this question. We complain of the conduct of Her Majesty's Government in having written and published the despatch of the 19th of April, and I will first consider that document as having been merely written and sent to the Governor General without having been made public, and I say that if the Government really believed that the Governor General deserved to be addressed in the language employed in that despatch, it was their bounden duty not to have stopped short at the writing of that document, but that they ought to have accompanied it by his immediate recall. They tell him in the fifth paragraph that he has pronounced "the disinherison of a people," and they say in the last paragraph that he has rendered a whole people hostile to the British Government by a sense o

wrong. Now, Sir, do the Government believe that, or do they not? If they do, what right have they to leave for an hour, in the position of Chief Governor of India, a man who disinherits a vast population and renders them hostile to our rule by a sense of wrong? But if they do not, if they have only used such language for the purpose of turning a fine phrase and inditing a grandiloquent sentence, then, Sir, it is difficult to speak in fitting language of conduct so eminently deserving our condemnation. There is but one principle upon which it is possible safely to act with regard to a public officer in the position of the Governor General of India, and it is this:—Choose the very best man you can by possibility find; when you have appointed him, give him largely of your confidence, support him so long as you think he is fit for the post which he has been selected to fill; but, when you feel bound to condemn and censure him—and, above all, to do so publicly—then, do not leave him with weakened authority to discharge most arduous duties, but recall him and put a better man in his place. Let us consider what would have been the effect of this despatch upon the position of Lord Canning, even if it had not been made public. The Governor General would have suddenly learned that he was supposed by Her Majesty's Ministers to be capable of pronouncing the disinherison of a people, and of alienating them from our rule. He would perceive at once that he had forfeited the confidence of the Government at home, and yet he would be placed in the painful position of having either to sit still under this censure, and with this sense of having lost the confidence of the advisers of the Crown, or else of having in such a crisis, by his own act, to resign the position of Governor General. Sir, I cannot conceive a position more painful, or one which must more effectually preclude Lord Canning from employing in his administration that vigour and energy which are now eminently required in India. Not having recalled him, you have not appointed any permanent successor, and if therefore he were to resign the government, he would feel that he took upon himself a most grievous responsibility at such a time as this. But if he does not, and if with the sense of your censure upon him, he continues to administer our affairs in India, he cannot but feel that his hands are tied and that his power of action is weakened and shackled by the knowledge, even if it be confined to himself, that he can no longer look to the support and approval of the Home Government in the discharge of his most difficult functions. Now, Sir, my noble Friend, the Secretary for the Colonies told us the other night, that we, on this side of the House, are hard to please. Doubtless we are hard to please by such a policy as that which has been pursued by Her Majesty's Government; but what we want is, it seems to me, simple and intelligible enough. We do not ask you to confirm Lord Canning's Acts if you disapprove of them; what we insist upon is, either that you should support him, or that if you feel bound to censure and condemn him, that you should at once remove him from the post which that censure renders him incapable of filling with advantage to the public service. Sir, my own views upon this subject are embodied in the words which were used upon a former occasion by a great Statesman, whose authority is justly admitted to be great on both sides of this House, and I cannot do better than quote those words as summing up what I have to say upon this part of the question, especially as they were employed upon an occasion singularly resembling the present. The words are these:

"I will not say I see no danger in this Proclamation; there is no expression I object to; I will not take that course, but I will say that it will be destructive of the character of the nation; it must be a fatal check upon the energies of public men, if once you establish the precedent that you will not allow the general conduct and services of a public man who may be acting at a distance of 5,000 miles to be pleaded against a single act of indiscretion."

Sir, those words were used by the late Sir Robert Peel when he was defending from censure another Proclamation of another Governor General, and by a very singular coincidence, that Governor General was Lord Ellenborough. I cannot but regret that that noble Lord and Her Majesty's Government, did not on this occasion recollect how Sir Robert Peel had acted in respect to Lord Ellenborough himself, and that they did not adopt the wise and generous policy which is laid down in the quotation which I have just read to the House. But, Sir, this despatch has not merely been written, it has been published. No man, I think, can doubt that it was always intended for publication. It is impossible to read it and not to see at once that it never can have been meant to remain secret. Lord Derby admits that it

must have been published sooner or later; Lord Ellenborough describes it as having been written for the purpose of being an antidote in the minds of the people of India to the Proclamation of Lord Canning, and my noble Friend, the Secretary of State for the Colonies did not deny that its ultimate publication was always contemplated. Now, Sir, I shall not occupy the time of the House by entering at this stage of this discussion into any arguments as to the responsibility of Her Majesty's Government for the publication of this despatch, because, in fact their case has been completely given up by my noble Friend opposite, the Colonial Secretary. He admitted the other night that they had accepted the publication as the lesser of two evils. Let us then look at this despatch as a public document. It consists, Sir, of two parts, of the censure upon Lord Canning, and of the paragraphs relating to the annexation of Oude. With regard to the first, what does the House suppose will be the effect upon the Natives when they know that the policy of the Governor General in Oude has been, as the Chancellor of the Exchequer describes it, "disavowed in every sense" by Her Majesty's Government. They will at once say, Lord Canning's policy is disapproved of; the confidence of the Government is withdrawn from him, they take our side—the side of the rebels—rather than that of the Governor General; and we have only to hold out a little longer, to resist a little more strongly to obtain from them still further concessions. What will be the feelings of the English army when they hear of this despatch, and when they know that the Governor General who directs their movements lies under the censure of the Government; that the reconquest of Oude in which they are engaged, and for which they have shed their blood, has been condemned by implication by the Government at home. But, Sir, there is another aspect of this case which has not yet been alluded to in the course of this debate, but which is, nevertheless, I think, not unworthy of consideration. We know that Lord Canning has nobly resisted the cry for indiscriminating vengeance, which has proceeded from many of the civil and military servants of the company. We know that there is a strong feeling amongst them; I could bring ample proofs of it if time would permit, that the Governor General has shown an improper tendency to leniency, and there has even been an inclination here and there positively to resist his authority even when he was supported by the Government at home. These men will now say the Governor General is disavowed, his authority is gone from him; his successor is not appointed, we can now do as we like, we can now disobey him with impunity and follow our own inclinations without let or hindrance. Sir, the task in which the Governor General is engaged, is one of infinite difficulty; he stands as it were between the European and Native populations; he has with the one hand to suppress a great and wide-spread revolt; with the other he has to restrain the violent feelings and the excited passions of his own fellow-countrymen; and it is at such a moment as this that Her Majesty's Government, while they leave him charged with this task, have thought it right by a public censure to weaken his hands and to lessen his authority. So much then for the portion of this despatch which concerns the conduct of Lord Canning. I come now to consider the paragraphs relating to the annexation of Oude. Sir, I should be quite content to rest my defence of the Motion of my right hon. Friend upon those paragraphs alone. For, what is their character? They tell the people of Oude, and indeed of India, that we annexed that territory by violence and fraud; that we acted with great injustice and ingratitude towards the late Sovereign, and that we have substituted our rule for his, "which," says the despatch, "however bad, was at least Native." The Government, therefore, lay down in these paragraphs premises from which it is impossible that any reasonable man, be he European or Native, can draw any other conclusion than that if this be the expression of the authoritative opinion of the Ministers of the Crown, we are bound to reverse the policy that was pursued in 1856, and to restore the province of Oude to its native ruler. Now, Sir, we have a right to ask what is the real policy of the Government in respect to Oude. Do they, or do they not, intend to draw this conclusion from the premises that they have laid down in their despatch. One Member of the Cabinet told us—just before he took office—that with the honesty and straightforwardness for which he is distinguished, that, in his opinion, we ought to restore this province to the descendants of the former rulers; is that the opinion of the Government? If it is, let them boldly come down to this House and ask our sanction for the aban-

donment of a portion of the empire of England, and let them see what will be the answer of the English House of Commons! But, if it be not, what can be said of conduct so rash and inconsiderate and dangerous, as to lay down premises of this description in a public despatch, written and sent forth to the world with the authority of the English Government, and then to hesitate to follow out those premises to their only legitimate conclusion? Sir, the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Whiteside), criticised the other night very severely the language of the noble Lord the Member for the City of London (Lord J. Russell) in respect to this part of the despatch. The noble Lord had said, in his most able speech, that in his opinion it was highly dangerous and improper that one administration should, upon its accession to office, call in question the acts of its predecessors when those acts had become a portion of the settled policy of the country. This, the right hon. and learned Gentleman, described as an unjust and iniquitous, and, if I mistake not, an unchristian doctrine; and I should, therefore, like to know whether Her Majesty's Government agree in the opinions thus laid down by their Attorney General for Ireland. For, Sir, it seems to me that the doctrine of the noble Lord is the only one by which it is possible that the stability of any State can be secured; and we have a right, therefore, to ask, whether or not it is to be followed by the present advisers of the Crown? I believe that the course which the Government have taken, in writing and publishing these paragraphs, is in itself so dangerous, so contrary to all precedent and to all sound policy, that, if they stood alone in this despatch, it would be the bounden duty of the House of Commons to pronounce their censure upon them; and I cannot believe that we, who are sent here to maintain the integrity of the empire, will be prepared to endorse the doctrines which they embody, and which have been enforced by the speech of the Attorney General for Ireland. And now, Sir, I must say a few words in reference to the Amendment which has been moved by the hon. Gentleman the Member for Swansea (Mr. Dillwyn), and which, as it seems to me, ought not to be adopted by the House as a method of escaping from the issue that has been raised by my right hon. Friend the Member for Oxford (Mr. Cardwell). For, in the first place, that Motion is in reality a censure upon the conduct of the Government, though that censure is not directly expressed, for the Motion says—We approve of Lord Canning's policy and admire it up to the issuing of this Proclamation, and we decline to pronounce any opinion upon that Proclamation for want of sufficient information. Surely it is, then, the natural conclusion from these two premises, that the Government were wrong when they pronounced a positive condemnation of this portion of the Governor General's policy without waiting for that information which the hon. Member for Swansea justly says we have not as yet before us. Sir, I should have been astonished indeed that such an Amendment should have been accepted by any Government except the present, who escaped from condemnation in "another place" by meeting a vote of censure with the Previous Question. But the fact is that the Amendment of the hon. Member attempts to shirk the real question before us—namely, whether the Government were or were not justified in writing and publishing the despatch of the 19th of April? It would lead to an impotent result utterly unworthy of the House of Commons. It lays down premises and draws no conclusion, and it declines fairly to meet an issue which has been fairly raised, and upon which the judgment of the House has been deliberately asked. Neither does the Amendment touch the most grave question raised by the despatch; it says nothing about the paragraphs relating to Oude; and if we agree to it, we shall be, by implication, expressing our approval of those dangerous sentences and of the principles upon which we must suppose that they have been founded. The truth is, Sir, that this Amendment can only in reality be intended to preserve the life of the present Government at the expense of its honour, and to enable it to remain in office by taking refuge under an implied censure from one which, being conveyed in plain words, would, if it had been carried, have involved the retirement of right hon. Gentlemen opposite. Sir, for these reasons I must vote against the Amendment of the hon. Member, and in favour of the original Motion of my right hon. Friend. But, before I sit down, I must allude to the charge which has been repeatedly made by hon. Gentlemen opposite, and by none more vehemently than by the right hon. and learned Attorney General for Ireland—that we who support the Motion of my

[*Third Night.*

right hon. Friend the Member for Oxford are the advocates of a vindictive and cruel policy. Sir, this accusation I emphatically deny. We are not here to advocate a policy of revenge; we are not here to defend the acts of a vindictive and cruel ruler; we are here to claim that due consideration should be shown to one who, at a time of eminent peril, when the minds of men were excited by fear and anger—when their passions were roused by tales of horror unsurpassed by any in history—boldly and courageously stood up, almost alone among his countrymen in India, against the cry for blood, and used all the influence of his high position and the weight of his authority against the demands for indiscriminate vengeance. We are here, Sir, to defend "Clemency Canning," and we accept the name which was given in derision as his highest title to honour. But, Sir, when hon. Gentlemen talk about a cruel and revengeful policy, I should like to know what it is they mean. It seems to me that a cruel policy is that which we heard not unfrequently recommended some months ago, and which required that all those who had taken up arms against us should be put to death, with the single exception of such as should be reserved for a punishment yet more dreadful; and yet, Sir, I have reason to think that that is a policy which hon. Gentlemen opposite would be ready to support. You say, "No!" Is that or is it not your policy? If it be not your policy, then at least I must tell you that I heard it recommended in "another place" by a noble Lord, whose opinions you are accustomed to approve. And if you deny that you advocate such a course as I have described, I will read to you the words in which it was recommended to the adoption of the Government and the country in the month of December last:—

"For every one who has treacherously joined the ranks of the rebels, or who is taken with arms in his hands, there can be, and there ought to be, but one penalty, and that penalty is death. With regard, however, to those miscreants who have murdered women and children, and perpetrated atrocities and horrors which nature and decency compel us to shroud in a veil, what punishment should be inflicted upon them? It is clear that when a man from the mouth of the cannon from which he is to be blown boasts that he has killed three or four Europeans, death by a sudden blow has no terrors for him, and that he is most probably looked upon rather as a hero than a criminal by his vile associates. For such men death is no punishment. I, my Lords, would inflict upon those men a doom far worse than death—I mean a protracted life, with the brand of Cain upon their brows, denoting their offence lest any man slay them. A life embittered by severe, by degrading, and by painful labour, would be a far heavier punishment than death. They should lead a life of hopeless, constant slavery, condemned to the most degrading occupations. A Brahmin of the highest caste should be the slave of the lowest Pariah, and without chance of escape from his condition, he should drag out an existence from which death would be considered a relief."

That was the policy then recommended by no less a person than the Earl of Derby, and I confess that it seems to me to be a vindictive, and I should say, a cruel policy; at all events, it is one which we reject. Our policy is to be found embodied in the Orders of the 31st of July, and it is their author whose cause we are here now to advocate and defend. But, Sir, we have a yet more important duty to perform than that involved in the defence of any man, however eminent. For we are called upon to-night to censure or approve a course adopted by Her Majesty's Government, which by its rashness will, as I believe, endanger the safety of our Indian empire, and which must multiply ten-fold the difficulties of the Governor General, and while it leaves him still to encounter them with weakened hands and without support. But, further still, we have to acquit or condemn the Government, for we cannot really shirk the issue, for having approved those paragraphs relating to Oude, which, if they have any meaning, can only imply that the Government would be ready, if they dared, to reverse that which has become a part of the settled policy of this country, and to abandon a portion of the empire of England, which as Ministers of the Crown they are bound to maintain and defend. Sir, under these circumstances, I cannot pronounce a verdict of acquittal. I will not consent to wriggle out by a side-wind of the question which has been put to me by my right hon. Friend (Mr. Cardwell), and therefore, I, for one, cannot hesitate to vote for the Motion which he has submitted to the House.

Mr. BRIGHT: Sir, I am afraid I shall hardly be able to take part in this discussion in a manner becoming the magnitude of the question before us, and in any degree in accordance with the long anxiety which I have felt in regard to Indian affairs, but I happen to have been unfortunately and accidentally a good deal mixed up with these matters, and my name has frequently been mentioned in the course of debate, not only in this but in the other House of Parliament, and I am unwilling, therefore, to vote without expressing my opinion upon

the matter under discussion. First, I may be allowed to explain that I think almost everything that has been said and imagined with regard to the part that I have had in bringing on this discussion has been altogether erroneous, and has no foundation whatever. There was no arrangement between the hon. Gentleman the Secretary to the Board of Control and myself with regard to the question that I thought it my duty to put to him on the subject of Lord Canning's Proclamation. I had spoken two or three weeks before the date of that question to the hon. Gentleman, because I had been informed by a respected friend of mine, Mr. Dickinson, the hon. secretary of the India Reform Society, who has considerable information on Indian affairs, that he had received communications to the effect that some Proclamation of this character was in preparation and was about to be issued. I spoke to the hon. Member with regard to that report; and he told me that he had received no communication which enabled him to give me any information on the subject. I then intimated to him that in case there was anything of the kind I should certainly put a question to the Government respecting it. This was three weeks before the date of my question. Well, I read the Proclamation in *The Times* newspaper, the same day that every one else read it; and I came down to the House, not having seen the hon. Gentleman in the meantime. I met my hon. Friend the Member for Stockport (Mr. J. B. Smith) in Westminster Hall, and he told me that having read the despatch, and knowing my intention with regard to it, he, having met the hon. Gentleman (Mr. Baillie) that evening, said to him he had no doubt that when I came down to the House I would put a question respecting it. When I came down I put a question and received an answer; both question and answer are before the House and the country. But I confess I did not anticipate that we should lose a week from the discussion of the Indian Resolutions on account of the question which I then asked the hon. Gentleman the Secretary to the Board of Control.

Now, Sir, with respect to the question before the House, I should have been content to let it end when the hon. and learned Gentleman the Solicitor General sat down. I think, Sir, the House might have come to a vote when the Solicitor General finished his speech. I could not but compare that speech and the speech of the right hon. Gentleman who moved the Resolution to the House. I thought the right hon. Gentleman raked together a great many small things to make up a great case. It appeared to me that he spoke as if his manner indicated that he was not perfectly satisfied with the course he was pursuing. I think he failed to stimulate himself with the idea that he was performing a great public duty; for if he had been impressed with that idea I think his subject would have caused him to deliver a more lively and impressive speech than that which he delivered on the occasion. But, Sir, I believe that every one will admit that the speech of the Solicitor General was characterised by the closest logic and the most complete and exhaustive argument. There is scarcely a Gentleman with whom I have spoken with regard to that speech who did not admit that the hon. and learned Gentleman had seemed to take up the whole question, and give a complete answer to all serious charges brought against the Government. This Motion is an important one in two aspects. First of all as respects the interests of parties at home—which some people, probably, think the more important of the interest concerned; and, secondly, as respects the effect which will be produced in India when this discussion, and the vote at which we arrive, reaches that country and is read there. The princes, the rajahs, and intelligent landholders, whether under the English Government or independent, will know very little about what we understand by party; and any cabal or political conspiracy here will have no influence on them. They know little of the personages who conduct and take a part in the debate in this House; and the "loud cheers" which they shall read of in our discussions will be almost nothing to them. The question to them will be, What is the opinion of the Parliament of England as to the policy announced to India in the Proclamation? Now, Sir, I complain of the right hon. Gentleman, and I think the House has reason to complain, that in his Resolution he endeavours to evade the real point of discussion. The noble Lord who has just sat down (Viscount Goderich) says he will not meet this matter in any such indirect manner as that proposed by the Amendment of the hon. Member for Swansea (Mr. Dillwyn); but what can be less direct than the issue offered by the Resolution of the right hon. Gentleman the Member for Oxford? This is proved by

the fact that, throughout the course of this discussion, every serious argument and every serious expression has had reference to the character of the Proclamation, and not to those little matters which are mixed up in this Resolution. Nobody, I believe defends the Proclamation in the light in which it is viewed by the Government, and censured by the Government. All that has been done is an endeavour to show that it is not rightly understood by those who censure it as announcing a policy of confiscation. In fact in endeavouring to defend it, hon. Members insist that it does not mean something which it says it does mean, and which if any of us understand the English language it assuredly does mean. The right hon. Gentleman asks us to do that which I think is an absolute impossibility. He wants us to condemn the censure, and wishes at the same time—and I give him credit for this—that we should pronounce no approval of the thing censured. I do not think the right hon. Gentleman, though unfortunately he has been led into this movement, wishes the House to pronounce an opinion in favour of confiscation. I do not believe that any Member of this House asks us to come to the conclusion in such a way as that our decision would be an approval of that which the Government has condemned in the despatch. But if we affirm the Resolution of the right hon. Gentleman, how is it possible for the people of India to understand our decision in any other sense than as an approval of the policy of Lord Canning's Proclamation? With regard to the publication of the Government despatch, it is not a little remarkable how men turn round and object to what they formerly were so loud in demanding. Why, on this side of the House it has been the commonest thing to hear hon. Gentlemen say that all this secrecy on the part of the Foreign Office and the Board of Control is a cause of the greatest mischief. Assume for a moment that the publication of this despatch was injudicious—after all, it was no high crime and misdemeanor. We, on this side of the House, and hon. Gentlemen below the gangway, ought to look with kindness on this failing, which, if a failing, leans on virtue's side. Then, Sir, with regard to the language of the despatch, why I do not know, of any Government or Minister who would not be open to censure if we chose to take up every word in a despatch. A man of firmer texture, of stronger impulse, and more indignant feelings will, on certain occasions, write in stronger terms than other men—and I confess I like those men best who write and speak so that you can really understand them. Now I say that the proposition before the House is a disingenuous one. It attempts to lead the House into a very unfortunate dilemma. I think that no judicial mind—seeing that the result of a decision in favour of this Resolution will be the establishment of the policy of the Proclamation—will fail to be convinced that we ought not to arrive at such a decision without great hesitation, and that we cannot do so without producing a very injurious effect in the minds of the people of India.

We now come to what all parties admit to be the real question—the Proclamation and the policy of confiscation announced in it. There are certain matters which I understand all sides of the House to be agreed on. They agree with the Government and the East India Company that the people of Oude are enemies but they are not rebels [*cries of* "Yes, yes!"—"No, no!"] Why I thought the supporters of the Resolution of the right hon. Gentleman the Member for Oxford told us that if the Government had written a judicious despatch like that of the East India Company, they would have applauded and not censured it. Well, the East India Directors—and they are likely to know, for they were connected with the commission of the Act that brought this disturbance in Oude upon us—say that the people of Oude are not rebels; that they are not to be treated as rebels, but as enemies. If so, the Government have a right to treat them according to those rules which are observed by nations as regards the mutual conduct of countries at war with each other. Will the House accept that proposition? ["No, no!"—"Yes, yes!"] Well, if hon. Gentlemen on this side will not accept it I hope the noble Lord the Member for the West Riding (Viscount Goderich) will not include them amongst those who are in favour of clemency. I am quite sure the people of England will accept that definition—that civilized Europe will accept it; and that history—history which will record our proceedings this night, and our vote on this Resolution—will accept it. Sir, I do not see how any one claiming to be an Englishman or a Christian can by any possibility escape from condemning the policy of this Proclamation. I now come—and on that point I will be as brief as possible—to the

Mr. Bright

question. What is the meaning of confiscating the proprietary rights in the soil? We have heard from a noble Lord in "another place" and it has been stated in the course of the debate here, that this sentence of confiscation refers only to certain unpleasant persons who are called talookdars, who are barons and robber chiefs and oppressors of the people. This is by no means the first time that, after a great wrong has been committed, the wrong-doer has attempted to injure by calumny those upon whom the wrong has been inflicted. Lord Shaftesbury, who is a sort of leader in this great war, has told the world that this Proclamation refers only to 600 persons in the kingdom of Oude. Let us take it upon his own terms. The kingdom of Oude has about five millions of people, or one-sixth of the population of the United Kingdom. Applied to the United Kingdom in the same rate of the population it would apply to 3,600 persons. Now, in both Houses of Parliament there are probably 700 landed proprietors. It would, therefore, be an edict of confiscation to the landed proprietors of the United Kingdom equal to five times all the landed proprietors in both Houses of Parliament. An hon. Gentleman says I am all wrong in my figures. I shall be glad to hear his figures afterwards. But that is not the fact, but if it were the fact, it would amount not to a political, but to an entire social revolution in that country. And surely, when you live in a country where you have, as in Scotland, a great province under one Member of the House of Lords, and seventy or eighty miles of territory under another, and where you have Dukes of Bedford and Dukes of Devonshire, as in England — surely, I say, that we ought to be a little careful, at any rate, that we do not overturn, without just cause, the proprietary rights of the great talookdars and landowners in India. It is a known fact, which anybody may ascertain by referring to books which have been written, and to witnesses who cannot be mistaken, that this edict would apply to more than 40,000 landowners in the kingdom of Oude. And what is it that is meant by these proprietary rights? We must see what is the general course of the policy of our government in India. If you sweep away all proprietary rights in the kingdom of Oude you will have this result — that there will be nobody connected with the land but the Government of India, and the humble cultivator who tills the soil. And you will have this further result, that the whole produce of the land of Oude and of the industry of its people will be divided into two most unequal portions; the larger share will go to the Government in the shape of tax, and the smaller share, which will be a handful of rice per day, will go to the cultivator of the soil. Now, this is the Indian system. It is the grand theory of the civilians, under whose advice, I very much fear, Lord Canning has unfortunately acted; and you will find in many parts of India, especially in the Presidency of Madras, that the population consists entirely of the class of cultivators, and that the Government stands over them with a screw which is perpetually turned, leaving the handful of rice per day to the ryot or the cultivator, and pouring all the rest of the produce of the soil into the Exchequer of the East India Company. Now, I believe that this Proclamation sanctions this policy; and I believe further that the Resolution which the right hon. Gentleman asks the House to adopt, sanctions that Proclamation; that it will be so read in India, and that whatever may be the influence, unfortunate as I believe it will be, of the Proclamation itself, when it is known throughout India that this — the highest court of appeal — has pronounced in favour of Lord Canning's policy, it will be one of the most unfortunate declarations that ever went forth from the Parliament of this country to the people of that empire. Let me then for one minute —and it shall be but for one minute—ask the attention of the House to our pecuniary dealings with Oude. A friend of mine has extracted from a book on this subject two or three facts which I should like to state to the House, as we are now considering the policy of England towards this afflicted country. It is stated that, under the government of Warren Hastings, to the arrival of Lord Cornwallis in 1786, the East India Company obtained from the kingdom of Oude, and therefore from the Exchequer of the people of Oude, the sum of £9,252,000; under Lord Cornwallis, £4,290,000; under Lord Teignmouth, £1,280,000; under Lord Wellesley, £10,358,000. This includes, I ought to observe, the Doab, taken in 1801 in lieu of subsidy, the annual revenue of that district being £1,352,000. Coming down to the year 1814, there was a loan of a million; in 1815 a loan of a million; in 1825 a loan of a million; in 1826 a loan of a million; in 1829 a loan of

[*Third Night.*

£625,000; and in 1838 a loan of £1,700,000. Some of these sums, the House will observe, are loans, and in one case the loan was repaid by a portion of territory which the Company, in a very few years, under an excuse which I should not like to justify, re-annexed to themselves, and therefore the debt was virtually never repaid. The whole of these sums comes to £31,500,000; in addition to which Oude has paid vast sums in salaries, pensions, and emoluments of every kind to servants of the Company engaged in the service of the Government of Oude. I am not going further into detail with regard to that matter; but I say that the history of our connection with this country, whose interests we are now discussing, is of a nature that ought to make us pause before we consent to any measure that shall fill up the cup of injury which we have offered to the lips of that people. After this, two years ago, we deposed the Sovereign of Oude. Everything that he had was seized—much of it was sold. Indignity was offered to his family, whose ruin was accomplished as the governors of that kingdom. Some hon. Gentlemen speaking on this side of the House have tried to persuade the House that this confiscation policy only intends that we should receive the taxes of Oude. But that is altogether a delusion. That is a statement so absurd that I am astonished that any one, even of those who support the Resolution, should offer it to the House. In 1856, when you dethroned the King of Oude, you stopped into his place, and became the recipients of all the legitimate national taxes of the kingdom of Oude; and now, having seized the £500,000 a year, the revenue of that country, after a solemn treaty which contained a clause that if there were a surplus of revenue it should be paid to the credit of the kingdom of Oude, and having applied that surplus, contrary to that clause of the treaty, to the general purposes of India, you now step in and descend below the King, to every talookdar, to every landowner, large or small, to every man, who has proprietary rights in the soil, to every man, the smallest and humblest capitalist who cultivates the soil—to every one of these you say in language that cannot be mistaken—"Come down from the independence and dignity you have held. As we have done in other provinces of India we shall do here. Two-thirds of you have not been mixed up in this war; but in this general confiscation the innocent must suffer with the guilty, for such is the misfortune of war, and such is the misfortune which we shall inflict upon you." Sir, if this Proclamation be not a Proclamation of un-heard of severity how comes it that so many persons have protested against it? Does any man believe that the noble Lord the Member for the West Riding (Viscount Goderich) understands this Proclamation better than the high military authorities who have so long known India? Does he suppose that the House of Commons will take his authority upon a matter of this kind in preference to the authority of the whole united press of India? ["Oh! Oh!"] Well, I dare say that hon. Members who cry "Oh!" have not read the newspapers of India upon the subject. Some of them uphold it because they say that at one fell swoop it has done that which it took us twenty years to do in other districts of India, and destroys every man who could influence the people against the British Government. Others say that it is a Proclamation of such a character that it must cause "war to the knife" against the English, and that the Governor General who issued such a Proclamation should have been prepared with a new army at his back, that he might have power to enforce it. The right hon. and learned Gentleman the Attorney General for Ireland referred in his speech the other night to what had been said by the hon. and learned Member for Devonport (Sir E. Perry) on the occasion of some question that I had put some two or three weeks ago. Now I call the House to witness whether when I put the question which brought out this despatch, and when the right hon. Gentleman the Chancellor of the Exchequer rose in his place and gave the answer that with respect to the policy of confiscation—for that is the only thing there is any dispute about in the Proclamation—the Government disavowed it in every sense—I call the House to witness whether every Gentleman present down here did not cheer that sentiment. Why, of course, every man cheered it. They would not have been men; they would not have been Englishmen; they would not have been legislators; they would have been men who had never heard of what was just and right, if every instinct within them, at the instant they heard the declaration of the Government, did not compel them to an enthusiastic assent. And it was only when the fatal influence of party, and the arts which party

knows how to employ, were put in motion, that the hon. Gentleman began to discover that there was something serious and something dangerous in this memorable despatch. Now, I would ask the House this question—are we prepared to sanction the policy of that despatch? ["Hear!"] I am very sorry that I have not done what only occurred to me after this debate commenced, and after the Amendment was proposed, or I should have proposed another Amendment to the House that went expressly upon that point, because—and I speak it without the smallest reference to the influence which it may have on any party in this House—I think it of the very highest consequence that, whatever decision we come to, it should be liable to no misinterpretation when it arrives in India. Then, Sir, we have been treated to a good deal of eloquence upon the manner of the despatch; and with regard to that I must say a word or two. The noble Lord the Member for London, who sits below me, has, I think, fallen into the error of most of the speakers in favour of the Resolution; that is, of treating some of the outside circumstances of the case as if they were the case itself. I do not think, however, that he stated there was a word in the despatch which was not true, although he did express what I thought was rather an immoral sentiment for so eminent a statesman. The noble Lord told us that after a crime had been committed, men in office were never to let it be known or suspected that they thought it was a crime. [Lord JOHN RUSSELL: The hon. Gentleman is mistaken; I never said anything of the kind.] I did not hear it myself, but I read it, and many of my Friends came to the same conclusion. ["Oh, oh!"] Well, I understand then, that he did not say it; but what he did say was, that there was a great deal of sarcasm and invective in the despatch, and he read a passage to show that that was the case. But the fact is that a great deal depends upon the reading. Why, I could take a despatch of the noble Lord himself and read it in a manner that would perfectly astonish him. He said, if I am not mistaken, that if the House were to approve of that despatch as a proper despatch, then Lord Canning was not fit to occupy the meanest political or official situation. Indian despatches have, to my mind, never been very gentle. I recollect having read in *Mill's History of British India*, and in other histories also, despatches that have been sent from the President of the Board of Control, the Secret Committee, and the Court of Directors, over and over again; and I have thought that they were written in a tone rather more authoritative and rather more dictatorial than I should have been disposed to write, or than I should have been pleased to receive. It arose from this—that in old times the magnates sitting in Leadenhall Street were writing, not to Lord Canning and men of that altitude, but to merchants and agents whom they had sent out, who were entirely dependent upon them, and to whom they could say just what they liked; and for 100 years past, as far as I have seen, their despatches have had a character for severity, and that which men call "dictatorial," which I think might be very well dispensed with. But that is a matter which should certainly be taken into consideration, when a large portion of this House are disposed not only to censure Lord Ellenborough, but to dethrone the Government, because a despatch is not written precisely in those gentle terms which some hon. Gentlemen think to be right when inditing a letter to a Governor General of India. Now, I think the noble Lord the Member for London especially ought to be very forbearing, for he lives in as brittle a house as any of us. And when the noble Lord gets his pen in hand it is impossible to say what he will not send forth to the public. I have known the noble Lord, for example, write an extraordinary letter, which I have no doubt he intended to be very proper in its phraseology, to a Bishop. I am not at all anxious to deal severely with the noble Lord; but I think, when a man writes to so holy a person as a Bishop, that at least one might expect he would avoid sarcasm and invective; yet the noble Lord hurled his sarcasm and invective against some 6,000,000 of his fellow subjects, and thereby did great mischief to the peace of the United Kingdom. I can also tell the noble Lord of another letter, in which there was not much sarcasm, and not much invective; but an amazing amount of insinuations of a most unpleasant character; and that was written not to a Governor General of India—a pro-consul ten thousand miles away—but to a nobleman filling the most delicate and difficult office which appertains to the Home Government of the United Kingdom. But the noble Lord trangressed further; for in the most needless manner, when nobody asked him, he published the letter; and there is no doubt

that, for a long period and to a very serious degree, he weakened the hands and damaged the character of the noble Lord the Member for Tiverton.

There is one other point which I must notice, and that is with regard to the effect of this despatch upon the feelings of Lord Canning. Now, I am not so intimate with Lord Canning as many Members of this House, but I have had the pleasure of his acquaintance, and have always believed that he was one of the last men who would knowingly do anything that was inhuman or unjust, and that is my opinion now. I think he is to be commiserated, as any other man would have been who happened to be in India at such a time as this; and I think we are bound also to take a lenient view even of such errors as we may think he has committed. If I had gone to India, or into any service under the State, I should hold at any rate that there would be a general disposition to give me fair play in the exercise of my office, and that no strained construction to my injury would be put upon anything which I did. Well, that is the view which I entertain with regard to Lord Canning. I have never uttered a syllable against him in public, although I think that some of his acts have been open to great objection; and I am not about to say anything against him now. I would not support a Resolution which had for its object the damaging of Lord Canning; and I think that the hon. Member for Swansea (Mr. Dillwyn) has not done amiss in offering to the House the Amendment he has placed before us. But it is just possible that Lord Canning is in the midst of circumstances which have rendered it perhaps most difficult, perhaps impossible for him to exercise his own calm judgment on the great question which forms the subject of this Proclamation. I see in that Proclamation not so much an emanation from the humane and just mind of Lord Canning as an emanation from that mixture of red tape and ancient tradition, which is the foundation of the policy of the old civilian Council of Calcutta. But, Sir, if it were a question of hurting Lord Canning's feelings and denouncing this Proclamation, I could have no hesitation as to the choice which I should make. A man's private and personal feelings are not a matter of importance for the House as compared to the vast and permanent interests involved in the dangerous policy which we are now discussing. And I do not think the right hon. Gentleman (Mr. Cardwell), the noble Lord the Member for the West Riding (Viscount Goderich), and the noble Lord the Member for London, have any right to throw themselves into something like a contortion of agony with regard to the manner of this despatch; because, as was stated to the House the other night by the right hon. and learned Attorney General for Ireland, they did not tell us much about the feelings of another public servant, acting on behalf of the Crown at a still greater distance from England, when last year they gave a vote on the China question which pronounced a most emphatic condemnation on the conduct of Sir John Bowring. Now, I like fair play. I would treat Lord Canning as I would treat Sir John Bowring; and I would treat Sir John Bowring as I would treat Lord Canning. Do not let us have in the service of the State low-caste men who may be trampled upon at pleasure, and high-caste men whom nobody dare criticise.

I said, when I began, that this Resolution was important in reference to something else besides India—and that is important with reference to the position of parties in this House. I would ask the attention of the House for a few moments to that branch of the subject. I am afraid—and I hope I am not slandering anybody in saying it—that there is quite as much zeal for what is called "place" as there is for the good of India in the proposition brought before us. If that despatch had been published three months ago, when we were all sitting on that side of the House, it is very probable that many Gentlemen who now speak against it would have thought it a noble despatch, containing noble sentiments, expressed in noble language. But now, Sir, there has been for the last two months, a growing irritation observable particularly in this part of the House. There has been a feeling which no ingenuity has been able to disguise—a fear that if the present Government should, by some means or other, remain in office over the Session, no small difficulty would be found in displacing it—lest, like the tree, which, when first planted, may be easily pulled up, it should, by and bye strike its roots downwards and its branches outwards, and after a year or two no man be able to get it out of the ground. Hon. Gentlemen opposite know that I differ very widely from them on many public questions, and probably at some not distant day they may find it out in some act of severe

hostility; but I put it to the House, whether, out of doors, the reputation of the present Government is not, in many respects, better than the last? Take, for instance, the Gentlemen who come up from the country on various deputations to the Ministers—the judgment of these deputations, without an exception, is in favour of the manner in which they have been received by the present Ministers, and of the way in which their suggestions and requests have been treated. Now, this may be no great matter, and I do not say that it is; but I make the observation for the benefit of the Gentlemen who sit on these benches, because it is just possible that they may some time have to receive deputations again. Then take their conduct in this House. "Oh, yes," hon. Gentlemen may say, "but they are a weak Government; they have not a majority, and they are obliged to be very civil." But what I maintain is, that every Ministry ought to be very civil, and what I am prepared to assert—and I ask every man on this side of the House if he does not agree with me, for I have heard dozens of them say it out of the House—that when the late Government were in office civility was a thing unknown. Take another point—for it is worthy of consideration by Gentlemen on this side of the House, and I ask hon. Gentlemen who sit below the gangway especially to consider it—look at the heritage of trouble with regard to our foreign policy which the existing Government found on their accession to office. Three months of what was going on upon the Conspiracy Bill would have landed you on the very verge of a war, if not in a war, with France, and that danger has been avoided certainly by no concession which is injurious to the honour of England. Take the question which has agitated the public mind with regard to Naples. I am not going into any details; but so far as a Government could act, this Government appears to have acted with judgment. I think the noble Lord below me (Lord J. Russell) admitted that himself. I did not say that the noble Lord said anything against them. On the contrary, I rejoice to have him with me as a witness to what I am stating. With regard, then, to these questions, seeing the dilemma into which the foreign affairs of the country were brought under the last *regime*, I think it is but fair, just, and generous that Members on this side of the House, at least, should take no course which wears the colour of faction, for the purpose of throwing the present Government out of office. Whenever I join in a vote to put Gentlemen opposite out of office, it shall be for something that the country will clearly understand—something that shall offer a chance of good to some portion of the British empire—something that shall offer a chance of advancing distinctly the great principles for which we—if we are a party at all on this side of the House—profess to have regard. But there was another reason. Not only is it feared that hon. Gentlemen opposite would get firm in their seats, but it was also feared that some hon. Gentlemen near me would get less firm in their alliance with the right hon. Gentlemen on this side. I have heard of mutinous meetings and discussions, and of language of the most unpardonable character uttered, as Gentlemen now say, in the heat of debate; still there was something going on. This was traced to a meeting of independent members recently held in Committee-room No. 11; and if a stop were not put to it, it might break up the powerful ranks on these benches, which, if united, it was believed, would storm the Treasury benches and replace the late Government in office. I believe it was intended that a desperate effort should be made to change the state of things here before Whitsuntide. That was a Resolution which had been come to long before any one knew anything about Lord Ellenborough's despatch. And the present seemed to be a convenient opportunity, inasmuch as it had this in its favour, that it appeared to be defending an absent servant of the Crown; that it appeared to be teaching a lesson to the Government who had acted so injudiciously in publishing a despatch; altogether it had that about it which made it an excellent pretext on which hon. Gentlemen might ride into office. Now, I do not speak to Whigs in office or to those Gentlemen who have been in office, and expect to be in office again; but I should like to say what I believe to be true to those Gentlemen who call themselves independent Members, who come here with no personal object to serve, not seeking place, patronage, or favour, but with an honest desire, as far as they are able, to serve their country as Members of the House of Commons. If this Resolution be carried, it is supposed that the old Government, or something very like it, will come back again. Now, there was great discontent with that old Government before it went

out; yet no pledge whatever has been given that its conduct will be better or different; no new measures have been promised, no new policy has been avowed, no new men, that I have seen, have been held forth to the public very distinctly as likely to take high office in the State. There have been some things which I should think Members of this House must have felt pain at witnessing. There are newspapers in the interest of this ex-Treasury bench which have in the most unblushing manner, in articles emanating from the pen of somebody who knew exactly what was wanted to be done. In the case of a gentleman, for example, who was engaged in Committee-room No. 11—a gentleman whom I need not mention because the House knows all the circumstances of this case, but a gentleman who took a most prominent part in the proceedings in that Committee-room—and no one is probably more indignant at what has been done than himself—those newspapers have positively fixed upon and designated him for a certain office if the present Government go out and another comes in; another gentleman who seconded a Resolution on that occasion is also held up for an office; but they do not state exactly what his precise position is to be; and the glittering bauble of some place in the incoming Government is hung up before many hon. Gentlemen who sit around me. It is not said, "it is for you," and "it is for you;" but it is hung up dangling before them all, and every man is expected to covet that glittering bauble. But this is not all. These are not the only arts which are employed. Members of this House sitting below the gangway, who have been here for years—Gentlemen of the most independent character—receive flattering and beautifuly engraved cards to great parties at splendid mansions, and not later than Friday last, of all times, those invitations were scattered, if not with a more liberal, no doubt with a much more discriminating hand than they ever were before. [An hon. MEMBER: Absurd!] Of course it is very absurd; there is no doubt about that, and that is precisely why I am explaining it to the House. Why, Sir, if those cards of invitation contained a note with them, giving the exact history of what was really meant, it would say to hon. Gentlemen, "Sir, we have measured your head, and we have gauged your soul, and we know or believe"—for I believe they do not know—"we believe that your principles which you came into Parliament to support—your character in the House—your self-respect will go for nothing if you have a miserable temptation like this held up before you." Why, Sir, if we could see them taking a course which is said to be taken by the celebrated horse-tamer, who appeals, as I am told, to the nobler and more intelligent instincts of the animal which he tames, then, I should not complain. But they appeal to instincts which every honourable mind repudiates, and to aspirations which no hon. Gentleman on this side of the House can for a moment admit. Well, then, if they succeed, what sort of a Government shall we have? I am as anxious for a Liberal Government as any man in this House, but I cannot for the life of me believe that, in the present position of things on this side of the House, a Liberal and solid Government can be formed. We are told, and the whole country has been in a state of expectation and wonder upon it, that two eminent statesmen have actually dined together; and I am very glad to hear that men engaged in the strife of politics can dine together without personal hostility. I say nothing of the viands that were eaten. I say nothing of the beverage that was in "the loving cup" that went round. One of our oldest and greatest poets has sung—

> "Nepenthe is a drink of soverayne grace."

He says that it was devised by the gods to subdue contention, and subject the passions; but that it was given only to the aged and the wise, who were prepared by it to take their places with ancient heroes in a higher sphere. But that could not have been the contents of "the loving cup" in this instance, for these aged statesmen are still determined to cling to this world, and to mix, as heretofore, with all the vigour and fire of youth in the contention and turmoil of politics. But does the fact of this dinner point to reconciliation, and to a firm and liberal administration? I believe that any such Government would be the worst of all coalitions. I believe that it would be built upon insincerity, and I suspect it would be of no advantage to the country. Therefore I am not anxious to see such a Government attempted.

I ask the House, then, are they prepared to overthrow the existing Government on the question which the right hon. Gentleman has brought before us—a question which he has put in such ambiguous terms? Are they are willing in overthrowing that Government to avow the policy of this Pro-

clamation for India? Are they willing to throw the country into all the turmoil of a general election—a general election at a moment when the people are but just slowly recovering from the effects of the most tremendous commercial panic that this country ever passed through? Are they willing to delay all legislation for India till next year, and all legislation on the subject of Parliamentary reform till the year after that? Are they willing, above all, to take the responsibility which will attach if it avow the policy contained in this Proclamation? I confess, Sir, I am terrified for the future of India when I look at the indiscriminate slaughter which is now going on there. I have seen a letter, written, I believe, by a missionary, lately inserted in a most respectable weekly newspaper published in this town, in which the writer estimates that 10,000 men have been put to death by hanging alone. I ask you, whether you approve of having in India such expressions as these, which I have taken this day from a Calcutta newspaper, and which undoubtedly you will be held as approving if you do anything which can be suspected of confirming the tenor of this Proclamation. Here is an extract from *The Englishman*, which, speaking of the men of the disarmed regiments, who amount to some 20,000 or 30,000, or even 40,000 men, says:—

"There is no necessity to bring every Sepoy to a court-martial, and convict him of mutinous intentions before putting him down as guilty. We do not advocate extreme or harsh measures, nor are we of those who would drench the land with blood; but we have no hesitation in saying, that, were the Government to order the execution of all these Sepoys, they would be legally and morally justified in doing so. There would be no injustice done."

No injustice would be done! I ask the House to consider that these men have committed no offence; their military functions were suspended because it was thought they were likely to be tempted to commit an offence, and therefore their arms were taken from them; and now an Englishman—one of your own countrymen—writing in a newspaper published in Calcutta, publishes sentiments as atrocious as those which I have just read to the House. I believe the whole of India is now trembling under the action of volcanic fires; and we shall be guilty of the greatest recklessness, and I say of great crime to the Monarchy of England, if we do anything by which we shall own this Proclamation. I am asked on this question to overturn Her Majesty's Government. Why, the policy adopted by the Government on this subject is the policy that was cheered by hon. Members on this side when it was first announced. It is a policy of mercy and conciliation. False—may I not say?—or blundering leaders of this party would induce us, contrary to all our associations and all our principles, to support an opposite policy. I am willing to avow that I am in favour of justice and conciliation—of the law of justice and of kindness. Justice and mercy are the supreme attributes of the perfection which we call Deity, but all men everywhere comprehend them; there is no speech nor language in which their voice is not heard, and they could not have been vainly exercised with regard to the docile and intelligent millions of India. You had the choice. You have tried the sword. It has broken; it now rests broken in your grasp; and you stand humbled and rebuked. ["Oh, oh!"] You stand humbled and rebuked before the eyes of civilized Europe. You may have another chance. You may, by possibility, have another opportunity of governing India. If you have, I beseech you to make the best use of it. Do not let us pursue such a policy as many men in India, and some in England, have advocated, but which hereafter you will have to regret, which can end only, as I believe, in something approaching to the ruin of this country, and which must, if it be persisted in, involve our name and nation in everlasting disgrace.

MR. COLLIER said, he knew that the House entertained an unfeigned respect for the abilities of the hon. Member for Birmingham, and many Members of the Liberal party were inclined to follow his lead on most political subjects, but certainly not on those subjects which were connected with peace or war. The hon. Member had referred to our difficulties in China. Let it be remembered that on that subject, if his counsels had been taken, it would have been impossible for us to have maintained our settlement at Hong Kong; and his particular friend, Commissioner Yeh, instead of our being prisoner at Calcutta, would now be exulting in his victory over the outer barbarians. Again, if the advice of the hon. Member had been followed in the Russian war, it would have ended in humiliation and disgrace for this country. The hon. Gentleman, as well as those who preceded him on the same side, had altogether avoided the question really before

the House. The fundamental assumption in his speech, as in that of the Solicitor General was, that we could not determine whether or not Lord Canning was unjustly condemned without determining whether he was innocent or guilty. That was a proposition which he (Mr. Collier) denied. For illustration of his meaning, he would suppose the case of a magistrate condemning a prisoner unheard; and he asked whether the House could have any difficulty in condemning the conduct of that magistrate, without reference to the guilt or innocence of the prisoner in question? He knew that they would condemn such a magistrate, and that the Lord Chancellor would remove him from the commission of the peace, unless, indeed, he had been an active partisan of the Conservatives in election contests. The present Government had condemned Lord Canning unheard, and if anything could add to the injustice of this proceeding they had condemned him for what he had not done; because the Proclamation which they had condemned was not the Proclamation which he issued. Now, with regard to the ingenious defence of Lord Ellenborough, which was offered to the House by the Attorney General for Ireland and the Solicitor General, it had been destroyed by a single sentence from the lips of Lord Ellenborough himself. It was asserted that, if Lord Ellenborough had known that an explanation of the Proclamation would be given, he would have acted differently. But what said Lord Ellenborough in "another place" on Friday night last?—

"My Lords," he said, "there is no explanation. There are some things which cannot be explained. Confiscation is one of these. It is incapable of explanation. It stands still in all its naked deformity."

If, therefore, the late President of the Board of Control had told Lord Ellenborough that Lord Canning intended to give an explanation, how would he have been treated? He would have been withered by a sentence; he would have been scathed by a rhetorical thunderbolt, hurled at his head by the Jupiter Tonans of the Board of Control. Lord Canning had been publicly condemned, and the severest punishment which a man in his position could feel had been inflicted on him by this despatch, one of the most extraordinary and disgraceful documents ever issued by a Government. That despatch appeared to have been written with a triple object. The first was to display the literary abilities of Lord Ellenborough; and he was sure that the Attorney General for Ireland would appreciate the compliment he paid to the composition, when he said, that it put him in mind of one of the Attorney General's own speeches; its tone of turgid eloquence and inflated declamation suggested that the noble Lord had taken legal advice, and availed himself of the hon. and learned Gentleman's assistance. The second object was to wound and insult Lord Canning; and surely nothing could be more ingeniously contrived for this purpose than to inform him that all the conquerors of India, from Alexander the Great to the present time, had been his superiors in wisdom and clemency. The third object appeared to be to throw odium on the predecessors of Lord Ellenborough, and to discredit his Queen and his country in the eyes of the Natives of India. They were told that the annexation of Oude, an Act ratified by the Queen in Council, was achieved by the breach of solemn treaties, by treachery, and fraud, scarcely paralleled in the annals of Asiatic perfidy. The Queen of England was held out to the Natives of India as a party to this fraud, and those who fought against her troops were declared to be legitimate warriors combating in behalf of their hearths and their homes. If so, it followed that Sir Colin Campbell and his brave army were no better than robbers and assassins. This despatch was obviously written for publication—these flowers of rhetoric were never born to blush unseen, or waste their sweetness in the archives of the Secret Committee. Indeed, Lord Ellenborough himself had admitted as much:—

"I thought with myself," he said, "that I will write, and at the very earliest moment. If the Proclamation is published, I will send my letter as an antidote."

Conceive the position of the people of Oude operated upon at the same time by the bane and the antidote. The bane called them rebels; the antidote, legitimate warriors and patriots; the bane assumed that the annexation of Oude had been rightly made, the antidote said that it had been accomplished by fraud; according to the bane the Governor General was to be obeyed; according to the antidote, his authority was to be disregarded. The next question was, whether or not the Government were collectively responsible for the despatch. It was true that the Attorney General for Ireland had treated the Government as

parties, all of them, to its publication; indeed, he gloried in it as one of their greatest achievements. He denounced Lord Canning as a violator of the law of nations. He had applied to him the indignant language put by Erskine into the mouth of the naked savage addressing the ruthless invader of the land of his birthright; and the right hon. Gentleman had succeeded in one fell swoop in destroying Lord Canning, and murdering the finest passage in Erskine. But did the Government admit their responsibility for publishing the despatch? That was what he (Mr. Collier) wished to be quite sure of, whether they admitted or denied it. At all events, the Chancellor of the Exchequer must be held answerable, for he was the first to publish it in this House. If, then, Lord Ellenborough resigned on the ground of his being a party to its publication, why did the Chancellor of the Exchequer retain his office? But whatever might be said on that, the Government undoubtedly did stand by the contents of the despatch, and the House was called upon to affirm it. Therefore, they were called upon to affirm that the annexation of Oude was accomplished by treachery and fraud. If so, they must follow out the proposition to its legitimate consequences by surrendering the dominion of Oude and restoring the lawful Sovereign. But if they restored Oude they must restore the Punjab and Scinde. What then would become of our Indian empire? In India retreat was ruin. The Indian character resembled a malignant spirit described in one of the beautiful novels of Sir E. L. Bulwer, which shrunk and cowered as you advanced, but dilated in magnitude, and grew more terrible as you receded. Let us retreat from Oude, and our tenure of power in India was not worth ten years' purchase. If, on the contrary, they were to abide by this Proclamation, they must sustain it; for it was insane to adopt a middle course, and call the people of Oude patriots fighting for their country while we sent out our soldiers to kill them. But this Proclamation had been misrepresented, as though it were a wholesale confiscation of all proprietary rights in Oude. The Attorney General for Ireland, in his reference to the letter of Mr. Edmonstone, read paragraph fourteen as though it followed instead of preceding paragraph sixteen. In paragraph fourteen that letter says:—

"The permission to return to their homes must not be considered as a reinstatement of them in the possession of their land, for the deliberate disposal of which the Government will preserve itself unfettered."

But paragraph sixteen follows with this reference:—

The foregoing remarks apply to the talookdars and chiefs of the province. As regards their followers who may make submission with them these, from their numbers, must of necessity be dismissed to their homes."

It could never have been contemplated to send men to their homes if it had been intended to deprive them of their homes. Yet the Attorney General for Ireland by reading paragraph fourteen after paragraph sixteen had endeavoured to make the House believe that the penalties intended for the talookdars were applicable to the whole people of Oude. Yet the right hon. Gentleman who made such a misquotation deprecated the *nisi prius* tricks of the profession. He must assure the House that had he (Mr. Collier) been guilty of so reading any document at *nisi prius* he should have incurred the rebuke of the Judge. He appealed to the House whether such a course was fair on the part of the right hon. Gentleman. Such were the artifices by which the Government attempted to support their case, a case inconsistent with itself, for in one breath they defended the Proclamation, in another they endeavoured to evade the responsibility of being parties to it. For twenty-four hours after the publication of the despatch, when they thought it was popular, they supported it; but when they found that popular feeling was changed against them, they repudiated the publication altogether; but were they to be permitted thus to play fast and loose with the public? Were they to speculate on the use of the popular market without the risk of losing by its fall? The hon. Member for Birmingham had addressed the House upon what might be the consequences of adopting the proposed Resolution. He was quite aware that many hon. Members on that (the Opposition) side of the House were averse to any change in the Government, and would still have supported the Government if they had exhibited only a moderate degree of incapacity; but the problem of making the present Government stand was a more difficult one than that solved by Columbus: they could not stand; they would not stand—not all the men of Manchester could make them stand. It was not that they had blundered once, but that their administration was a series of blunders: blun-

ders such as made it manifest that an ordinary partnership conducted by the Gentlemen occupying the Treasury bench must speedily become bankrupt; and the House began to feel that it would be no longer wise or safe to leave the administration of the affairs of the country in such hands.

SIR WILLIAM FRASER: Sir, I wish to reply to the accusations which have been made by the noble Lord the Member for the West Riding (Viscount Goderich), against those who support Her Majesty's Government in this House. The noble Lord has this evening reiterated the charge brought against us by the right hon. Baronet the Member for Halifax, (Sir C. Wood), and has stated that "we denounced clemency so long as it was unpopular." Sir, we have not changed our opinions. I feel now as I have always felt, that the crimes of the mutinous Sepoys merited a signal retribution. They are men who have for three generations been in our service, they have received our pay, they have eaten our salt, they have by us been entrusted with arms, and they and their fathers have sworn by everything sacred in their eyes, to bear us true allegiance. We felt, Sir, and the great body of the people of this country felt with us, that these men who had committed the enormous offence of murderous mutiny should be punished according to the military code, which in every country in the world accords death for such a crime; less than this will not satisfy the just demands of the people of this country. It is impossible to suppose, Sir, that those who have, like myself, relations at this moment fighting for their country in the East, are prejudiced in favour of these atrocious criminals; but, Sir, the mutineers and those who joined them in their crimes are not the whole people of India; the difference must be clear to all. Sir, I believe that shortly at Cawnpore a church will be erected, consecrated to the worship of the true God; and over the well, the scene of such ineffable horrors, an altar will be raised. Sir, it is my trust and my belief, that when Christian worshippers crowd round that shrine, the first prayer offered up will be that the Almighty will not visit the atrocious crimes of the Sepoys on the people of India. On the subject of the word confiscation used in Lord Canning's Proclamation, honourable and right honourable Members opposite have endeavoured to persuade us that confiscation does not mean confiscation. Now this word is as it was written by Lord Canning; it is not the translation of an Indian word. I hope, Sir, that hon. Members will not try to show that what means "confiscation" in England, means "a new title" in Oude. Many hon. Members may not be aware of the peculiar religious sentiments of the Natives of India on the subject of heirs; one of the strongest tenets of the people of India is, that unless a man has a recognised heir, who will perform certain rites over his body, his soul is lost. This belief, Sir, accounts in some degree for the indiscriminating rage which has characterised the outbreak in Hindostan. Great admiration, Sir, has been expressed in reference to the conduct of the British troops. No language, Sir, in my opinion, can do justice to their merits; whether we regard the admirable sagacity of the generals, or the heroic prowess of the officers and men. But what is the recompence for all their labours? Instead of being permitted to rest awhile, a task is set them far beyond their power. Limited in number, they are ordered to coerce a nation of 5,000,000, every man of whom is a trained soldier! and with the knowledge that every man would fight to the death. Sir, I cannot but think that our gallant army will find it impossible to carry out this policy; and, Sir, it will not surprise me to find that those officers highest in the military service of India hold this opinion also. Sir, with respect to the letter of Lord Canning to the hon. Member for Northampton, written under the belief that he was still President of the Board of Control, I think the incessant fire of hon. Members near me, and which I am sure our opponents will admit has been well kept up, has been delivered in a too concentrated form on the hon. Member for Northampton. Sir, in matters civil as in matters military, subordination is everything, and from the moment that the Member for Northampton showed Lord Canning's letter to the noble Lord the Member for Tiverton, the head of his party, the House holds the noble Lord responsible for the act of his subordinate, done with his knowledge. Sir, I am surprised that the noble Viscount, the Member for Tiverton, (Lord Palmerston), has not, long ere this, risen to defend his subordinate, or at any rate to share the obloquy cast upon him. Sir, before I sit down, I would say a word on the subject of our future Government of India. I trust, Sir, that whatever form of Government this House may, after due

deliberation, devise, it may be founded on a policy of firmness, of compassion, and, above all, of truth. True it is that the Natives of India, and in their intercourse with each other, honesty of words is unknown, but they will recognise it in their rulers. Depend upon it, the more deceitful they are, the more will they respect and fear your truthfulness; our policy in word and deed should be veracity itself. Sir, I trust that while we rule India upon the great and unselfish maxims of Christianity, the Natives of India will be taught for ever to admire and reverence that emblem of truth, the most glorious in the world, the word of an Englishman.

CAPTAIN VIVIAN said, he thought it would have been much better if the charges which had been brought against Members on that (the Opposition) side of the House had not been made, for it was almost invariably found that they reflected back upon the originators, and carried little weight in that House. He had listened with extreme astonishment to the speech of the hon. Member for Birmingham (Mr. Bright), and he could scarcely conceive that the hon. Member, whose talents were so universally acknowledged and admired should have descended to the littleness of argument which characterised his speech. He had endeavoured to find in it something which pertained to the policy and merits of the question before the House; but so far as he could gather the meaning of the speech it was confined to charges of party tactics against the late Cabinet, charges of political cabal, charges of endeavouring to turn out the present Government, simply for the purpose of taking office themselves. He thought such a course was not likely to increase the respect which would be felt in their deliberations by the people out of doors. He (Captain Vivian) had no wish or feeling, beyond those political principles which he generally professed, to see one party or the other on the Government benches; but he had now to give his opinion, as a Member of the British House of Commons, upon the course which the Government had taken with regard to the Proclamation of Lord Canning, who was separated from this country by thousands of miles of distance, and by months of time. Hon. Gentlemen on his (Captain Vivian's) side of the House had been accused of shirking the question of the Proclamation; but this was not the case. He could not put the same reading upon the term "confiscation" as had been used by the hon. Member for Barnstaple (Sir W. Fraser); if the document itself were before them he thought there would be little difficulty in showing that it was based in justice and true clemency. It was not intended to apply to the peaceful cultivators of the soil, but to those robbers who had been the source of all the evils which prevailed in that part of India. It was notorious that in ancient days the people of India were subject to anarchy, and that anarchy was put an end to by the conquest of some chiefs over others. In Oude we supported one of these chieftains, and the consequence was that his followers, wishing to gain some title to the lands they had acquired, called themselves talookdars, or zemindars, of Oude. At length matters reached a crisis in the country—the state of Oude was intolerable, and Oude was annexed. He would not discuss the policy of the annexation; it was forced upon us by the state of the country. But whether Lord Canning's policy were wise or not, that was not the immediate question. The immediate question was, whether they had a sufficient knowledge of the state of that country to allow Lord Canning's act to be attacked in the way it had been. He (Captain Vivian) should give his support to the right hon. Member for Oxford, because he thought the Government had been more than once guilty if not of a dereliction of duty, at least of indiscretion, that made them unworthy of the position they occupied.

MR. KER SEYMER said, they were all talking of India, and thinking of something very different, and he wished to say a few words on that which they were all thinking about. First of all he must express his deep regret that a question of Indian policy had been made in that and the other House of Parliament the occasion of a party attack on the Government. But so he believed it would be to the end of the chapter. When the affairs of India were brought under the direct government of the Crown—that was to say, under the direction of the Ministers of the day—there would be no scruple in making Indian questions the ground of party attacks upon the Government whenever the opportunity presented itself of doing it a damage. Hon. Gentlemen now on the other side had been pressing on the Government the necessity of legislating for India in the present year; the present Government were proceeding to do so, when they, at this most critical period,

where interrupted by this party move, which had now occupied three Government nights, and interfered with the prospect of any legislation for India during the present Session—a consummation which he for one did not at all regret. He should like to ask the independent Liberal Members—if there were any on the opposite side—previously to their giving their votes or opinions as to who should sit on the Ministerial side—he should like very respectfully to ask them whether in their hearts they approved the policy of confiscation? He believed they did not; and, if so, he asked them to place themselves in the position of the Government, when they received the draught of Lord Canning's Proclamation. The hon. Member for Plymouth spoke as if the despatch had been written in condemnation of Lord Canning; but the despatch was, in reality, necessary, under the circumstances, to prevent the publication of the Proclamation, or, if too late for that, to prevent it at least being acted upon; and he thought the Government would have deserved no small blame had they acted otherwise. But hon. Gentlemen opposite objected to the publication of the despatch; and he (Mr. Ker Seymer) must admit that he thought the publication of the despatch, especially that part of it which the Cabinet wished to keep secret, was unfortunate; but that was the act of the noble Lord the President of the Board of Control who did so without consulting his Colleagues, and who afterwards tendered his resignation to Her Majesty. He was bound, also, to state—as had been shown by the Attorney General for Ireland—that, presuming Lord Canning's policy to be that of confiscation, such a policy had already been strongly objected to by the Government in the reply which was given to the hon. and learned Member for Devonport. The right hon. Gentleman the Member for Oxford seemed to feel that the ground was cut from under him by the resignation of Lord Ellenborough, and he argued very elaborately, though not very successfully, to prove the complicity of the whole Cabinet in the publication of the despatch; but, in point of fact, the right hon. Gentleman was "running for blood" and not easily diverted from the scent. Be that as it might, Members on that side had not forwarded a round robin to the Cabinet—the Members of Lord Derby's Cabinet had not combined to eject one of their number for getting the Government into a scrape. Lord Ellenborough, in the most noble manner, had taken on himself the responsibility of the act and had tendered his resignation to Her Majesty. He would ask the independent Liberal Members what they expected to gain by the present Motion? They all knew that the noble Lord the Member for Tiverton and the noble Lord the Member for the City of London had put their heads together in order to make an attack on the Government; but he would ask the independent Liberal Members if they were disposed to form a portion of their tail? As to the noble Lord the Member for Tiverton, he was now too old a man to mend; that which he had been in February he would continue to be to the end of his career. The noble Lord had forfeited, while in office, the confidence of the great majority of the Liberal party, nor could he see that the noble Lord had since done anything which would entitle him to their support. If then, he and the noble Lord the Member for London were again to become colleagues in the same Cabinet, he (Mr. Ker Seymer) did not think it likely that they would be found to look far beyond the Peerage and the bay window at Brooks's. Did hon. Members opposite wish, then, to see again inaugurated that "spirited foreign policy" which substituted words for deeds, and which abandoned Mr. Crampton while it defended Sir John Bowring? Did they desire to see intrusted to the hands of the noble Lord the Member for Tiverton the appointment of a new Privy Seal? Were they anxious that another address should be issued to the electors of that borough, in which the noble Lord might charge those who were opposed to his policy as being accomplices in the massacre of Cawnpore, as he had upon a former occasion charged those who had censured his policy in the case of China with being the abettors of all the barbarities which in that country were committed? That was the hustings' cry which originated at Tiverton ran the round at the last election. But the people of England were not likely to be deluded a second time in the same way; and he was afraid that by the time a fresh appeal to the country would be likely to be made the Proclamation, the merits of which they were engaged in discussing, would have assumed a very serious practical import. They might then be called upon to consider, not so much whether the despatch of Lord Ellenborough was or was not couched in terms somewhat too epigrammatic, as the more

serious question how the interests and the safety of our Indian empire were to be upheld, and what effect the policy shadowed forth in the Proclamation of Lord Canning was calculated to produce upon the revenues of India as well as upon the financial resources of this country. Having said thus much in reference to the more immediate subject under discussion, he should wish to make a few observations upon the position occupied by Her Majesty's Ministers. They had come into office not owing to the success of a Motion emanating from one of their own political adherents, but as the consequence of the passing of a Resolution indicating a want of confidence, upon the part of hon. Members opposite—who he trusted were not so soon again about to yield to the blandishments of the right hon. Baronet the Member for Wells—in the policy of the noble Lord who was at the time head of the Government. Her Majesty's Ministers having under those circumstances assumed the reins of power had found that they had become, as the hon. Member for Birmingham had truly said, inheritors of a legacy of difficulties. Among which stood the question of our relations with France, our most powerful neighbour—and these they had succeeded in putting on the most satisfactory footing. They had also to direct their attention to the case of two of our fellow-countrymen who had been horribly maltreated in a Neapolitan prison; but who, owing to the exertions which the Government had made in their behalf, had since been set at liberty; while, in reference to the further considerations connected with the capture of the *Cagliari* and the detention of those two men, we had now, he believed, the advantage of acting fully in concurrence with the Government of Sardinia. The Government had also succeeded to financial difficulties involving a deficit, yet they had produced a budget which, beyond all recent budgets, had given the greatest satisfaction. They had succeeded also to a pledge—a premature one, in his opinion—to legislate for India. That pledge had not been carried out, and his opinion was, that no Government could legislate successfully for India that Session. Under these circumstances, how could Government inaugurate a policy if they had no opportunity of doing so. He believed that the Conservatives of the present day were neither blind to the signs of the times nor deaf to the voice of public opinion. He believed that they were prepared to proceed in a course of steady social and political progress. He hoped independent Liberal Members would give them the chance to develope their policy. He did not ask it on behalf of the Government, but on behalf of their own character as independent Members. He had nothing new to state on the question before them, and as he had too much respect for the House to repeat arguments which, though they had been used, had not been answered, he should conclude by stating that he meant to vote against the Resolution of the Member for Oxford.

SIR ARTHUR ELTON thought the question for the decision of the House lay within a very small compass. What hon. Members had to consider was, whether the Proclamation of Lord Canning was or was not substantially wrong, and whether the despatch of the Government was or was not substantially right. Now, so far as the latter document was concerned, he freely admitted that it was objectionable in tone, and that some of the allusions which it contained were most indiscreet. But although he regarded it in that light, yet, looking at its main drift and purport, he had no hesitation in saying that he, for one, would not shrink from defending the Government from the vote of censure which it was sought to pass upon it on account of it. It would, in his opinion, be most monstrous, believing the despatch in its essential points to be right, to condemn unequivocally those from whom it emanated, merely because, as the noble Lord the Member for London had observed, its style savoured of that of Junius's Letters; the noble Lord no doubt specially referring to the style of that particular letter which had been addressed to his ancestor the Duke of Bedford. The noble Lord seemed to treat the policy of confiscation announced in the Proclamation as if it indicated a species of operation very little more disagreeable than that of shampooing; but he should like to know how hon. Gentlemen would feel if they were to be informed that they must deliver up the title deeds of their estates? The Proclamation embraced within its scope the talookdars of Oude and "their followers"—in fact every single individual possessing property in the country—and constituted, in his opinion, the most wholesale appropriation of a people's rights which it was possible to conceive. Hon. Members might find fault with the despatch which censured a policy such as that, because it was wanting in courtesy; but he should beg those hon. Members to bear in

mind that there were occasions when courtesy was a matter of only minor importance. Let him suppose that he saw a man about to commit suicide, and that he were to save the life of that man by striking down the pistol with which he was about to do the rash deed—was he, upon the principle of which the right hon. Gentleman the Member for Oxford was the advocate, to have an action brought against him for assault and battery? Much had been said in connection with the subject about the feelings of Lord Canning. He (Sir A. Elton) was ready to admit that he honoured Lord Canning for his conduct throughout the earlier stages of the mutiny, and that he entertained for him generally the highest respect; but that noble Lord might be satisfied if the House were to adopt the Amendment which the hon. Member for Swansea (Mr. Dillwyn) had submitted to its notice; and both the real and the political friends of Lord Canning ought to be content with the fall —it might be the political ruin—of Lord Ellenborough. That noble Lord, the author of the despatch denouncing the Proclamation, had fallen, as it were, at the feet of the Governor General, and surely his friends should now be satisfied, and not carry their vindictiveness further. But, be that as it might, he should, at all events, maintain that nothing had been done by Her Majesty's Ministers in reference to the subject under discussion to justify hon. Members in denouncing their conduct with a wild vindictiveness unworthy of political opponents. At a moment like the present, with a widespread mutiny still unquelled in India, it greatly misbecame the House to be employed in mere party squabbles, or to allow themselves to be blown about like a weathercock by the gusts of passion or of party. For his own part, he was not ashamed to avow that he should support the Government, believing that in the course they had adopted they had simply sought to do that which they honestly deemed to be right. The effect of the Proclamation, as he inferred from the *Friend of India*, would be to hold up the Government of that country to the eyes of the people as too weak to proceed to the sacrifice of life, while it was sufficiently rapacious to grasp at property to which it had no just claims. It could not fail, in short, to produce the utmost consternation and perplexity among the landowners of Oude and their retainers. First would come the Proclamation of Lord Canning, declaring their estates to be forfeited. They would hold aloof and contiue hostilities in the hope of better terms. But as soon as they became aware of the terms of the despatch which condemned that Proclamation, they would begin to take heart. Now, if the House of Commons were to agree to the Resolution of the right hon. Gentleman the Member for Oxford, then would the news that the Government from which that despatch emanated had in consequence been overthrown, go out to India and fall like a thunderbolt upon its inhabitants, spreading among them dismay, and driving them to desperation. Now, for his own part, he could not understand how the despatch, objectionable as it might be in some respects, could fairly be charged with tending to foster rebellion in Oude. It rather appeared to open a door of mercy and a way of escape, by showing that if they came in and made timely submission, they would be forgiven. He much regretted that this had been made a matter of political contention. Right hon. Gentlemen on the Opposition benches little thought they would have stayed there so long, and were eager, at a critical moment in our history, to make a party onslaught on the Government. What the result of this Motion would be he did not know; but if he never lifted up his voice in that House again, he should rejoice that he had on that occasion advocated the cause of humanity, justice, and political morality.

Viscount BURY said, the hon. Member for Dorsetshire (Mr. Ker Seymer) asked what they on that side of the House hoped to gain by carrying this Motion? To that question a very distinct answer could be given—they hoped to turn out of office the hon. Gentlemen opposite. He fully concurred in the Resolution, and in the censure which it implied; but he should have been better pleased if it had had a wider basis. The despatch sent out would doubtless paralyse the hands of the Governor General; and it seemed to him that it was exceedingly ungenerous to proceed in such haste to censure his conduct before he sent home the means of proving his innocence. He had indeed heard, and believed, that the mail which had just arrived had brought from the Governor General his reasons for issuing this Proclamation. Now, before the House proceeded to condemn that Proclamation, let them consider what had been the state of Europe in late years. England had not altogether escaped scot free.

Again, let the House consider the vacillation and the weakness exhibited by the present Government since they came into office, which could not fail to create an impression on the public mind. Several hon. Gentlemen had tried to lead the House astray by talking of the effects of a Proclamation which the House had no certain knowledge had ever been issued, and which, if issued, had probably been considerably modified. With the annexation of Oude Lord Canning had nothing to do, he found it an accomplished fact; but where was the virtuous indignation and patriotism of the present Government when that annexation took place? The fact was Lord Dalhousie was a supporter of that party, while Lord Canning was not, and hence the indecent haste to rebuke him. The House had been reminded that Lord Auckland had been censured for having concluded a treaty with the King of Oude, and that he did not resign on that account. But there was a very great difference between the two cases. The treaty was not considered to be necessary by the Directors at home; but it was kept in force, and was appealed to by Lord Hardinge. The question really was, whether the Proclamation would do more harm in India than the publication of the despatch. It seemed to him that the Proclamation of the Governor General would do much less harm than was done by allowing the people of India to suppose that the Governor General was not supported at home. Almost every Gentleman who had spoken on the opposite side of the House stated that he cordially admired and respected Lord Canning. The way the Government had acted towards the noble Lord seemed to him (Viscount Bury) a very odd way of showing their respect and admiration. In Lord Ellenborough's despatch Lord Canning was told, in terms which diplomatic courtesy very thinly veiled, that he was a fool. He (Viscount Bury) could not imagine anybody writing that despatch could fancy it could be read otherwise than telling a man in plain language that he was a fool. That a man who had done good service should be censured in terms like those used in that despatch appeared to him to be perfectly unprecedented. Well, the Government were going to adopt the Amendment of the hon. Member for Swansea (Mr. Dillwyn). It appeared to him (Viscount Bury) strange that, though the Government were going to adopt that Amendment, which approved of Lord Canning's conduct up to the time the Proclamation was issued, yet at the time when it was proposed in Parliament to pass a Vote of Thanks to the army in India, the right hon. Gentlemen now in office objected to Lord Canning's name being included in that vote. How then could they say that they approved of Lord Canning's conduct up to the time of the Proclamation being issued? Another part of the Amendment declared that the House declined to give an opinion on the Proclamation; but the very strongest opinions were given on the Proclamation in the despatch. The noble Lord the Member for King's Lynn (Lord Stanley), before this debate was adjourned, a few nights ago, said this was a question of right against wrong. His (Viscount Bury's) noble Friend the Member for the West Riding (Viscount Goderich) asked the noble Lord the Member for King's Lynn if he intended to stop short at the premises of the Proclamation, or did he adopt the whole of it? Did the Government intend simply to say that the annexation of Oude was wrong, and then stop short of the conclusion to which that admission logically pointed? The hon. Baronet the Member for Tamworth (Sir Robert Peel), who seemed to be in the confidence of the Government, told the House very confidently the other evening that, if the Resolution of the right hon. Member for Oxford (Mr. Cardwell) was carried, there would be a dissolution. Putting all these things together, it seemed to him (Viscount Bury) that the election cry of the noble Lord the Member for King's Lynn would be "right against wrong." If the noble Lord and his friends intended that, it would be simply election clap-trap if they did not carry it to its proper conclusion, and give back Oude to its native Princes. If the noble Lord and his friends intended to bring up that as an election cry, let them (the Opposition) stand up for a cry quite as good—that was, the maintaining the integrity of the British empire.

MR. GILPIN said, the noble Lord who had just resumed his seat treated the question in a manner which might be expected of him by those who knew him. Sweeping aside the flimsy cobwebs of other speakers on his own side of the House, the noble Lord said, that, after all, what they (the Opposition) wanted by this Motion was to turn the Gentlemen on the other side of the House out of office. The noble Lord never said a truer word. What he (Mr. Gilpin) complained of was, that the hon. Gentlemen who brought forward this Motion and sup-

ported it had not done so on the plain and intelligible grounds, which had at the last moment been avowed by an indiscreet partisan. He (Mr. Gilpin) should endeavour to take the question on its merits, as far as it had any merits. They were called upon by the Resolution of the right hon. Gentleman (Mr. Cardwell) to express a very decided opinion upon a document issued from the Board of Control, and they were at the same time told carefully to avoid giving any opinion upon that other document which was issued by the Governor General of India. They might just as sensibly appeal to a Judge to reverse a sentence upon a prisoner without giving consideration to the circumstances under which the sentence was passed. He thought they would put themselves in a most absurd position if they said "yes" to the Motion of the right hon. Gentleman (Mr. Cardwell), and express no opinion upon the character of the Proclamation. The whole course of this debate had shown that hon. Gentlemen on both sides of the House had taken the same view as he (Mr. Gilpin) did, because many had avoided altogether the merits of the Proclamation, and confined themselves solely to the despatch. He was prepared to say that, had the Motion been confined to an expression of opinion on the part of that House upon the premature publication of the despatch itself before it had reached the hands of the Governor General, he could not see that objection to the Motion which he did to it in its present shape. But the right hon. Gentleman (Mr. Cardwell) had avoided putting it on that plain basis. And why were they told that they were not to express any opinion upon this Proclamation? For the best, or rather the worst, of all possible reasons—that they did not understand it. They had a Governor General in India, not underpaid, and they were coolly told that he had written that which he did not mean, and which they could not understand. Now, if they in that House did not understand that Proclamation, how was it likely that the Natives of India could understand it? If they in that House were to believe that confiscation meant confiscation, were the Natives of India to believe that it meant something very different? But they were not in the dark as to the feeling stirred up in India by the Proclamation. He held in his hand a few short extracts from the Indian newspapers, speaking the feeling which he believed was shared in by the whole press of India. *The Mofussilite* said:—

"The wisdom of this measure has been questioned upon the ground of its sweeping severity upon one of the sorest points of an Asiatic's feeling—namely, his property."

The Bengal Hurkaru said:—

"This Proclamation is considered in the light of a sweeping measure against the whole property of the Natives."

The Calcutta Phœnix said:—

"The temper of the people of this country was never so excited against any former rulers as it is now against the British."

The Friend of India said:—

"This Proclamation makes every man in India a declared enemy of British rule. The boon of life promised in this Proclamation is ridiculous; for what power have we to put to death 5,000,000 of human beings? The British Government, by this Proclamation, appears both weak and rapacious. Weak, for it cannot carry out the destruction of a people; rapacious, in seizing estates to which they can lay no claim."

The noble Lord (Lord J. Russell), while he complained of the professional speech made by the Solicitor General, went far to prove that he had himself spoken in a professional sense when he said that the Proclamation applied only to those who appeared in arms against us. But the Proclamation was directed not only against those who took arms against us, or intercepted provisions while on their way to Lucknow, but against all the landowners of Oude, whether innocent or guilty. No one could have been more indisposed than he was to censure Lord Canning undeservedly, for he recollected his former Proclamation, which he regarded as a most statesmanlike production, although it had been attacked by men who made high professions of humanity and Christianity; and he thought it almost improbable that Lord Canning could have put his name to a Proclamation so unjust and immoral as that which had been recently issued. He then asked himself how such a document came to be issued under the authority of Lord Canning; and when he recollected the howl of execration which had been raised against Lord Canning by the British residents in India, because of his merciful tendencies, he concluded that this influence had compelled him to do that of which his honest and sober judgment disapproved. That was the solution of the whole matter; and on this supposition he thought the effect of Lord Ellenborough's despatch going out would be to strengthen the hands of Lord Canning in pursuing the course which was in accordance with the dictates of his heart and his own individual judgment. If "confiscation" meant confiscation, he regarded the

Proclamation as one of the most unjust and immoral public acts which he ever recollected being committed. The argument of the noble Lord the Member for the City of London with regard to it amounted to this: that they must never acknowledge any of their public servants to be in the wrong. The noble Lord certainly laboured to show the danger, under any circumstances, of disavowing an act committed by a public servant. They had heard of that danger before; and there had been acts approved of by Noblemen and hon. Gentlemen when in power which he did not believe they would have sanctioned in their individual capacity. He considered such a doctrine most dangerous, and he trusted it would not be sanctioned by the House. Whenever the history of this mutiny was truly written, if it ever be truly written, it would be found that deeds had been done, not only by the revolted Sepoys, but by our own troops, and by our semi-barbarous allies—deeds which might well raise a blush of shame on the cheek of every honest man; and he, therefore, entreated the House not to make such a declaration as that they ought not, under any circumstances, to disavow the act of a public servant. He should vote against the Motion of the right hon. Gentleman the Member for Oxford, because he thought that in doing so he should support the principles of justice and the rights of humanity. Too much had been said on both sides of the House with regard to the non-production of a private letter sent to the late President of the Board of Control. That was beside the real merits of the question. He would tell hon. Gentlemen opposite (the Ministerialists) that it was his honest conviction that they had the right of the matter. Let them, therefore, take their stand on the principles of truth and justice, which were involved in the despatch of Lord Ellenborough, and if they were defeated, by what he could not help calling a party move, he thought they could well afford to be defeated; but do not let them dwell upon points which were of a purely personal character. The noble Lord the Member for Norwich (Viscount Bury), in his honesty, had blurted out the whole question when he said, "we wish to remove the hon. Gentlemen opposite from their seats." Under a false pretence, and in a somewhat questionable manner, an attempt was now being made to raise the banner of the noble Lord the Member for Tiverton. The arms of the House of Bedford had been quartered upon it, and independent Members were invited to rally round it. But, if independent Members possessed a particle of real independence, "the charmer would charm in vain." Unless they saw that the Liberal cause would be advanced by such a change, they would vote with him against it. A meeting of independent Liberals had been held a little while ago and he thought in his simplicity that they were really going to have an independent party. Happening, however, to mention this to one of the ablest politicians now living, he received the reply, "Ah, you don't know that party as well as I do. They will fall headlong into the very first trap laid for them by the late occupants of the Treasury bench." And so it turned out; for the trap was scarcely laid, the pitfall was hardly covered over, when the independent party prepared to fall into it, the new whipper-in himself leading the way, no doubt in pursuit of that "broader basis" which was insisted upon for the next Liberal Administration. Now, from his heart he (Mr. Gilpin) abhorred anything which appeared to be not straightforward and honest. If the noble Lord the Member for Tiverton and the right hon. Gentleman (Mr. Cardwell) believed that the interests of the country were not served by the present Government, they should definitely have raised that issue, instead of advocating this questionable Motion. He should vote against the Motion on its merits, and still more heartily would he oppose its real objects, the restoration of the late Ministry to office, believing that such a change would not be for the good of the people or the advancement of the great Liberal cause.

MR. LABOUCHERE: Sir, I should be content to rest my support of this Motion on the able speech of the noble Lord the Member for the West Riding (Viscount Goderich) but so strongly do I feel the importance of the question before us that I am not altogether willing to give a silent vote. Hon. Gentlemen have entered largely into what may be considered the party considerations connected with this question, and, of course they have a perfect right to look at it in its party bearings; but, after all, every consideration of that kind ought to sink into insignificance compared with the immense interests at stake. During the time that I have been in Parliament I have never been in the habit of imputing unworthy motives to any hon. Members, and I hope I am able to treat

with scorn any such imputation on myself. I have always been a party man, and my judgment may have been warped by party feelings even more than I am aware of; but if I do know my own feelings I never gave a more conscientious vote than that which I am about to give on the present occasion. I entirely disagree with those who think that frequent changes of Government are beneficial to the public interests, and I should heartily have rejoiced had the conduct of the Gentlemen now in office been so prudent and discreet as to enable me to give them my support. But I feel bound to vote against them on the present occasion, because I believe them to be deeply censurable for the evils which have arisen with regard to the affairs of India. Every well-wisher of India must desire above all things that there should be perfect harmony between the Government of the Queen at home, and the Government of the Queen in India, and that nothing should imperil unity of action and cordial concurrence between them; and next in importance is complete unity of action between two authorities which now exercise a divided influence, the Board of Control and the Board of Directors, and every care ought to have been taken that no occasion should have been afforded for raising a discussion in Parliament which would cast any doubt on their duty to afford Her Majesty's Government their most cordial and hearty support. But what was the present state of things? The conduct of the Government has created a difference between themselves and the Governor General which must be most detrimental to the public service. Have we not heard in this debate every kind of accusation, every sort of insinuation levied against the Governor General by members of the Government? Who ever before heard members of the Government coming down here and reading scraps out of Indian newspapers and reports of conversations which they or some friend of theirs have had with persons just returned from India, to show that the opinion of the subordinates of a great officer of the State are opposed to his? When the reports of these debates get out to India, and the Governor General reads that opinions condemnatory of his policy have been expressed by men with whom he was in confidential communication, and that these have been quoted against him by the Government, can he be expected to serve under such a Ministry? That has been the great error of the Government. If you differed from his policy you should have said so in guarded language, and you should have refused to publish your despatch, and appealed to the House of Commons to back you up in that refusal; but instead of that you have written a despatch, bitter and offensive in tone, importing into it those fatal paragraphs with reference to Oude which no man yet has ventured to defend, and which I really will not believe were read to the Cabinet before being sent out to India, unless some Minister gets up and assures us of it; and, worst of all, you took the very first opportunity of publishing your censure to the world, so as to damage the Governor General's authority to the utmost of your power. See, too, how you have impaired the unity of action which ought to exist between the Government and the Court of Directors. The Court of Directors is still a name in India, and it is most important that the people of India should not suppose that they are at variance with the Home Government. The Court of Directors met the next day after the despatch was written, and, to their infinite honour, determined that the mail which took out that extraordinary document should take out the best antidote they could afford—a Resolution of confidence. The Resolution is worthy the attention of the House; it expresses their continued confidence in Lord Canning, and their conviction that his measures for the pacification of the disturbed districts would be characterized by the utmost clemency consistent with his object. But do you not think that the intelligence that the Queen's Government and the Court of Directors are divided on this important question will not produce a very prejudicial effect in India? But we are told that it is from factious motives only that this question has been taken up. Was it the duty of Parliament to remain silent? In a state of things so critical and alarming, did it not behove them to express an opinion? Sir, I contend that we should have been neglecting our duty had we allowed the unfortunate conduct of the Government to pass by without notice, and whatever inconvenience may arise from those discussions is chargeable on the Government. If everything was right in the conduct of the Government, why has Lord Ellenborough resigned? That the Minister entrusted with the affairs of India should resign at the moment must have an unfortunate effect. Is it possible for Parliament not to interfere? If they are called on to interfere, how else can they do so

Mr. Labouchere

than by expressing an opinion on the conduct of the Government? On the last occasion when we met we heard that the Government, while it resisted the Motion of the right hon. Member for Oxford, are prepared to accept the mitigated censure involved in the Amendment of the hon. Member for Swansea. I am very glad to find that the Government are at last so far sensible of the danger of the course they have pursued that they are ready to affirm their continued confidence in Lord Canning, and to acknowlege that they were premature in blaming him for his Proclamation till they were in possession of further information. How hon. Gentlemen opposite can reconcile that with speeches in which Members of the Government have for three nights inveighed against the Proclamation of Lord Canning, with a bitterness which could only be justified by a thorough knowledge of the whole matter, and a thorough persuasion that the Proclamation is one of unmitigated confiscation, I am utterly at a loss to conceive. All I shall say with regard to the Proclamation is this, that I cannot bring myself to believe that Lord Canning has issued a Proclamation involving such apparent hardship to the people of Oude without a strong conviction of its necessity. I do not mean to say that the Proclamation is quite prudent in its terms; but as to the intention in issuing it, no one who has any knowledge of Lord Canning can doubt. I think the conduct of the Government to the noble Lord is ungenerous towards him as an individual. The very circumstance of his having no party connection with them ought to have made the Government the more reluctant to do anything which might weaken the hands of a man whom they were afraid to recall. As long as they left him in India they should have avoided anything which might disparage his authority; and if they thought it necessary to correct him, they should have done it in the most guarded language. The publication of the despatch was calculated to be so prejudicial to the public service that it ought to have been resisted at all hazards. I cannot acquit them of the charge of having committed a grave error in that most important and delicate transaction; and that being the case, I feel bound to express my opinion by voting in favour of the Motion of the right hon. Gentleman.

SIR JAMES GRAHAM: Sir, for some time past I have abstained from trespassing on the indulgence of the House, for my shattered nerves and drooping spirits dissuaded me from taking part in angry contention; and I would gladly avoid expressing my opinion on this occasion if my sense of public duty had not persuaded me that since I intend to vote I cannot avoid explaining, as far as I am able, the reasons which lead me to the conclusion at which I have arrived. If, Sir, I may be permitted to refer for one moment to a subject so insignificant as myself, I wish to state that it is by the courtesy of hon. Gentlemen that I occupy a seat on this (the Ministerial) side of the House, although I am no adherent of Her Majesty's Government. By no engagement, express or implied, am I their supporter. On the contrary, my sympathies and opinions are with the Liberal party sitting on the opposite side of the House, and from recent kind communications I have resumed those habits of friendly intercourse and confidential communication with my noble Friend the Member for the City of London which formerly existed between us. It is with pain, therefore, that on the present occasion, after much deliberation, I have arrived at the conclusion that it is not possible for me to give my support to the Motion of my right hon. Friend the Member for Oxford. It has not been my good fortune to be in office contemporaneously with Lord Canning. I do not know him as intimately as many of those with whom I have long acted; but, I am bound to say that, considering the circumstances of extraordinary difficulty in which he has been placed since his appointment to the Governor Generalship of India, I have, up to the present time, regarded his conduct with unfeigned admiration. I think, as was well said by my noble Friend the Member for the City of London, that while others trembled, his firmness remained unshaken; while the passions of almost all those around him were greatly excited, his calmness remained undisturbed, and he recoiled from the risk of shedding innocent blood. I think, therefore, the greatest praise is due to Lord Canning for his conduct up to the present moment. Now, Sir, this Motion is said to be actively promoted by most intimate friends of Lord Canning. Lord Canning was introduced into public life by my noble Friend Lord Aberdeen. Lord Aberdeen is no fair-weather or lukewarm Friend; he regards Lord Canning with parental affection; and while he thought that with reference to the present state of this transaction any-

thing was due to the honour of Lord Canning or to the defence of his administration of Indian affairs, he was quite willing to concur in a vote censuring the conduct of the Executive Government. But from the time that Lord Ellenborough withdrew from the Administration, declaring himself the author, as might well be presumed, of the despatch censuring the Proclamation in such unmeasured terms, I am authorized to state, on the part of my noble Friend, that he felt that all that was due to the honour of Lord Canning had been achieved—all that he thought necessary for the vindication of Lord Canning's administration of affairs had been accomplished; and when pressed by a Friend of Lord Canning — an old colleague and intimate Friend of his own — to concur in the vote of censure in the other House, my noble Friend Lord Aberdeen positively refused, and, to use his plain and emphatic language, he declared that he was not prepared to take part in a faction fight.

Sir, I wish, with permission, frankly to state that my first and strong impression on reading the Proclamation was that it was an impolitic one. I am also bound to state that the publication of the despatch censuring that Proclamation in the terms which were employed did appear to me a harsh and unjustifiable proceeding. It does so happen that when it was announced that the despatch commenting on the Proclamation would be laid before the House, and when it was also announced that that despatch censured the policy indicated in that Proclamation in every respect, I said to my right hon. Friend the Member for the University of Oxford, who was sitting near me, "I fear that that despatch, so reprehending the Proclamation, will contain a censure upon the annexation of Oude;" and I added, "if so, I think that such a course would be most impolitic and inexpedient." That paragraph which comments on the annexation is even less prudent than I had anticipated. I must say with regret that the paragraphs relating to that subject are those that I am most disposed to reprehend. Let me recall the recollection of the House to the circumstances that attended the publication of the despatch. I believe implicitly the statement made in this House by my hon. Friend the Secretary of the Board of Control (Mr. Baillie). That statement was, that on the morning of the day on which the hon. Member for Birmingham (Mr. Bright) asked in his place a question with respect to the Proclamation he himself had a confidential communication with Lord Ellenborough. The hon. Secretary to the Board of Control said to Lord Ellenborough, "If I am asked a question with regard to the Proclamation which has appeared in the newspapers, what am I to say?" Lord Ellenborough, without consulting any of his colleagues, at once and on the spot told the Secretary to the Board of Control to promise that a copy of the despatch commenting upon it should be laid before the House. When that promise was made, and it was clear that the publication would take place the following morning, the hon. Member for Birmingham pressed for further information. He asked at once what was the effect of the despatch; and the Chancellor of the Exchequer, rising instantly and without premeditation to answer that question, said that the despatch disapproved the policy indicated in the Proclamation in every sense. The right hon. Gentleman the Chancellor of the Exchequer will excuse me for saying that I think that answer so hastily and unpremeditatedly given was an indiscretion; but at the close of a long public and official life I cannot forget that I have committed many indiscretions myself, and I am not prepared to be extreme in visiting with severe censure what I cannot believe, and do not believe, was anything more than an indiscretion. The right hon. Gentleman knew that on the following morning this despatch would be published, and, anxious at once to satisfy the House as to the contents of that despatch, he anticipated the reading of it by every Member of the House in the course of a few hours by stating what was its nature. That, as it appears to me, is the front of the offending of any other Member of the Administration, excepting Lord Ellenborough himself. Well, what took place in consequence of this? Within three days of this publication, for which Lord Ellenborough was alone responsible,—no other Member of the Cabinet having consented when he gave the order to the Secretary of the Board of Control to publish the despatch,—yielding to the force of public opinion in the two Houses of Parliament, which was very unequivocally expressed, that noble Lord, not ashamed of what he had done, thinking, on the contrary, that he had honourably fulfilled what his sense of public duty prescribed, but anxious to

relieve his colleagues from all embarrassment, and willing to take upon himself the whole responsibility which really attached to him on account of an act performed without their concurrence, withdrew from the service of Her Majesty. These, then, are the facts of the case. The part of it which I most reprehend — namely, the publication, I hold to be atoned for by the resignation of Lord Ellenborough. I think the honour of Lord Canning fully satisfied by that resignation, coupled with the vote of continual confidence on the part of the Court of Directors to which my right hon. Friend, who has just addressed us, has referred. And as relates to the Administration, I believe it would be pushing the doctrine of conjoint responsibility of the Cabinet to an extreme bordering upon the ridiculous to extend it to their ejection from power for an act done by a colleague without their cognizance or consent, and on account of which act that colleague has quitted office.

Now, Sir, passing from this part of the question, I wish, with your permission, briefly to examine the substance of the Proclamation. And the calmest and most dispassionate consideration I have been able to give to this matter has led me to the conclusion that my first impression was right—namely, that the substance of this Proclamation is impolitic. I beg the House to remember the circumstances under which the Proclamation was considered in the early part of April by Her Majesty's present advisers. The Proclamation is decidedly at variance with an instruction sent out by the Cabinet on the 24th of March with respect to the policy to be pursued on the capture of Lucknow. The passage has been read before, but still it seems to me so important that if it is not wearying the House I shall quote it again. Here, then, are the terms of the instruction given to Lord Canning by the Cabinet at the date I have named:—

"To us it appears that whenever open resistance shall have ceased it would be prudent in awarding punishment rather to follow the practice which prevails after the conquest of a country, which has defended itself to the last by desperate war, than that which may perhaps be lawfully adopted after the suppression of mutiny and rebellion—such acts always being exempted from forgiveness or mitigation of punishment as have exceeded the license of legitimate hostilities."

The despatch next recommends a general disarmament, and, as far as possible, a general amnesty, and then goes on to declare that—"In every amnestied district the ordinary administration of the law should as soon as possible be restored." Now, try the Proclamation as the Cabinet tried it early in April, by the terms of that instruction, and I think you will see that it is diametrically opposed to the spirit of that instruction. Arriving thus unexpectedly, and violating an instruction already given by Her Majesty's Ministers, you must also bear in mind what were the peculiar circumstances attending this Proclamation. No covering letter giving any official explanation of it; all private communications with reference to it, from no fault of Lord Canning—who was unaware of the change of Ministry — addressed to their political opponents, and from some accident or misconception, on which I should be most sorry to dwell, no portion of those representations to the late Government bearing upon the subject were made known to Her Majesty's present advisers. Remember, likewise, that the mitigation passage in the Proclamation, which has been advisedly added in consequence of the representations made to Lord Canning in India, was unknown to the Cabinet when their despatch was written. All this you should bear in mind in abatement of the severity of the terms used in the despatch. Recollect, moreover, that the Cabinet consented to that despatch being transmitted in a particular form which exists only with respect to despatches sent to India — namely, through the Secret Committee of the Court of Directors. They believed that secrecy would be religiously observed; and with all my objections to the passages relating to Oude, with which I shall deal presently, I am not of opinion that, under the seal of secrecy, any of the topics touched upon in that despatch as a warning to the Governor General in regard to the danger of the Proclamation were improperly introduced.

But is this the whole? By no means. At the same time that the Proclamation reached the Government, information of a very painful—at all events, of a very anxious kind—came to hand. It is vain to dissemble it; a very serious difference has arisen between the civil and the military authorities in India. It is quite plain that the entire scheme of the military operations has, against the judgment of the Commander in Chief, by the over-ruling authority of the Governor General, not only been changed, but inverted. After that most splendid operation, the intelligence of which has warmed the heart and

gratified the feelings of every Englishman —when by a bold advance with a handful of men Sir Colin Campbell, at infinite risk, relieved the beleagured garrison of Lucknow—the Commander in Chief's own plan was not then to march again upon the capital of Oude, but, leaving that capital as the centre open at a future period to be attacked by his united force, rather to deal first with the insurrection in the extremities, to tread out the mutiny at its furthermost points, and afterwards to return to Lucknow with his concentrated strength. The Governor General, however, from the purest motives, but from political reasons, interfered with the strategy of the Commander in Chief, and called upon him instantly to attack Lucknow, and thus to depart from his preconcerted movements. Now, it is necessary to be just. This intelligence reached the Cabinet simultaneously with the Proclamation. There is a division between the civil and military authorities ; the Governor General, acting on his own responsibility, with a high hand directs the military operations ; and he issues this Proclamation, or avows his intention to issue it. We know already—to-morrow we shall know more accurately —upon the official information of the Secretary of the Board of Control, that Sir James Outram protested strongly against this Proclamation. Who is Sir James Outram ? He was the Civil Commissioner of Oude in 1856 under Lord Dalhousie. He has had the most intimate knowledge from that period of the state of feeling in that country, as well as of its social condition. More than that ; dropping his civil capacity, during a later period when the military difficulties became great, he acted as second in command, and was himself exposed to all the dangers of that great centre of the revolt. He could, therefore, best appreciate what were the sentiments of the landed proprietors of Oude —he best understood by experience what had been their conduct—yet knowing them well, guided both by his earlier civil and his later military experience, he in the strongest and most decided manner objected to this Proclamation, and pressed upon the Governor General the policy of abandoning it. So much for the view taken by Sir James Outram. Well, who is the next highest military authority in India ? Sir John Lawrence. We have all heard from the Secretary of State for the Colonies, and are all aware, that Sir John Lawrence pressed for what he called "a discriminating amnesty," and also objected to this Proclamation. The statements I now make rest upon official authority. I do not like to mention my own sources of information, but I have reason to know that General Mansfield, the chief of Sir Colin Campbell's staff, has likewise expressed in strong terms his doubts with respect to the policy of this Proclamation. We have reason, also, to believe—it has indeed been unequivocally stated by the First Lord of the Admiralty—that General Franks, who has just returned fresh from most gallant and distinguished military service rendered at Lucknow, declares his individual opinion that this Proclamation is an unfortunate step. So much, then, for the conflict of authority as to the expediency of the Proclamation we are now discussing; so much as to the weight of evidence that would lead us to pause before we give an opinion directly or indirectly sanctioning this Proclamation and condemning the course of the Government in taking measures with reference to its revision and limitation. Now, what is the correct interpretation of this Proclamation ? We have heard a great deal of refinement upon it; we have heard that confiscation does not mean confiscation; that proprietary rights in the soil of Indian provinces does not imply ownership of the land. Now, in England we understand English, in India all men may not; but, although those who issued the Proclamation might not exactly have understood the exact import of its terms, what is most important for us to consider is, how will the people who read it understand it ? The hon. Member for Northampton (Mr. Gilpin) has read to us extracts from the Indian newspapers; but really there is no newspaper which has arrived from India by the last mail which does not give to the term "proprietary rights" as broad a construction as has been given to it by any Gentleman who has addressed this House. Now, Sir, what is the object of this Proclamation ? It is supposed by some persons to be a great stroke of policy, and it certainly has the characteristic of novelty. It is, I must say, a new course of proceeding. No doubt, if what was sought to be effected, could be effected without danger, it would be the interest of every conqueror to effect it. And what was that ? Why, it was simply to convert the tenure of land in a conquered province from tenancy for life, or for a longer period, at a quit rent, to

tenancy at will. Doubtless, if that could be effected without risk, it would be a great advantage to any conqueror; but from the earliest period of history, neither in Europe nor in India has any conqueror attempted to perform so difficult and dangerous an operation. Neither Aurungzebe, Tamerlane, nor Nadir Shah ever attempted such a proceeding. The right hon. Gentleman the Member for Radnor (Sir G. C. Lewis) has described the British rule in India from 1764 to 1784 as a period of rapacity scarcely ever known, and yet during that period no British conqueror in India ever attempted an operation of this nature. Now, Sir, I cannot help thinking that, in consequence of differences of opinion between the civil and military authorities in India, Lord Canning in issuing this Proclamation has yielded his better judgment to the influence of certain civilians who surround him. I look behind me, almost afraid that I should see there a most distinguished Indian civilian, for I am about to read to the House the opinion of a great military authority—whose friendship I had the happiness to enjoy, I mean Sir John Malcolm—with respect to the character of Indian civilians. Sir John Malcolm says :—

"Listen not to general reasoners, or, what we term here Sircarces. They are always right on paper, and always wrong in action. . . . There is not a human being (certainly no Nabob or Maharajah) whom I dread half so much as an able Calcutta civilian, whose travels are limited to two or three hundred miles, with a hookah in his mouth, some good but abstract maxims in his head, the Regulations in his right hand, the Company's charter in his left, and a quire of wire-wove foolscap before him."

Now, that was the opinion which Sir John Malcolm wrote to a Governor General of India, warning him as to the value to be attached to the advice of civilians on matters of this description. What, too, was the opinion of Lord Wellesley, one of the best and boldest Governors General who ever wielded power in India? Did he seek to shake the title to landed property? Was he of opinion that annexing a province was to be followed by confiscation of private rights? Quite the reverse. Was that the opinion of the Duke of Wellington? There is on this very point a letter of the Duke of Wellington to Sir John Malcolm himself. He says that Sir John Malcolm had settled India with the greatest success, but with the greatest regard to the rights of property. And what was the advice which the Duke of Wellington gave? He said, if you conquer a province, proceed systematically, deal lightly with individuals, but grind the State — that is to say, respect the rights of individuals, but deal as harshly as you may think expedient with the sovereign power. What did the great commander who conquered Scinde? He, following the advice of his great master and instructor, dealt lightly with individuals, but he ground the Ameers. Sir William Napier has very recently placed on record the actual measures which were adopted by his brother, and he describes the course pursued by that distinguished man in these words :—

"He proclaimed at once that all rights and possessions would be safe from confiscation. His expression was that 'the conquest of a country was sufficient convulsion for any people to endure, without adding thereto abrupt innovations on their social habits.' He even confirmed all the Government servants in their employments. The only exception he made was the Lugharee chief, and that by the especial order of Lord Ellenborough, on the ground of his having treacherously assailed the Residency. Even this man, because he only acted under the orders of his Sovereign, Sir Charles afterwards restored. No doubt he threatened to confiscate the estates of one or two other chiefs who continued hostilities after the war was virtually over; but this was simply as a war measure to induce them to surrender. Thus," went on Sir W. Napier to say, that "Sir Charles Napier's policy was both vitally and literally the reverse of Lord Canning's, and founded upon an essentially different state of affairs. The one confiscated the whole property of the country with but seven or eight mentioned exceptions; the other confirmed all men in their possessions, with one or two exceptions for especial crimes."

The doctrine of confiscation is the most dangerous which any conqueror can adopt. There is a book, not long since published, which describes what Napoleon proposed to do on his return from exile. Villemain tells us, that Napoleon, on his return from Elba, in the first flush of anger determined to issue a Proclamation confiscating the property of Talleyrand, Augereau, and about fifteen other persons; but his honest and faithful friend and follower, Bertrand, who, true in adversity as in prosperity, followed his great master to St. Helena, and shared his captivity, refused to countersign the ordinance. He said to Napoleon that the man who would advise the Emperor to begin a system of proscription and confiscation was his most cruel enemy. Labedoyère, who afterwards sacrificed his life in faithful adherence to Napoleon, also refused to sign the ordinance, saying that if he once commenced this system his career would soon come

to an end. The doctrine of confiscation is not new. In the Middle Ages this doctrine of confiscation was often had recourse to, and, although I cannot pretend to give the words themselves, I must remind the House of the opinion that was expressed by one of the wisest of mankind, at the same time begging us to remember that human feelings and human passions are the same in India that they are in Europe. That philosopher —I mean Macchiavelli—said that it is not safe to confiscate a man's property unless you are also prepared to deprive him of his life. He said that a son could bear with great complacency the death of his father, but the loss of his inheritance would drive him to despair. Now, that is a principle which history has taught us, and I cannot but think, that under circumstances like those which now prevail in India, it will be a most dangerous precedent to depart from it. I have mentioned Scinde. What was the act of Lord Ellenborough himself with regard to Gwalior? That was a case in which there was an undoubted breach of treaty and of compact on the part of the ruler. Lord Ellenborough made war upon the Sovereign, gained a signal victory over him, but never disturbed the title to the land; and what has been the consequence? Notwithstanding that the army of Gwalior has been unfaithful, the ruler and the population of that State have been our sure and fast friends. Again, what was the policy of Lord Hardinge in the Punjab? He acted harshly and severely with the governing power, unseated and uncrowned the sovereign, but respected the rights of property; and the salutary effect of that policy has been, that even in this extremity the Punjab has not been the seat of popular insurrection. In Cashmere Lhrd Hardinge's policy was the same. There he acted with more gentleness towards the sovereign, and more forbearance towards the inhabitants. The confidence which Lord Hardinge placed in the ruler of Cashmere, of whom some doubts were entertained at the time, was not misplaced; on this trying occasion his fidelity has stood the test. You have here Indian experience, you have general maxims and general practice, all converging to the same point, and all condemnatory of the policy of this Proclamation. Some hon. Members have attempted to make a point of the Proclamation of Lord Dalhousie with regard to Oude, issued in 1856. There is, indeed, in that Proclamation a mention of confiscation; but it was well put by the hon. Baronet the Member for Tamworth (Sir R. Peel), and it has been repeated this evening by the hon. Member for Northampton (Mr. Gilpin), that there is the broadest distinction between Lord Dalhousie's Proclamation in 1856 and that of Lord Canning's of 1858. Lord Dalhousie's Proclamation in 1856 was prospective and menacing, and its consequences might be avoided by timely submission. Lord Canning's Proclamation is retrospective, and implies instant punishment. But that is not all. Lord Dalhousie's Proclamation was directed against individuals on proof of guilt. The Proclamation of Lord Canning denounces, in the first instance, the sentence next in point of severity to death, without proof, against a whole people. I must say there is one passage in the despatch with which I entirely agree; its principle appears to me to be sound. This Proclamation is based on the inverse of the correct principle. It makes that the general rule which ought to be the exception; it makes that the exception which ought to be the general rule. It throws the *onus* of the proof of innocence upon the entire people, the penalty if they fail in that proof being the forfeiture of their lands. The reverse ought to be the principle; everything should be presumed in favour of innocence until guilt is proved. Now, these are great principles, English principles, universal principles, which are to be maintained wherever the British rule prevails. In my humble judgment, they can never be departed from without eminent risk to the public welfare. It is impossible to speak in too high terms of the late Sir Henry Lawrence. Gallant as were his exploits as a soldier, noble as was his death, so worthy of his life, as a judge of what was politically expedient with reference to the people of India, no man ever excelled him. By an odd coincidence, in the very month of April in which the Government were considering this Proclamation, the *Edinburgh Review*, an organ which cannot be objected to on the opposite benches, contained, in a review of *Sir W. Sleeman's Travels in Oude*, the following passage:—

"Sir Henry Lawrence was despatched to Lucknow to take the place of Mr. C. Jackson. He was the man of all others who would have done most good in the province if he had been sent there at the commencement of our administrative career."

The article is now speaking of the action under Lord Dalhousie's Proclamation in

1856, that to which I have already adverted, and which fell far short of, it was even opposite in principle to, that of Lord Canning:—

"He was a man of generous sympathies and of an enlarged toleration, which would not suffer him to scan too nicely or to visit too severely the offences of those who were the victims, rather than the agents, of a vicious state of society. He was especially averse to an over-critical investigation into existing rights, which, though acquired sometimes by fraud, sometimes by oppression, were still only in accordance with the custom of the country, and, indeed, often a necessary consequence of the continued misgovernment of the Native rulers. We do not profess to know the precise nature of the settlement, operations which were interrupted by the progress of the mutiny in Oude; but we have reason to believe that Sir Henry Lawrence thought that some of the great landowners had been treated with an inexpedient harshness."

That is under the former Proclamation, when forfeiture was not the rule but the exception. Sir Henry Lawrence demurred to the extent to which the exception was carried:—

"On the score of practical expediency and of abstract justice it was desirable that at the outset of the British administration in Oude a more conciliatory policy should have been adopted towards them."

Therefore, in addition to the authority of Sir James Outram, in addition to the authority of Sir John Lawrence, in addition to the authority of General Mansfield, I claim with reference to the principle of this Proclamation the very highest authority—the authority of Sir Henry Lawrence.

Now, Sir, I cannot fail, also, to observe—and it has not been much dwelt upon by the House—that, so far from the covering letter of Mr. Edmonstone in any degree relieving the anxiety of the Government with regard to this Proclamation, I think that, properly weighed and considered, it must have greatly aggravated their apprehensions. That letter in the first place distinctly points out that this Proclamation is addressed, not to the few, but to the many—to the inhabitants of Oude at large; and there is in it a passage which has not yet been read, and which indicates extreme severity, coupled with what appears to me very great impolicy in the application. The 16th paragraph says—

"The foregoing remarks apply to the talookdars and chiefs of the province. As regards their followers who may make submission with them, these, from their numbers, must of necessity be dismissed to their homes."

Intimating that, if possible, there would have been a wish to keep them prisoners.

"But before this is done their names and places of residence should be registered, and they should receive a warning that any disturbance of the peace or resistance of authority which may occur in their neighbourhood will be visited, not upon the individual offenders alone, but by heavy fines upon the villages."

I must say that I consider this denunciation dangerous in the extreme. I think our Irish experience might have taught us not only that it is unjust, but that when applied to a nation it is maddening. There is also a threat that there shall be no reinstatement in their lands under specified circumstances. Now, the use of the term "reinstatement in their lands" is a direct assumption not only that confiscation has taken place, but is in force, and shall remain the rule, reinstatement being the exception. Then there is the mitigating clause which has been inserted in consequence of Sir James Outram's strong reprehension of the paragraph in its original form. A word is used in that clause which proves the justice of what I have just stated with regard to "reinstatement." It says,—

"To those among them who shall promptly come forward and give to the Chief Commissioner their support in the restoration of peace and order the indulgence will be large, and the Governor General will be ready to view liberally the claims which they may thus acquire to a restitution of their former rights."

This clearly shows that even after the original harshness of the Proclamation had been mitigated, the Governor General regarded the confiscation as general and complete, and only held out to those who should prove themselves the friends of order the "restitution of their former rights." My noble Friend the Member for the City of London, in the forcible speech which he addressed to us on a former evening, assumed that these talookdars had made war upon our soldiers, had killed many of our fellow subjects, had behaved cruelly to the British, had sought to starve our garrison. I understood him to say that they had helped to starve our garrisons and had made war in a reckless manner. The statement of Sir James Outram positively negatives that assumption. The Secretary of the Board of Control informed us, on his official responsibility, that Sir James Outram pointed out to the Governor General that not only had no murder been committed in Oude, but that there the chiefs had saved all the Europeans who had fallen into their hands, and sent them under escort into the British territories. To-morrow we shall see, I hope and believe, in official des-

patches what Sir James Outram says upon this subject; but in the meantime I am at liberty to presume that the statement made by the Secretary to the Board of Control, on his responsibility as a servant of the Crown, is correct. If that statement is correct, it not only negatives all the presumptions against the talookdars, but proves their innocence of these grave offences.

Sir, I pass gladly from the Proclamation to the despatch. I have already said that I am not prepared to approve the language of that despatch. Perhaps I may be permitted to remind some of my classical friends of what is said by a great master of rhetoric—Quintilian—in discussing the relative merits of the Attic and Asiatic style of composition. He says that the Attic is clear, terse, simple, and forcible; and describes what he calls the *Asiana gens* as "*tumida jactantior, vaniore dicendi gloriâ inflata.*" He then goes on to lay down a maxim which from the time of Demosthenes to the time of Mr. Fox has remained true, and which will remain true, I am satisfied, to the end of time—*Attice dicere est optime dicere.* But we are not here as a school of rhetoricians and critics. We are here as statesmen, considering what is best for the interests of a great empire, and it is no part of our duty to weigh nicely the exact terms used to convey an idea which in itself is sound. I cannot approve of all the terms of the despatch, but I am bound to say, that the substance of the despatch, as dealing with the substance of the Proclamation, is sound and perfectly defensible. I do not think there is a single topic mentioned in the despatch which, under the seal of secrecy, ought not to have been communicated to the Governor General. I do not except even the matter of Oude. It is vain to dissemble it—there is a flaw in our title to that kingdom. I regret the exposure, but that exposure has taken place, and for it the Government are not collectively responsible. There was an earnest desire to exclude the passages relating to Oude from the publication. Accident—unforeseen accident—alone prevented it. But, I repeat, under the seal of secrecy the warning to the Governor General with respect to Oude was not only not inexpedient, but was necessary and correct. The preceding circumstances ought to be remembered by the Governor General in dealing with the population of Oude. If under ordinary circumstances some forbearance was due to them, I think the facts connected with the extension of our dominion in that part of India entitle them to special indulgence. Upon the whole, therefore, I am bound to say that every topic touched on in the despatch appears to me justifiable and applicable. Some hon. Gentlemen have thought that the despatch of the Court of Directors was only a reduplication of the despatch of Lord Ellenborough, and, in fact, was written by the same hand. We now know positively that it was not so—that Lord Ellenborough had nothing to do with the preparation of the Leadenhall Street Despatch and only altered one or two words in it. Yet see how both despatches agree—how every sentiment expressed in the one is to be found in the other. We thus narrow the question to the substance of the despatch, and I think every topic in that despatch may be fairly vindicated.

After all, however, Lord Canning was not recalled; the Proclamation even was not revoked; practically there was great forbearance exercised towards the Governor General. [*A laugh.*] My Friend the late Lord Advocate treats that statement with derision. He is responsible for the exercise of great powers; my knowledge of his kindness leads me to know that he would not exercise those powers with harshness, and therefore I am surprised he should be of opinion that an error on the part of a high officer of State should not be pointed out, and instructions given to him to mitigate what would appear to be undue severity. The Governor General, as I have said, was not recalled. The only order which the despatch contains is to be found in the 18th paragraph. It directs him to mitigate in practice the severity of his decree of confiscation, and I must say I think that that order was wise and prudent. The noble Lord the Member for London has stated that the Cabinet, entertaining the opinions contained in that despatch, ought to have recalled Lord Canning. The right hon. Gentleman the Member for Oxford in bringing forward his Motion appeared to think that there was no middle term between recall and adoption of the Proclamation.

MR. CARDWELL: What I said was, that there were three courses open to the Government. If you disapproved the conduct of the Governor General, you should have recalled him; if you approved his policy, you should have cordially sustained him; if you partially disapproved, you

should have so expressed that disapproval as neither to shake his confidence in you nor paralyze his powers in India.

SIR JAMES GRAHAM: My right hon. Friend does not forget the formula of his school; but like my right hon. Friend I also am of the Peel school, and feel all the force of the recommendation of three courses. I cannot say, however, that in the present case the choice lies between three, or even two courses. I cannot see that it is necessary either to recall the Governor General or to acquiesce in his policy. Is he to be master of the Government? If the Governor General is to be his own master what becomes of the responsibility of the Queen's advisers if, in a moment of great emergency, the Governor General is not to receive directions? I cannot for one moment so consent to restrict the authority of Her Majesty's Government, that although in a great public emergency they may think that Lord Canning is better fitted than any other person—and in that opinion I, for one, fully concur with them — to discharge the duties of Governor General, yet, exercising the supreme authority, they shall not be entitled to reprehend the policy even of that great proconsul, if they believe it to be inconsistent with the habits and welfare of those to whom it relates and—still more—if they consider it dangerous to the safety of the British empire.

Now, Sir, I gladly come to the close of the observations which I have unwillingly addressed to you. The general conclusion at which I have arrived may be briefly stated. I think the Proclamation is substantially wrong; I think the despatch is substantially right. The error of the Proclamation is in its essence; the error of the despatch is in its form and expression. Upon a former occasion the right hon. Gentleman the Member for Radnor (Sir G. C. Lewis), reduced what he thinks requires condemnation to the narrowest possible limits. He said that the neglect of the Government with respect to the publication of the despatch almost amounted to design. Was ever a Government dismissed yet for neglect almost amounting to design? A change of Government being sought, I am bound to ask those who naturally aspire to succeed to the present Ministers what is their policy? Are they for the Proclamation, or are they for the despatch? In other words, are they for confiscation, or are they for amnesty—discriminating amnesty in the sense of Sir John Lawrence? The battle still rages in India; that sea of fire is unquenched. Who was the person placed as permanent Secretary at the Board of Control by Her Majesty's late advisers? Sir George Clerk. What does Sir George Clerk say upon this subject? He says that the ship cannot be righted unless the Proclamation is thrown overboard. He goes further, for he says that no amount of troops you can send out to that distant country and that deadly climate, can hold India permanently for the British Crown, if the principle of confiscation be established by the British Government. So, in the very words of the despatch which is so much blamed, I say that we shall not be able to hold India if the entire population, on account of the principle of confiscation, think they are subjected to British dominion at the expense of legitimate rights. I entirely concur in that opinion, and adopting it, I am driven to consider what is the real object of the present Motion. I have no friend in whose honour or word I trust more implicitly than I do in the honour and word of the right hon. Member for Radnor; I have known him long, and his word I believe implicitly; he has told us that he does not believe that this Motion has been brought forward with any party object whatever. Now, that assertion may be believed in the *Republica Platonis*, but I am afraid it will gain little credit in the ordinary haunts of men. My right hon. Friend lives at Knightsbridge, a semi-rural district where faith may abound; but in the regions of Piccadilly there is more of scepticism and unbelief. We know that treaties of amity and of offensive alliance are matured, the plan of attack and even a division of the spoil have been arranged before the battle has been either lost or won; and to tell me that there is no party object in this Motion is to draw on my small stock of innocence and credulity to an extent that exhausts it at once, and leaves me an unbeliever. Three months have hardly passed since by the deliberate vote of this House the late Government was expelled for a grave political error. Are we prepared to reinstate them on the grounds of a Motion such as this, wherein the main principle which has been asserted by Her Majesty's present advisers is not explicitly or openly condemned, but all expression of opinion is avoided? Can I give such a vote, entertaining opinions such as I have expressed to the House? I

cannot do it, although all my party wishes and recollections would urge me to do so. ["Oh, oh!"] The Gentlemen on the front Opposition bench sneer, but I repeat my assertion; I am no candidate for power, I exercise a dispassionate and disinterested judgment, and let those who sneer on that bench make the same declaration if they can I never gave a vote with more pain or regret in my life; but I never discharged a public duty with a more clear conscience. I would gladly have voted for the Previous Question, and I am willing to adopt the Amendment of the hon. Member for Swansea. But if that be rejected, then, reluctantly, though unhesitatingly, I shall give my vote against the Motion of my right hon. Friend the Member for Oxford.

SIR RICHARD BETHELL: Sir, I should deeply regret if I could believe that there were many Members in this House who really think that, in the present state of public affairs, any Gentleman rising to speak in favour of the present Motion is actuated either by a desire to join a cabal, or in a faction fight (which is another accusation), or, according to the more laboured and appropriate language of the noble Lord the Secretary for the Colonies, in a party movement. ["Hear!"] Those that cheer such sentiments could only have in their own minds the impression that they are themselves capable of being actuated by motives of that kind. If there be any Gentleman on the other side who believes himself incapable of adopting such a course of conduct, let him rise and in common fairness express his belief that the Gentlemen on this side are equally incapable of doing so. Those who make these accusations and those who cheer them must of necessity feel within their own minds, from an internal conciousness of their own principles and actions, that they would themselves be capable of such conduct. Of all complaints, the complaint made by the present Government, that they have been treated factiously, is one I think so entirely without foundation, as to add another to the various ridiculous positions in which they have already placed themselves. Now, let us review their antecedents; and let us consider whether there ever existed a Government which in so short a period of time has committed so many errors. ["Oh! Oh!"] You have been treated with much forbearance. The chief antagonist you have had has been the noble Lord the Member for London; yet how many times did he pluck you out of the mire? How many times did you go in abject submission to that noble Lord, and even offer to abdicate your functions to him? You produced an Indian Bill, and in it I trace the same hand that dictated this despatch. Your Bill was received with universal derision. It was your policy; it was that to which you had bound yourselves. What need had we to do more than to have allowed you to reap the fruits of that proceeding? You would have ruined yourselves but that the noble Lord came to your rescue; and you most gladly accepted his suggestion. Then, again, with inconsistent obstinacy you insisted on retaining your opinions, notwithstanding you adopted the course of proceeding by Resolution suggested by the noble Lord. Having at last given up what you had originally determined, the climax of absurdity was reached — when your leader in this House rose to pronounce an eulogy over the measure which you had abandoned. Was not that an opportunity for us to take advantage of your position? But how were you dealt with? You were covered with good-natured ridicule; and therefore what I desire you to observe is this, that once you were simply ridiculous, and we were content to leave you unassailed; but it is our duty no longer to bear with you when your conduct endangers the best and dearest interests of the empire. Now I desire to know whether my declaration was not correct that you have been treated with forbearance? Unquestionably that forbearance would have been continued to you if it had been consistent with our duty to abstain from making a Motion that should hold you up to the country as persons no longer deserving to be entrusted with the confidence of this House. The tendency of long debates is to cause speakers to wander very much from the real question at issue, and I desire to re-state the accusation against the Government in order to bring back the argument to the inquiry upon which unquestionably depends the answer to the question, whether you ought or ought not to be censured. Now, in the despatch which constitutes the *gravamen* of the charge against you there are two parts—one relating to the Proclamation of Lord Canning, and the other to the Imperial title to the kingdom of Oude. I desire particularly to beg the attention of the House to what, undoubtedly, constitutes the most grave and serious charge that I ever

remember to have heard brought against a Government—the charge, I mean, with regard to those portions of the despatch that relate to the title to the kingdom of Oude. A rebellion having broken out in a part of the Queen's dominions, a war raging therein, and the armies of Her Majesty having been marshalled in the province for the purpose of resisting the rebellion—that time was chosen by the Government of the Sovereign to publish to the world a despatch undoubtedly impugning the title of the Crown to that particular territory, and its right to adopt proceedings for the reconquest of such territory. I beg the House to regard this part of the case, first in its legal aspect, and secondly in its political aspect. I should be very sorry to present the case in the light in which I am about to exhibit it to the House, as being something the Government contemplated at the time the despatch received their serious consideration, and, according to the accounts given to us, their unanimous assent; but there are portions of that despatch which amount to nothing less than abetting the treasonable proceedings of the rebels in Oude. You were bound to treat that province as part of the territories of the Crown. By your own India Bill you proposed to transfer that territory from the East India Company, the trustees of the Crown, directly to the Crown itself. Unquestionably, therefore, it was your duty to maintain intact the integrity of the Queen's dominions and the right and title of Her Majesty to the allegiance of the province, which had been a portion of the dominions of the Sovereign for about two years. The people of that province having risen against the authority of the Crown, ought to have been regarded by you as in rebellion against their Sovereign. But what has been done? You have told the people of this country, the people of India, and the people of Europe, that the Crown has no just right to the allegiance of the people of Oude; and, as a lawyer, I venture to say that if that despatch had been published some few years ago, there would have been found in it sufficient matter for the impeachment of the Ministers by whom it was issued. Is it, then, a thing to be lightly passed over? Regarding you as the responsible Ministers of the Crown—regarding you as answerable to Europe, to the people of your own country, and to the people of India, for the right and title of the Crown,—was it a light thing to introduce into the despatch a paragraph which states deliberately that the title of the Queen, your mistress, to the kingdom of Oude is that of an usurper? I have here a petition which was presented from the Queen of Oude and members of the Royal Family of Oude, and was laid upon the table on the 25th of May, 1857, and will the House believe that the paragraphs of the despatch, from the 8th to the 15th, are hardly anything more than a condensation or a summary of the statements contained in that petition? Well, but are you prepared to act up to the doctrines you have avowed? We have heard from some hon. Gentlemen that we are engaged in a legitimate war in Oude. A legitimate war indeed! I should like to ask the hon. Member for Birmingham what kind of legitimate war it can be when, according to the doctrine of the Queen's Government, your original occupation of Oude was an act of outrage and robbery? You have now marched an army into Oude in order to regain possession of a territory which, according to the opinion of Her Majesty's Ministers, you originally obtained by robbery and spoliation. What then is the character of such an act—one which has led to the sacrifice of many lives in the endeavour to regain a territory obtained by robbery and wrong? This is a matter with regard to which the Queen's Government have published their views to the people of England, to the people of India, and to the people of Europe; and I desire to know whether it is not time to interfere in order to rescue the Sovereign and the people of this country from such misrepresentation, and to protest against a line of conduct that would betray the best interests of the empire? When we hear of mercy and of a policy of clemency, I beg the House to observe the effect which the paragraphs of the despatch to which I refer will produce upon the people of Oude. They will lead to war without end, to contests without any prospect of termination; because if an impression is produced upon the minds of the people that we have no title to the territory—that we have been guilty of wrong, injustice, and spoliation from the commencement,—is there any prospect of such a satisfactory settlement of affairs in that country as will ever reconcile the people to your rule? I think, however, that representations of this kind are the more to be deprecated when they are marked by hypocrisy, and while every one is aware of the doctrines contained in the despatch, we are told

you never intended to act up to them. Why, then, did you enunciate them? Why did you declare that you had no title to Oude, and that you were there unjustly, and yet affectedly preach doctrines of clemency and mercy and atonement for injury? How can you ever atone for the injury you say you have done to the country, except by restoring it to the possession of its rightful Sovereign? Are you prepared to do that? If not, with what object are these passages contained in the despatch? The right hon. Baronet who last addressed the House (Sir J. Graham) said that, though he approved the doctrines contained in that despatch as a secret despatch, yet he would undoubtedly have condemned the proceedings of the Government if he had found that they were consenting parties to the publication of the despatch, and if it had not been the unauthorized act of a single individual. Accordingly, I shall ask permission hereafter to bring the greater part of his argument to my aid, because I think I shall be able to show conclusively that all the Members of the Cabinet were accomplices in the publication of the despatch, and that they stand self-condemned by the manner in which they themselves have spoken of the document. I shall particularly beg the attention of hon. Members to the dates and passages as I have collected them, I hope accurately and faithfully. Hon. Members will recollect that when, on the 6th of May, a question was put to the Secretary to the Board of Control by the hon. Member for Birmingham, the hon. Gentleman's answer was to the effect that a copy of the despatch would be laid upon the table; and a similar statement was made, on the same day, in the House of Lords. I find that, on that occasion, these words fell from the Chancellor of the Exchequer:—

"A copy of the despatch will, of course, as my hon. Friend has stated, be laid upon the table of the House. I think it, however, right to take this opportunity of stating that, when we received notice of this intended Proclamation, we took the subject at once into our consideration." "And," said the right hon. Gentleman, "we sent out a despatch."

[The CHANCELLOR of the EXCHEQUER was understood to say that the hon. and learned Gentleman had not quoted his answer fully.] I am only desirous of pointing out to the House that the right hon. Gentleman the Chancellor of the Exchequer stated that the Proclamation was taken into the consideration of the Cabinet, and that the despatch was the result of that consideration. I am therefore justified in stating that the language of the despatch was the language of the united Cabinet after consideration. Now, the next statement which I have extracted from the ordinary sources of information is a statement made in "another place" by Lord Ellenborough, in which he said:—

"It had been originally intended to lay the whole despatch before both Houses; and the Secretary to the India Board, with this object, had the whole paper in his hands for the purpose of presenting it to the House of Commons. At a late period of the day it was understood between my noble Friend, the Chancellor of the Exchequer, and myself, that extracts only should be read, for it was considered inconvenient that particular passages should be made public."

Lord Ellenborough there speaks of an original intention to lay the whole despatch before both Houses—an intention which, according to the language used, must be taken to be the intention of the Government—an intention so far departed from by common agreement between Lord Derby, the Chancellor of the Exchequer, and himself (Lord Ellenborough), to the extent that only extracts should be produced. This was on the 6th of May; and I entreat the attention of the House to these passages, combined with the expressions used by Lord Derby in "another place." Lord Derby says:—

"On the following day, that is on the 7th of May, there was a Council at the Palace, by which we were detained; but when we came to examine the despatch, we found in it some paragraphs which we thought it more for the public convenience should not be produced."

Why, what an extraordinary statement is that? The despatch is represented as being the result of the united consideration of the Cabinet. I will again read the words of the Chancellor of the Exchequer. The words are:—

"We took the subject at once into consideration, and the result was we sent out a despatch to the Governor General of India, disapproving the policy which he indicated in every sense."

I say those words do most clearly evince that the despatch was considered by all, and had been particularly considered by the right hon. Gentleman the Chancellor of the Exchequer. We have this very significant statement by the Premier, that after a Council held at the Palace, "when we came to examine the despatch we found in it some paragraphs which it was not convenient to make public." Are we to believe that the despatch had not been examined before? Are we to believe that the Cabinet, the organ of which in this House had told us

in the terms I have read that "they disapproved the policy in every sense," had not previously considered this despatch? Lord Derby proceeded to state that—

"The sole object of those paragraphs was to point out the circumstances of mitigation which separated the case of revolted subjects from that of mutineers, and, of course, in reasoning the point, all the extenuating circumstances were put forth with a plainness and openness with which they certainly would not have been stated if the document had been intended to meet the public eyes. When we saw the character of those paragraphs we desired to have them omitted from publication."

Who were "we?" "We" were Lord Derby, Lord Ellenborough, and the Chancellor of the Exchequer. The description given of the proceeding by the noble Premier was that "when we saw the character of the paragraphs we desired to have them omitted from publication." I am astonished at this explanation. The Chancellor of the Exchequer promises to produce a despatch the nature of which he is ignorant of, but tells us at the same time that he disapproves the policy to which it refers "in every sense," while the noble Premier was not aware of an important portion of that despatch! What an exhibition is this! Well, what is the result of this proceeding upon the question, of whether the publication was the act of an individual or of the whole Cabinet? I will just read a few passages from different speakers. Lord Derby proceeded to say—

"With that view we sent down to the House of Commons, but before the messenger arrived, the Secretary of the Board of Control, not having had any previous communication with us, had, in consequence of the promise of the night before, laid the whole despatch upon the table of the House. I regret that the whole despatch was laid upon the table."

First of all Lord Ellenborough promises to lay a copy of the despatch upon the table of the House of Lords. The Chancellor of the Exchequer here assures us that a copy of the despatch shall be laid upon our table. That is the original promise. Afterwards the despatch is taken into consideration, and we are told it is then thought desirable that certain paragraphs should be omitted. I wish the House to observe that when Lord Ellenborough promised to produce the despatch in the House of Lords, Lord Derby and the rest of the Cabinet made no objection to that course. When the Chancellor of the Exchequer, upon the 6th of May, promised to produce it here, the rest of the Cabinet in this House made no objection. But then we are told by the noble Lord—speaking no doubt according to his impressions, and intending to give a correct representation of circumstances,—that, after the Council at the palace, the despatch was considered, and some paragraphs were to be omitted with a view to the public convenience, but the messenger was too late in reaching this House. Contrast that statement with that of the noble Lord the Secretary for the Colonies, whose ingenuous nature would lead him to disclose the real facts. That noble Lord (Lord Stanley) said—

"He thought that a course half disclosure and half mystery—that a course which would have stimulated the curiosity of the public and left that curiosity unsatisfied, would have led to a belief that the despatch in question contained matter infinitely more grave and more alarming than any that really appeared on the face of it. It might have been unwise to give the promise given in that House. He regretted to say he thought under the circumstances it was unwise; but that promise once given it appeared to the Government a less evil to go on than to draw back, and that of two public dangers it was better to choose the lesser."

What is the interpretation to be placed upon that statement? Unquestionably one is that a certain promise having been given that the despatch should be laid upon the table, the Government thought that it was not desirable to appeal to the House to be at liberty to withdraw some portions of that despatch. Supposing that to be the true interpretation, the result is that laying the despatch upon the table was the deliberate act of the whole Government, and they became parties to the original publication. But is a Government to be permitted to adopt that kind of excuse, and to say when one of their colleagues undertakes to produce a despatch and their leader in the House of Commons makes a similar promise, that they are to be excused from the consequences of that act because they were ignorant of the contents of the despatch? There is another interpretation which public rumour has given. I speak only upon the faith of public rumour, but it is said that the true reason why a copy of the despatch was left here while extracts only were given in the House of Lords, was that a familiar friend of the Government, to whom it had been communicated, would have sent the despatch to the public newspapers; they were told that it was idle to withdraw it, because next day it would appear in the Birmingham papers or in the *Morning Star*. But passing away from that, I beg

the House to consider deliberately, and I beg the right hon. Baronet, who has told us deliberately that if Lord Ellenborough had still remained in the Cabinet he would have voted for this Motion—

SIR JAMES GRAHAM: What I said was, that I would have voted for the censure, but not for this Resolution.

SIR RICHARD BETHELL: I inadvertently used the word "Motion" instead of "censure." Well, I submit to the House that the publication of this despatch has not been the unauthorized and unknown act of Lord Ellenborough, but the deliberate and well-considered act of the Government at large, and that they abided by it, according to the language of the noble Lord the Secretary for the Colonies, as the lesser of two evils. But what is the consequence? I shall give it in the language of Lord Derby. Lord Derby says he condemned the publication of the despatch:—

"He was bound, however, to consider whether it was desirable that Government should stake their existence on an act for which they were not in the slightest degree responsible—an act of which they had no official knowledge."

Now, if the House shall be of opinion that the Government on these statements was responsible for the publication—if the House, accepting the representation of the noble Lord the Secretary of State for the Colonies, shall consider that the Government accepted the publication as the better course of the two, why, then the consequence is that, in the language of Lord Derby himself, they stand precisely in the situation in which Lord Ellenborough stood, and out of their own mouths we convict them.

Sir, I now proceed to the consideration of the next charge against the Government, which in a political point of view, but not in a legal one, is scarcely inferior to the first in seriousness and gravity. The rest of the despatch contains the condemnation of the assumed policy of Lord Canning's Proclamation. I entirely agree that, for our accusation against the Government, the effect and tenor of that Proclamation are wholly immaterial; the Government have a right to say they construe that Proclamation in a particular manner, and that they have acted on that construction. That is the position taken by the Government, and so far as the accusation against them extends it is immaterial whether that is the true construction and meaning of the Proclamation. But take the Proclamation entirely to mean what they say it does mean, and then the question will remain the same. What was the position of the Government at the time the despatch was written? They were in a situation of perfect uncertainty as to whether the Proclamation had been published or not; they had no information whatever as to the particular circumstances which led Lord Canning to announce that Proclamation as something that was intended to be issued; they only know this—and they were bound always to keep it before their minds—that Lord Canning was a man of singular humanity, and of tried and proved clemency; and from all the antecedents of Lord Canning it was incumbent on them to have ascribed to him this favourable character—that he would not resort to any proceeding having a semblance of cruelty or severity without some circumstances which rendered that proceeding inevitable. In this state of things, what is the character of the despatch which the Government wrote? I say, in the first place, that it was a most precipitous proceeding; in the next place, that it was intemperate in its language; in the third place, that its publication was most detrimental to the public interest; and in the fourth place, that it was a most unjust proceeding towards a public servant in the critical position in which Lord Canning was placed. Let us for a moment consider what is the justification of this proceeding? The hon. Member for Birmingham (Mr. Bright) was pleased to refer to the argument of my hon. and learned Friend the Solicitor General. I listened to the speech of the Solicitor General with very great pleasure; but the argument of the hon. and learned Gentleman was entirely beside the admitted facts and circumstances of the case. The argument of the Solicitor General was simply this—that Oude was not to be treated as a rebellious province, but as a country you had just conquered and taken possession of in ordinary warfare. Was Lord Canning at liberty so to regard the matter? Was it in his power to say he would altogether ignore and refuse to recognize the title of his Sovereign, dating from the month of February, 1856, and affect to treat Oude as if there had been no annexation? He was at liberty to adopt no such language. But if Lord Canning was bound to have regard to the right of dominion and the right of property in a country which his Sovereign possessed at the time when this rebellion broke out, he was bound to treat that province on the principles of public law

which are applicable to a case of rebellion, and to declare those principles to the inhabitants, however much those principles might afterwards have to be moderated in their practical application. If the Government had taken the Proclamation in their hands, even without the aid of an accompanying letter, and had looked at it as any ordinary observer would have done, they would have seen that it proclaimed, on the part of the Queen, that the property of all persons found in arms against the Crown was confiscated to the Crown, but that that confiscation would not be enforced with regard to those who should come in and make submission. Hon. Gentlemen have been exceedingly liberal in their conclusions as to the meaning of the word confiscation; but what they ought to have borne in mind is this—that there is a great and essential difference between a mere sentence and decree of confiscation and the act putting that decree in force. You may declare that the proprietary rights of persons found in arms against the Crown have become forfeited and confiscated; but we all know that there is an interval between the sentence of confiscation and the carrying it into effect. Lord Canning announced to the inhabitants of Oude the situation in which they stood in point of law by having rebelled against the Crown, but held out at the same time that the legal decree and sentence would not be followed out into actual execution except as against those who refused to come in and make submission. Consider for a moment whether any other Proclamation could have been made by Lord Canning consistently with his duty as Governor General of India, and as a public servant bound to maintain entire the title of his Sovereign to the dominion of Oude. If that Proclamation is read by the light of the document which accompanied it—a paper which you were bound to read, though the inhabitants of Oude could know nothing of it—you will find that it sets forth the rule by which the Proclamation would have been applied in practice. From that paper you will observe that the Proclamation was addressed to the talookdars and others who are entitled to what in India are called proprietary rights, and who have to pay tribute to the Sovereign, while it was not intended to apply to the actual possessors and cultivators of the soil: and the undisturbed possession of the property in the villages is distinctly recognized. It is quite plain that Lord Canning,—bound to maintain the dominion of the Crown,—threatened to apply the principle of confiscation so far as a declaration to that extent is made, with the view of bringing in the chiefs and landowners to make submission to the Sovereign authority—not to take away their land from them; and those who view the matter in this light will see that it was a proceeding dictated by justice and mercy; that it was, in short, the only course, consistently with the rights of the Sovereign and consistently with humanity and true policy, that Lord Canning could have taken. You speak of the mischiefs that must flow from the policy of confiscation. Are there no other mischiefs you have produced by the publication of your despatch? Is there no mischief in giving encouragement to the people of Oude to continue their rebellion against the Crown, by the assurance that they are justified in so doing? When you are speaking of the policy of mercy, I must say that I think true mercy consists in bringing the country as soon as possible to a state of peace and tranquillity; but what kind of peace and tranquillity will be produced by telling a whole nation that they have been injured and oppressed, and made the victims of injustice, that their King has been unjustly dethroned, and that they are now under the dominion of a monarch who is not entitled to their allegiance? These are the grounds on which the despatch of the Government is condemned—because undoubtedly its political and moral effect may be such as to frustrate all expectation of the country becoming tranquillized under the dominion of the Crown. But I pass on to consider the position in which you have placed Lord Canning by this proceeding. Is it possible that the Governor General can carry on with any advantage to the public the government of India, if he is to be treated in the manner in which he has been treated in this despatch? The right hon. Baronet (Sir James Graham) said, he did not wish to see Lord Canning recalled. Now, certainly in terms he has not been recalled; but what can be a more effectual mode of recalling a public servant like Lord Canning than by subjecting him to injustice, by treating him with obloquy, by exposing him to ridicule, by applying strong and severe observations to his conduct, and thus rendering it impossible for him to remain at the administration of affairs with anything like advantage to the country? Is not that the very worst possible way of recalling a public officer? In-

dependently of the sense to be attributed to the Proclamation, I believe I may venture to say, that whoever will impartially and deliberately look at the whole conduct of the Government in this matter must come to the conclusion that no course they could have adopted would have been more likely to be attended with universal mischief, not in Oude only, but in all the possessions in India that have come under British authority, than that which they have taken. And what is the mode in which that course has been treated by the admirers and friends of the Government? The hon. Member for Swansea has submitted to the House an Amendment which the Chancellor of the Exchequer is ready to accept, and I ask, how does that Amendment meet the accusation which we make against the Government. What is that accusation? It is that you have condemned Lord Canning and the Proclamation in a state of ignorance of all the circumstances which it was important to know before you took so decided a step. And what is the Amendment which the hon. Member for Swansea has proposed, and to which the Chancellor of the Exchequer has no objection to make? It concludes with these words:—

"That this House declines to give any opinion upon the Oude Proclamation, until it has had further information on the state of Oude when the Proclamation was issued, and also Lord Canning's reasons for issuing it."

But if that is the deliberate opinion of this House—if that is the result of the moral judgment of this House—can we abstain from saying that it ought to have been the conclusion of the Government? And if it was not the conclusion of the Government, then it follows that they gave an opinion when they ought to have given none; that they pronounced an unqualified opinion, being at the time without the information on which alone a conclusion ought to have been arrived at, and that they condemned Lord Canning without waiting to hear the reasons which might be given by Lord Canning himself for the course which he had taken. The Chancellor of the Exchequer adopts this Amendment, and, though it certainly evades the greater and more important part of the charge which we bring—namely, that which relates to the imputation cast on the undoubted right of the Sovereign to the territory of Oude, yet it contains a most important admission of the other part of the charge to which I have alluded—namely, the indecent precipitation, the unjust haste, and the unwarrantable tone and temper with which they addressed their public servant in India. But what have we been told in the course of these discussions? We have been told by almost every speaker on the other side that their policy is one of humanity, and they are content to rest their case on that ground. I am reminded by such expressions of the language we heard in the China debate of last year. You will recollect that that was the cry which the opponents of the Government then raised. And how did the country dispose of that hypocritical plea of humanity? Will you go to the country again with that plea? Will you go to the country as the abettors of traitorous proceedings in Oude, and on the plea that you have done all you can to impugn the title of your Sovereign to the territory of Oude? We have heard a great deal about the atrocities at Canton, of the butchery of 70,000 victims of tyranny, and I ask the House of Commons, taking the mode in which that state of things has been dealt with into consideration, to say who it is who has done most for the cause of humanity? When you speak of standing up in defence of as glorious a cause as, to use the eloquent language of the noble Lord the Secretary for the Colonies, a statesman could wish to stand or fall by, the country, I cannot help thinking, will see through the hypocrisy of your plea. Yes, I repeat it, the hypocrisy of your plea, because if you affect to be so greatly the champions of justice you are bound, in order to be consistent, to make full restitution of the acquisitions which you have made in India. If you attack the title of your Sovereign to the territory of Oude, you are bound to advise Her Majesty to comply with the prayer of those petitions which have been laid upon your table for the restoration to the throne of their ancestors of the Royal family of that kingdom. Are you prepared to go to the country, and state it to be your determination to act upon that policy? If you are not, what, let me ask, do you mean to do? Do you mean to keep up an army in Oude, and to go on in your career of conquest, thus repeating that original robbery which you affect to deplore and condemn? If you take that course, are you not guilty of hypocrisy in putting forward in this despatch views and sentiments in accordance with which you do not intend to act? There are some innocent Liberals in this House who have been frightened from coming to the resolu-

tion at which they would otherwise have arrived by the threat which you hold out of making an appeal to the country. I ask those hon. Gentlemen to reflect for a moment with what face they could appear upon the hustings. There are also certain Members of the Liberal party who say they are anxious that you should continue in office because they can obtain that from you which they could not obtain at the hands of a more powerful Administration. Do you imagine that that is a declaration which redounds to your credit? The concessions which you are compelled to make are no doubt valuable to them, and I congratulate those hon. Members upon the success of their efforts. But will the country, let me ask, not ascribe your readiness to accede to the demands which are made upon you, rather to your poverty and weakness, than to your good-will. Can it be supposed that the country will give any credit to men who, in yielding to the pressure which is put on them, abandon their own most distinct principles? Is your abandonment of those principles your best title to respect? But the hon. Member for Birmingham comes to your aid and speaks of a time when you, like trees newly planted, may be expected to become firmly rooted in your places. Now I do not anticipate the arrival of any such period, but if it should come those advanced Liberals who rely upon you for support, will then find you, I cannot help thinking, in a very different mood from that which you have manifested in the hour of your weakness. The hon. Member for Birmingham went on to allude to certain blandishments which were held out in certain quarters; but have, let me ask, no blandishments been held out to the hon. Gentleman himself? I can assure him it is a very dangerous thing to be singled out by a noble Lord, who shall be nameless, as a familiar friend; to be taken into his counsels and to receive specially and expressly a copy of a despatch. There are allurements and seductions against which the hon. Gentleman will do well to steel himself, inasmuch as they may tend to rub off the asperities and angularities of democratic natures.

I have now adverted to some, and only to some, of the topics involved in the question under discussion, and I repeat that in my conscience I believe—[*ironical cheers*]—I repeat that in my conscience I believe, that the Ministers who penned this despatch did—inadvertently, no doubt, but after due deliberation—include in it passages which ought to subject them to the most grave reprehension—passages which, being published, exhibit to the world, this country as the agent of cruelty and injustice in the East, and hold up to the inhabitants of India the Sovereign as one who has been guilty of a policy of robbery and oppression. So grave a political offence has thus, in my opinion, been committed, that I think the House of Commons is bound by every obligation of duty to the Crown, by every feeling of national honour, by every consideration of public interest, to pronounce in the most unequivocal terms that those who have acted in the manner which I have described are unworthy to be trusted with the destinies of this country.

SIR BULWER LYTTON moved the adjournment of the debate.

LORD JOHN RUSSELL: I stated, Sir, early in this debate the reasons why I felt it to be my duty to support the Motion of my right hon. Friend the Member for Oxford, and I have now no right, nor indeed have I the slightest inclination to resume my arguments upon the question. I am, moreover, perfectly willing to admit that the arguments which I advanced may be of very little value; but the hon. Member for Birmingham, not content with answering those arguments, has thought fit to make an attack upon my personal character. Now, that is a subject into which I do not desire to enter at any length. Indeed, I am sorry to have to trespass upon the time of the House in respect to it at all, but I feel it will be absolutely necessary for me to do so; and as I believe the right hon. Gentleman the Chancellor of the Exchequer proposes to move the adjournment of the House to-morrow for the Whitsuntide holidays, I beg to give notice that I shall take that opportunity, when I trust the hon. Member for Birmingham may be present, to make some reference to the remarks to which I have alluded.

MR. DUNLOP wished to offer some explanation in reference to the Amendment which he had that evening given notice it was his intention to move, should the Motion of the right hon. Gentleman the Member for Oxford or the Amendment of the hon. Member for Swansea be carried. He heartily concurred with those who condemned the publication of the despatch of Lord Ellenborough as well as deprecated its general tone. He, however, equally agreed with those who disapproved

the Proclamation of Lord Canning; and as he was of opinion that the Resolution of the right hon. Gentleman the Member for Oxford would, if carried, preclude the House from expressing any opinion on that Proclamation, and even go so far as to imply an approval of the views which it set forth, he should find it impossible to vote for this Resolution, unless it was qualified in some such way as to meet the objection which he had to it in its present shape. He, under these circumstances, proposed to add to the Resolution the Amendment of which he had given notice in the early part of the evening, which Amendment, if accepted by the right hon. Gentleman the Member for Oxford, would enable him to support the Motion of the right hon. Gentleman. If, however, the Amendment were rejected by the right hon. Gentleman it would be clear that he meant to put upon the Resolution a construction to which it did not seem at present to be clearly open, and he (Mr. Dunlop) should feel it to be his duty to vote against it. If the Amendment of the hon. Member for Swansea were carried, it would, he thought, be expedient to make to it the addition which he proposed in the event of the Resolution being passed, inasmuch as he deemed it to be extremely desirable that the House of Commons should pronounce a distinct opinion as to the course of policy which ought for the future to be pursued in the administration of the affairs of our Indian empire.

Sir DENHAM NORREYS said, he disapproved as strongly as the hon. Gentleman who had just spoken the Proclamation of Lord Canning, while he was equally disposed to find fault with the tone of the despatch which had been written in reply. He did not like to condemn Lord Canning, without further information, and he believed that the House, if it wished to do justice, would postpone the debate for a month or six weeks. He would raise the question to-morrow on the Motion for the adjournment of the House.

Mr. CARDWELL understood the question of the hon. Member (Mr. Dunlop) to be whether, if the Motion which he had the honour to introduce were carried, he (Mr. Cardwell) would have any objection to support a separate Resolution, the purport of which was to express the cordial hope that a policy of clemency would be adopted towards India. If that were so he should entirely agree in such a Resolution.

Mr. MILNER GIBSON: What I understand the hon. Member for Greenock wishes to tag on the Resolution of the right hon. Gentleman the Member for Oxford is a condemnation of the Governor General's Proclamation. I am afraid there are so many Amendments and proposals that we may get into a dilemma from which we shall not easily extricate ourselves. I cannot see how the hon. Member with his opinions as to the Proclamation, can vote for the Resolution without there being appended to it a condemnation of that Proclamation; but then the right hon. Gentleman will not agree to such an addition.

Mr. SIDNEY HERBERT thought the right hon. Gentleman had misunderstood the course proposed to be taken. He had risen several times in the hope of catching the Speaker's eye, but should not now inflict upon the House his reasons for the course he should pursue. But according to his view there was nothing incompatible in the Resolution of the right hon. Gentleman (Mr. Cardwell) and that of of the hon. Member (Mr. Dunlop). There was a precedent for the course proposed, because the Court of Directors, who had written a despatch to Lord Canning, giving their advice that a policy of clemency should be pursued, had passed a vote of confidence in Lord Canning, and had expressed their conviction that the Proclamation bore nothing which militated against the adoption of a policy of clemency.

Mr. ROUPELL said, the House had commenced this debate with a solemn exhortation which almost had the character of a funeral dirge. He feared, however, that something like a sense of the ludicrous was stealing over their minds. He saw no reason why the noble Lord (Viscount Palmerston) and the right hon. Gentleman (Mr. Cardwell) should not follow the example of the Chancellor of the Exchequer, and adopt the Amendment of the hon. Member (Mr. Dillwyn). It contained all that the friends of Lord Canning could desire. ["No!"] He thought that the majority of the House were of that opinion. ["No, no!" and "Hear, hear!"] He spoke without authority, but he thought that the greater number of the independent Liberals were of this opinion. ["No!" and "Hear!"] This Amendment appeared to offer an easy mode of escaping from the difficulty of a ludicrous position.

Viscount PALMERSTON: Perhaps the Chancellor of the Exchequer will tell

us whether the papers on India will be laid on the table before the House adjourns to-night. I understand they have been moved for in the Lords, and will be presented to that House.

The CHANCELLOR of the EXCHEQUER: I have the papers here.

Debate *further adjourned* till *To-morrow.*

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, May 21, 1858.

Minutes.] Public Bills.—1ª Chancery Amendment.

2ª Franchise Prisons.

Royal Assent: Consolidated Fund (£11,000,000); Stamp Duty on Drafts; Loan Societies; Chelsea Hospital and Waterworks Exchange of Lands.

SETTLED ESTATES ACT.

Lord LYNDHURST said, he wished to call the attention of his noble and learned Friend opposite (Lord Cranworth) to a defect which existed in a very important measure which had been passed in the last Session of Parliament with respect to settled estates. It was provided that in the case of a woman separated from her husband, her examination with the view to ascertain whether her assent to the disposal of her property was unbiassed, should be entered into before a solicitor of the Court of Chancery. Now, in those instances in which a lady resided in England nothing could be more easy than the compliance with that provision; but if she resided abroad or in the Colonies there would be great difficulty in acting in accordance with the law. As a proof that such was the state of things, he might mention the case which had come within his own knowledge of a lady who resided in Quebec, and who wished to part with certain property, but who was unable, after considerable research, to find a solicitor through whose means to carry her purpose into execution nearer than Toronto. Indeed, the difficulty which had been found in that instance in finding a solicitor reminded him of the line which their Lordships must have seen quoted in the old Latin Grammar:—

"Rara avis in terris nigroque simillima cygno."

A solicitor, in fact, was very often not to be found within a distance of 600 miles in such cases, and in order to remedy the inconvenience which in consequence arose, he should suggest to his noble and learned Friend the expediency of introducing a short Bill removing the defects of the measure of last Session.

Lord CRANWORTH was much obliged to his noble and learned Friend for mentioning this subject. It had been already called to his attention, and he hoped to lay a Bill upon the table for curing the defect in the measure after the recess.

On Motion, that the House do adjourn to Monday, the 31st instant,

CASE OF THE "CAGLIARI"—THE ENGLISH ENGINEERS.

The Earl of MINTO said, that some time since the House had been informed that a demand had been made on the Government of Naples for compensation to the English engineers who had recently been incarcerated at Naples. He wished to know whether any reply had been received to that demand; and, if so, what was its nature?

The Earl of MALMESBURY said, he had received from the Government of Naples an answer, which he had certainly understood to be a refusal to grant the compensation. But that very morning a despatch had reached him from Naples, in which he was told that the answer was an argumentative reply, and not a categorical rejection.

House adjourned at Six o'clock, to *Monday* the 31st instant, at Half-past Four o'clock.

HOUSE OF COMMONS,

Friday, May 21, 1858.

Minutes.] Public Bills.—2° Confirmation of Executors, &c.; Sale and Transfer of Land (Ireland); Prescription (Ireland) (No. 2).

BREACH OF PRIVILEGE.—MR. HUDSON SCOTT AND MR. WASHINGTON WILKS.

Mr. CLIVE rose to bring before the House a breach of privilege committed by a member of the provincial press—a body for which he had the most sincere respect. The charges of which he complained were made against him (Mr. Clive) as Chairman of a Railway Committee of that House, to decide between the rival claims of two railways presented respectively by the Caledonian Railway Company and the North

British Railway Company. The Committee sat for upwards of three weeks, and gave the matter its most serious attention; but their decision, which was carried by a majority of one, was not acceptable to the supporters of the North British. In consequence articles had appeared in the provincial press pointed against him. He had been unwilling to take notice of these charges; but having taken the opinion of several friends, Members of that House, he had been advised that, as to one of them, he ought not to overlook so gross an imputation upon his character. The paragraphs of which he complained formed part of a long article, with which he would not trouble the House. The hon. Member then proceeded to read a paragraph, in which the writer charged the hon. Member, as Chairman of the Committee, with partisanship, and alleging, as a matter of notoriety, that he had been rallied both within and outside the Committee-room for his conduct during the inquiry. The hon. Member said he could refer with confidence to the other Members of the Committee, and to the Counsel engaged on either side, as an answer to the charge of partiality. And with respect to the charge of being "rallied" by any individual, either within or outside the Committee-room, he could only say that he had never held any conversation with any individual upon the subject of the Committee until after the termination of the inquiry. The hon. Member then proceeded to read the following paragraph:—

"Did he stand quite clear of any transaction in Caledonian Stock while the case was pending? On the other hand, was it not patent to all that to this fact, and to this fact only, is to be attributed the loss of the Bill?"

With regard to the Caledonian Stock, he (Mr. Clive) could say that he never held a share of that stock in his life, and he did not believe that he possessed any railway shares in the world, unless it were some railway shares in Mayo, or in Continental lines; but he held not a single share in a railway in England or Wales. It must be apparent, also, that the whole of this charge was put in the form of questions, conveying insinuations which it was really impossible to rebut. But he was ready then to answer any question which might be put to him by any hon. Member who might represent those who were interested in this question. He was ready also, if necessary, to produce his banking books, and to answer, once for all, any investigation of that nature which might be called for. There was another article published in a London newspaper insinuating that he (Mr. Clive) should be compelled to disclose the sales of his stock which had taken place since this investigation had been going on, and wondering that Members of the Committee should render themselves amenable to such discreditable transactions. It remained to be seen what notice the House would take of these charges, and he would therefore beg to move that Mr. Hudson, the printer, and Mr. Washington Wilks, the publisher, of the *Carlisle Examiner and North British Advertiser*, should be ordered to appear at the bar of the House on Friday, the 28th May next.

Mr. KNATCHBULL-HUGESSEN seconded the Motion. He had taken an active part in the labours of the Committee, and had been directly opposed in opinion to his hon. and learned Friend who made this Motion. He regretted that his arguments had not had more weight with his hon. and learned Friend, but he had remained of that opinion, which he (Mr. Knatchbull-Hugessen) could not help thinking most mistaken, and detrimental to the public interests. But, whatever were the reasons that had induced him to come to that conclusion, he was sure that his hon. and learned Friend had always acted most impartially, and he extremely regretted that, after the Committee had given their opinion, any imputation should be cast upon the conduct of the Chairman.

Complaint made to the House by George Clive, esquire, Member for Hereford, of an article in the *Carlisle Examiner and North Western Advertiser* Newspaper of Saturday, 15th May, 1858, printed by Hudson Scott, and published by Washington Wilks, imputing partial and corrupt conduct to him as Chairman, and containing reflections on other Members of the Committee on Group 13 of Railway Bills, in reference to the Carlisle, Langholm, and Hawick Railway, and North British Railway (Hawick and Carlisle Junction Railway) Bills, referred to that Committee, in breach of the Privileges of this House.

The said Paper was delivered in, and the Paragraph complained of read.

Motion made, "That Hudson Scott and Washington Wilks do attend this House on *Friday* next."

Motion *agreed to*.

ADJOURNMENT OF THE HOUSE.—THE OUDE PROCLAMATION.—THE ADJOURNED DEBATE.

Viscount PALMERSTON: Before the right hon. Gentleman the Chancellor of

the Exchequer makes his Motion relative to the adjournment of the House I wish to ask two questions. The first is, whether there was any covering despatch transmitting the papers which have been laid on the table of the House and put into the hands of the Members this morning? If so, whether it was anything beyond a mere simple transmission of the despatch, and whether the right hon. Gentleman has any objection to produce it? I understand the right hon. Gentleman is about to propose that the House at its rising shall adjourn to this day week, and my second question is, whether it is clearly understood that the debate on the Resolution of my right hon. Friend the Member for Oxford shall finish to-night? I presume it would not be wished by the Government that the discussion of a question of this importance should be postponed for another week.

THE CHANCELLOR OF THE EXCHEQUER: I presume it is the general understanding of the House that the debate will conclude to-night, and it was under that impression that I gave notice of the Motion for adjournment. It is not in my power to settle these things beyond setting an example. I certainly intend to offer a few observations to-night, and I trust the House will come to a division. With regard to the other question, I regret that the noble Lord has not given me notice of it. I am not in a condition to answer the question; but if there is any covering despatch which it is thought advantageous to the public or to Lord Canning should be laid on the table, it will be done. I cannot state at this moment whether there was any covering despatch, but I am inclined to think not, as the papers were addressed to the Court of Directors.

MR. LABOUCHERE asked if the Government had received any authentic copy of Lord Canning's Proclamation?

THE CHANCELLOR OF THE EXCHEQUER: I believe no authentic copy of the Proclamation has been received; but there are letters in which reference is made to the Proclamation as having been published and in operation.

MR. GLADSTONE: There is another question relating to this subject growing out of the statement made by the noble Lord the Member for Tiverton yesterday, and of which I have given notice to the Chancellor of the Exchequer. I wish to know whether, before the despatch of the 19th of April was sent off, the Cabinet had been advised that the Governor General of India had, in transmitting the draught Proclamation with regard to Oude, stated that it was certain to be attacked, and that he intended to supply an explanation accordingly?

THE CHANCELLOR OF THE EXCHEQUER: No intimation of the kind ha been received by the Government. The first intimation with reference to this point from Lord Canning was contained in the letter of Lord Canning, in which he stated his intention to send an explanation of the Proclamation; and the first intimation which the Government had of Lord Canning's intention was given by the Marquess of Lansdowne in his place in Parliament. No statement of the kind ever reached us directly. Since the right hon. Gentleman courteously gave me notice that it was his intention to put this question, I have communicated on the subject with my late colleague Lord Ellenborough, and he has authorized me to state that at no time, to the best of his recollection, was any intimation of the kind ever made to him. The right hon. Gentleman then moved that the House, at its rising, adjourn till Friday next.

MR. CLAY asked the indulgence of the House for a few minutes, as he was anxious to make an appeal to the right hon. Gentleman the Member for Oxford on the subject of the Motion he introduced to the House. He might be permitted to state that, from the first moment of the retirement of Lord Ellenborough, he had conceived the Motion of the right hon. Gentleman to be inexpedient. Not, indeed, that the merits of the case were materially altered by that event, but because he fore-

saw that after it the discussion could not be restrained within the terms of the Motion. Previous to the resignation of Lord Ellenborough he considered the Motion of the right hon. Gentleman to be one forced upon the House from a sense of its own dignity, and in consequence of an act of rashness unparalleled, he believed, in the history of Statesmen. But from the time when Lord Ellenborough resigned, it appeared to him that the discussion must take one of two courses: either the Motion would become more one of party spirit, and must simply say to the Government, true, one of you has gone, but the rest must follow—a course with which neither he (Mr. Clay) nor the majority of the House, nor, he believed, the country, would sympathise—or, if not narrowed to this single point, the discussion must become a discussion upon the policy or impolicy of the despatch, as to which the very Motion itself affirmed that the House had not sufficient information. The important papers which all hon. Members had that day had put into their hands had made him more confident than he was before of the inexpediency of this Motion. He was not anxious to intrude his own opinion upon the House, to which hon. Members could not be expected to subscribe; but as he should appeal to the right hon. Gentleman (Mr. Cardwell) to withdraw his Motion, he was bound to say that the perusal of those papers had confirmed his opinion that Lord Canning's policy was right. He should still wish for more information; but that was the present bias of his mind. It was not, therefore, because he disapproved of the policy of Lord Canning that he ventured to make the following observations; but it was obvious to everybody that in the country and in India the Motion would be considered as either confirming or disavowing that policy, whereas, in point of fact, there were many more issues and many more considerations which would affect the division. Many hon. Gentlemen on the opposite side of the House, if they were asked whether they considered Lord Canning's policy to be right or wrong, would hesitate before they gave a decided opinion. He believed that many of them shared his conviction that Lord Canning's policy was right, and yet they would vote for the Government they supported, because they knew this to be more or less a party Motion. On the other hand, many hon. Gentlemen on those (the Opposition) benches believed, and had given their reasons, that it was right to vote for the Government—why? Because they believed Lord Canning to be wrong? Because they believed the despatch to be right? No; but because they did not wish to see the Government driven from the benches they now occupied. The people of this country and India believed that the House of Commons was now deciding upon the policy of Lord Canning, whereas they were deciding upon nothing of the kind. He would appeal to the right hon. Gentleman, not in a party spirit—not to save his party from a victory so narrow as to be almost a defeat—but he would appeal to him as the friend of Lord Canning, not to place that noble Lord's reputation upon an issue which unfairly represented the views of the House. In what way this could be done consistently with the forms of the House he knew not, and perhaps hon. Gentlemen opposite would be unwilling now that the Resolution should be withdrawn. He could feel that, looking at it as a party Motion, hon. Members would be unwilling that it should be withdrawn; but he could not help thinking that this appeal to the right hon. Gentleman in the name of Lord Canning not to send forth a judgment which would be influenced by so many motives besides the question of right and wrong was an appeal so fair and honourable that he could not help believing hon. Gentlemen on both sides of the House would throw no obstacles in the way of the withdrawal of this Motion.

Mr. BOWYER was anxious to add his voice to the appeal that had been made to the right hon. Gentleman (Mr. Cardwell) not to press his Motion. He felt convinced that the House might be much more usefully employed at the present time than in

discussing this Resolution. The papers, too, which had been that day placed in the hands of Members, had an important bearing upon the question. It appeared that the opinion of Sir James Outram was on one side, and the opinion of Lord Canning on the other. But who was Sir James Outram? He was on the spot in Oude, and was the chief person responsible for that country. Sir James Outram's strong opinion of the impolicy of the Proclamation ought at least, in the present stage of the question, to be conclusive in guiding the opinion of the House. He believed that the right hon. Gentleman would show great wisdom in not persevering in the face of the opinion of Sir James Outram, who must know much more about the influence of the Proclamation than any other individual.

MR. CARDWELL: Sir, although there is, in point of form, a Motion before the House, I will not do more than give a simple answer to the appeal made to me. No information has reached me that any change has taken place in the policy that I have censured. I do not, therefore, think it would be a wise, or would be regarded as a fair and straightforward course if I did anything but state that I think it right the Motion should go on.

SIR DE LACY EVANS: I concur in the opinions expressed that the issue now before the House will entirely mislead the country, while it will be altogether unsatisfactory to Lord Canning, and I should think to his friends also, and still more unsatisfactory as regards the interests of this country. However, as the right hon. Gentleman has not thought it fitting to withdraw his Motion, and as the merits of this great question as it affects our Indian empire and the stability of the British empire ought not to be left in doubt, I have prepared a Motion, and after the recess I shall propose the following Resolution:—

"That in the opinion of this House the Proclamation of the Governor General of India, proposing to confiscate to the British Government the whole of the proprietary rights of the soil of the numerous population of the province of Oude is not equitable, politic, or calculated to promote the pacification of that country, and ought not to be carried into effect."

MR. DRUMMOND said, when the present Government sat on the other side of the House, and a factious Motion was made for the purpose of weakening the late Government, he invariably voted against the factious Motion. He should not have risen upon this occasion but for the last words which fell from the right hon. Gentleman. He knew the folly of putting a question upon a report, but he understood the right hon. Gentleman had contemplated a withdrawal of his Resolution, and he now wished to ask whether it was true or not? The right hon. Gentleman had a perfect right not to give an answer, and he should not be surprised if he did not answer it.

MR. CARDWELL said, the hon. Gentleman had misunderstood, or had been misinformed.

MR. CONINGHAM said, he understood the Resolution as censuring the Government, and he, for one, was quite prepared to vote for that censure. He did not understand a Government being carried on upon the principle of limited liability.

MR. GRIFFITH wished to ask the noble Lord the Member for Tiverton (Viscount Palmerston) whether he still remained of opinion that the paragraph in the letter of March, of Lord Canning to the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith), in which was mentioned a Proclamation intended to be addressed to the chiefs and landowners of Oude which "goes to you officially by this mail," was not of sufficient importance to be communicated to that right hon. Gentleman's successor in office; and whether the noble Lord did not advise that the paragraph in that letter should not be communicated to the President of the Board of Control?

MR. LYGON wished the noble Lord would say whether he did not give the same advice with regard to the letter of February, from Lord Canning to the right hon. Gentleman the Member for Northampton.

VISCOUNT PALMERSTON: The answer I gave is very plain and simple, and I have only to repeat what I stated before—namely, that when my right hon. Friend received those letters it did not occur to me to suggest to him that there was anything in them which was of sufficient importance to require being mentioned to his successor in office, and I still remain of that opinion.

MR. T. DUNCOMBE said, a great many hon. Members who intended to support the Resolution had asked the right hon. Gentleman (Mr. Cardwell) to withdraw it; but he had refused to withdraw it, and the right hon. Gentleman the Chancellor of the Exchequer pressed the House to divide to-night. ["No, no!"] The right hon. Gentleman said, the debate must end this evening. Now, if it were competent for

him to make such a Motion, he should very much like to move that the debate be adjourned to Friday, the 28th, and that the debate be then resumed. ["No, no!"] Why not? The right hon. Gentleman's Motion professed to be founded upon the "present state of information of the House," which rendered it unadvisable to pass an opinion upon Lord Canning's Proclamation. The right hon. Gentleman's Resolution was treated as a vote of censure; but they wanted something more, and in order to make it an honest vote of censure, they required, in addition, the words "thereby rendering the Government unworthy the confidence of this House." That was how the Resolution ought to be concluded. But could the debate be concluded to-night? ["No, no!"—"Yes, yes!"] Certainly, a great number of eloquent Members had addressed the House, but a great many more desired to do so. He did not believe the right hon. Gentleman would have laid the present Resolution upon the table if he had been in possession of the information which had to-day been laid before the House; and he would, moreover, have used totally different arguments to-day from what he had used last Friday. The case of last Friday was not the case of this Friday. There were now new materials for a new debate altogether, and to divide upon a Resolution submitted a week ago, would be as absurd as to divide upon some defunct Motion made in the last Session of Parliament. The right hon. Gentleman said he was pledged to the House to go on with his Resolution, and that the Gentlemen opposite would not allow him to withdraw it. [Hon. Gentlemen opposite complained of this being a party move, but if they opposed the withdrawal of the Motion, would not that be making a party move? The right hon. Gentleman the late First Lord of the Admiralty (Sir C. Wood) said he never felt so clear of party motives in his life, and therefore he could not object to the Resolution being withdrawn or postponed until further information. But he should prefer to see it withdrawn altogether. He had intended to vote for the Resolution, and he had not disguised his opinion; but if the right hon. Gentleman (Mr. Cardwell) held him to that pledge, perhaps he ought to be held to it; but as it was, all he had to do was to take off his hat and wish him good night, and leave the right hon. Gentleman to the tender mercies of the hon. Members opposite. But he trusted that, for the character and dignity of the House, and the promotion of the best interests of the country, the Motion would be withdrawn.

SIR DENHAM NORREYS said, he regretted that the Motion of which he was last night anxious to give notice could not be entertained, for he felt convinced that a very large proportion of those who heard him would be glad to get out of the dilemma in which they were placed; but he had been given to understand that he would not be in order in moving it. He most decidedly objected to the Resolution going forward at the present time. He thought there was sufficient information now before the House to satisfy them that they ought to take a more decided course than that proposed by the right hon. Gentleman. The question of confiscation was now a decided fact. Could hon. Gentlemen on the Opposition side of the House conscientiously say that they knew the grounds on which the landholders had been subjected to this penalty? He for one was totally ignorant of what they had done to render themselves liable to this universal punishment. All he knew was, that in the last despatch sent by Lord Canning to General Outram these landholders were not described as rebels, nor were they to be dealt with as rebels—he said:—

> "In viewing the talookdars and landholders of Oude in a very different light from that in which rebels in our old provinces are to be regarded. The people of Oude had been subjects of the British Government for little more than one year when the mutinies broke out; they had become so by no act of their own, and it is no marvel that those among them who had suffered a loss of property should, when they saw our authority dissolved, have hastened to shake off their new allegiance."

Yet hon. Members who intended to vote for the Resolution were evidently supporting a policy of confiscation of all their property. He would put it to the House whether they were in possession of sufficient information to justify that extraordinary act against the people of Oude. All he could say was, the course they were pursuing was unworthy of the House. They ought either to decidedly adopt or reject the Proclamation of Lord Canning. That was what they ought to do, and not leave the people of India open to be misled by the decision they would come to to-night.

MR. STANLEY: I agree with the hon. Member for Finsbury, and should regret

the House being forced to a division on this unfortunate Motion. From the moment the additional papers were placed on the table of the House, I felt that a complete alteration had taken place in the aspect of the question. It was evident that the first three lines of the right hon. Gentleman's Motion ceased to be of value, because we now have Lord Canning's reasons for the Proclamation which he issued. I wish to ask a question of the hon. Member for Swansea (Mr. Dillwyn) because the House will recollect that the Chancellor of the Exchequer and the Government have declared their determination to support the Amendment of that hon. Member. I wish to know whether in the altered state of circumstances he means to persist in his Amendment? It seems to me that having in our hands the papers which have just been produced, we cannot agree to the following words, that

"This House declines to give any opinion upon the Oude Proclamation until it has had further information on the state of Oude when the Proclamation was issued, and also Lord Canning's reasons for issuing it."

I wish to ask the hon. Gentleman if he still means to press his Amendment?

MR. DILLWYN: I beg to say that my Motion is merely an Amendment upon the Resolution of the right hon. Gentleman the Member for Oxford. If he presses his Motion, I will press my Amendment. I cannot think that the papers printed this morning in any way remove the necessity for my pressing my Amendment, for they appear to me to show that the policy of Lord Canning, although it may be very well and very right for him to follow, is nevertheless a policy which it would be quite impossible for this country to pursue, unless, as Sir James Outram states, we were prepared to maintain a much greater force in Oude than we have at present.

COLONEL SYKES said, he rose on the present occasion to express the result of his convictions on the papers which had been produced. They had been discussing a proposed Proclamation which was to be issued when Lucknow was taken. That Proclamation was said to embrace in its phraseology the confiscation of the proprietary rights in the soil of the people of Oude —implying that the rights of 5,000,000 of people to their landed property were to be assumed by the State. With regard to the word "confiscation," in English it has a formidable signification; but he, as a linguist, had no hesitation in expressing his belief that when it was put into Hindee the terms necessarily used must have been "Zumeen Zupte howega." Would hon. Gentlemen like a translation? The terms meant—as was usually accepted by the Native mind — not confiscation, but sequestration, leaving an opening for any claims to be made afterwards—a circumstance of frequent occurrence all over India, both in the British and Native territories, when chiefs or landowners were in arrear of tribute or land tax. It was his full and firm belief that such were the terms in Hindee; and the Proclamation, with this meaning, had been sent to Sir James Outram before Lucknow fell. Sir James Outram, taking the word Zupte in its English sense, communicated with the Governor General, stating that the terms in his proposed Proclamation would prevent the talookdars coming in. The talookdars were not necessarily landowners, although many of them, no doubt, were so. Lord Canning, upon this remonstrance, directed the insertion of this clause:—

"To those among them who shall promptly come forward and give to the Chief Commissioner their support in the restoration of peace and order this indulgence will be large, and the Governor General will be ready to view liberally the claims which they may thus acquire to a restitution of their former rights."

If these rights were to be restored in a liberal spirit upon the talookdars coming in, what became then of the charge of confiscation in the English sense? The Proclamation had clearly reference to no one but the talookdars. Up to this moment, for anything we know, the Proclamation, even in its amended sense, has not been issued at all, and the House is arguing upon a system of policy when they did not know whether it had any existence at all.

MR. DUNLOP wished to put a question to the right hon. Member for Oxford, in order to prevent misunderstanding. Would the right hon. Gentleman receive his Amendment as an addition to the Motion, or did he intend merely to aid him in carrying it as a substantive Motion after his own Motion had been carried?

MR. JOSEPH LOCKE said, it was not very convenient to have a double discussion, and therefore he should confine the only observation he had to make to request the right hon. Gentleman not entirely to repudiate and reject the appeal which had been made to him. There had been sufficient circumstances passing from day to day since the Motion was put upon the table to justify not only the appeal, but the feelin that they were discussing on a very narrow basis a very complicated and very changing issue in a distant country. The papers

[*Fourth Night*

received to-day justified any one in appealing to the right hon. Gentleman to waive further discussion on this question until better materials were before the House. The hon. Member for Finsbury talked about putting off the debate till after the recess; but that would only add another difficulty. Considering the narrow limits to which the Motion was confined, if it were not withdrawn, there was no reason why the House should not come to a division to-night; but if it were pressed to a division, in consequence of the change of circumstances, and not being able to agree to one part of the Resolution, he should feel obliged to oppose it.

MAJOR WORTLEY said, he wished to ask a question of the Secretary of the Board of Control relative to the papers laid upon the table to-day. In the fourth paragraph of the letter of Sir James Outram's Secretary to the Secretary of the Government of India were these words,—

"The Chief Commissioner deems this matter of such vital importance that, at the risk of being importunate, he ventures to submit his views once more, in the hope that the right hon. the Governor General may yet be induced to reconsider the subject."

It was perfectly evident from the words "once more" and "reconsider," that Sir James Outram had previously written officially to the Governor General on the subject of the Proclamation. It was of the highest importance that the House should have these previous letters before them, and he would therefore ask the Secretary of the Board of Control whether he could produce those documents; and if he knew nothing of them he would put the same question to the right hon. Member for Northampton (Mr. Vernon Smith).

MR. BAILLIE said, it undoubtedly appeared from the paragraph which the hon. and gallant Gentleman had just read, that there had been some previous communications between the Governor General and Sir James Outram; but no papers of that nature had been received at the Board of Control.

MR. WYLD said, he understood the right hon. Member for Oxford had declined to withdraw his Motion, and if that were so, he would ask Mr. Speaker whether it was possible at that stage of the debate to move the previous Question. If it were, it was his intention to move it; for it was the opinion of many Members near him that to divide on the Resolution, considering the aspect which matters had assumed, was perfectly ridiculous.

Mr. Joseph Locke

MAJOR WORTLEY said, that the question which he had just put was addressed to the right hon. Member for Northampton, as well as the Secretary for the Board of Control, and the right hon. Gentleman had not yet answered it. [An hon. MEMBER: "He is not here."] Perhaps some one would answer it for him then.

MR. BONHAM-CARTER said, no one felt more strongly than he did that the House had got into a false position. The question raised by the Resolution was not altered in the least by the circumstances which had recently come under their notice; but it was clear that, whatever might be the result of the division, the simple question would not be brought before the country. The matter to be discussed to-night was divisible into two parts—the question raised by the Resolution, and the question to which the Government had endeavoured to divert the House. The question raised by the Resolution was, whether the existing Government were justified in sending out and publishing at home a despatch of such a tone and tenour to any Governor, whether of a small island or a great dependency. But there was considerable danger that this great Imperial question would be lost sight of by the attention of the House being turned to the question of the success or failure of the Proclamation itself. Even with the information which had just come to hand, the House was not in a position to discuss the policy of the Proclamation. He was not prepared at present to give an unhesitating vote in favour of it; but by the antecedents of the Governor General he was led to believe that he was in the right. But that was not the point now before the House. Were they to go to the country on a false issue? The hon. and gallant Gentleman who had given a notice of Motion which would raise this question of the Proclamation, now unfairly raised on another Resolution, had really done that which the country would expect from the House. When that Motion was made, they would have the opportunity of deciding whether Lord Canning was right or wrong, which at present they were unable to decide. But with regard to the Resolution now before the House, the tone and tenour of the despatch, and its publication, they were quite competent to come to a decision; and on that issue he felt no difficulty whatever in voting for the Resolution.

MR. BENTINCK said, he rose for the purpose of repeating the question which

had been put by his hon. and gallant Friend the Member for Honiton (Major Wortley) to the right hon. Member for Northampton, as the present Secretary to the Board of Control had been unable to give the House any information on the subject. That question was to the following purport:—It appeared from the fourth paragraph of the first letter which had been laid before the House, that the Chief Commissioner of Oude must have previously expressed to the Governor General, objections to the Proclamation; and he wished to know whether the right hon. Gentleman was in possession of any documents which could throw any light on these objections, or whether he knew as a fact that such objections had been made?

Mr. VERNON SMITH said, that he had not answered the question, because he thought it had been answered by the Secretary to the Board of Control, and he had intended no discourtesy to the hon. and gallant Member. The Secretary to the Board of Control had access to all the official documents of a public nature which reached this country on the subject; and his noble Friend the Member for Tiverton had stated last night the whole information which he (Mr. Vernon Smith) possessed in the way of private communications. He was not in possession of any remonstrance from General Outram in reference to the Proclamation.

Mr. SPOONER said, that the right hon. Gentleman had not answered the latter part of the question—whether he had any knowledge of the fact of there having been remonstrances sent by the Chief Commissioners to Lord Canning, on the subject of the Proclamation?

Mr. VERNON SMITH said, that he did not know what might have passed between General Outram and the Governor General.

Mr. LOCKE KING could not but express his regret that the right hon. Member for Oxford had not withdrawn his Motion. He only hoped that he might see, in the course of the evening, that circumstances were so altered as to induce him to withdraw it.

Mr. DANBY SEYMOUR said, the meaning of the Amendment of the hon. Member for Swansea was very uncertain. What was meant by "a general approval of Lord Canning's policy up to the time of the Proclamation?" He was inclined to think that the Proclamation had never been issued, and therefore suggested the insertion in the Amendment of these words —"To the time of the Oude Proclamation, if such Proclamation has ever been issued." He understood that, at the time when Sir Archdale Wilson left India—namely, the 18th of April—such a Proclamation, though circulated among the officers, had not been actually issued; and it was very probable that Lord Canning had listened to the advice of Sir Colin Campbell and other military chiefs, and had materially altered or altogether withdrawn the Proclamation. Perhaps some hon. Friend of the hon. Member for Swansea would say whether he consented to the alteration he had suggested in his Amendment.

Lord HARRY VANE, in conformity with the opinion which seemed to be entertained by so many hon. Gentlemen, appealed to his right hon. Friend the Member for Oxford to take into his serious consideration whether, in the existing circumstances, the doubt whether the Proclamation had ever been issued, and the nature of the papers laid before the House that day, it would not be wise to refrain from persevering in a course which seemed so unsatisfactory to so large a portion of the House. He would have voted most willingly in support of his Motion, but he thought his right hon. Friend would exercise a wise discretion by deferring to what, to him (Lord H. Vane) at least, seemed to be the general opinion of the House, by consenting to withdraw the Motion, which was hardly applicable to the present state of circumstances.

Captain VIVIAN said, the question involved the character of a distant statesman. They were there not merely to impeach Her Majesty's Government for the despatch, but to clear the character of the Governor General of India from the charge made against him by the despatch, which was unworthy of the Government of this country. It was perfectly evident, from the appearance of the benches on both sides of the House, that there had been what, in the phraseology of that House, was called a very "severe whip;" and they knew, too, quite well, however much hon. Gentlemen might talk of discussing this matter apart from party feeling; it was beyond doubt that there was a very strong infusion of party feeling on this matter. The Ministerial party would consider it a great party triumph if his right hon. Friend the Member for Oxford were to withdraw his Motion; and, more than that, it would go out to India that an attempt to clear the character of Lord Canning in that House, by impeaching the

Ministry for impeaching his character, had failed. He therefore trusted that the House, for the sake of itself and of the character of Lord Canning, would insist on his right hon. Friend pressing his Motion to a division.

Mr. P. O'BRIEN trusted that, if the right hon. Member for Oxford, at the request of certain hon. Gentlemen who probably intended to vote against it—he himself intended to vote in a certain way—should consent to withdraw his Motion, it would be withdrawn in such terms as might do full justice to a nobleman whose administration of Indian affairs had been characterized by clemency and justice. He trusted the House would allow the Motion to be withdrawn.

Mr. HORSMAN said, he did not rise to take any part in the discussion, but to express a doubt as to the regularity of their proceedings. He understood that the Motion before the House was the adjournment until Friday next, and that one of the Orders of the Day was the Motion of the right hon. Member for Oxford. It appeared to him that, on the mere question of adjournment, they were discussing one of the Orders of the Day. He would not say whether or not that was a regular proceeding and begged to appeal to the Chair whether the present proceeding was regular.

Mr. WHITE said, that as he did not happen to be in the category of those hon. Gentlemen who, if the Motion were pressed to a division, intended to vote against it, he wished to renew the appeal to the right hon. Member for Oxford to withdraw his Motion. He was not surprised that an hon. Gentleman (Mr. O'Brien) who had preceded him, objected, with the traditional love of his country for a fight, to the withdrawal of the Motion; but he was sure that he was only speaking the sentiments of a large number of those hon. Gentlemen who would be compelled from previous promises to vote for the Motion when he expressed a hope that the Motion would be withdrawn. He said this in a spirit of frankness which he was sure the House would appreciate. He could not but believe that the avowal that many of the right hon. Gentleman's Friends would be placed in a most unenviable position if his Motion were pressed to a division, and would have to separate from those with whom they had long acted and would be glad to continue to act, and he might add the overpowering consideration of the bad effects of a dissolution to many of them, would induce the right hon. Gentleman to withdraw his Motion. He did not shrink from that avowal, because he spoke not only in the presence of large-acred squires and of persons who represented the majesty of the Three per Cents., but of Gentlemen who knew that in every commercial entrepôt in this country a dissolution at this time, when the commercial world was recovering from the late collapse which had been so disastrous, would be looked upon as a national calamity. He would, therefore, even on private grounds, renew his appeal to the right hon. Gentleman to withdraw his Motion.

Mr. JACKSON said, the right hon. Member for Oxford had been told by an hon. Member that if he consented to withdraw his Motion he would expose hon. Gentlemen on the Opposition benches to a taunt from the Ministerial side, that the Government had obtained a great victory over them. But this was not a mere party question, and therefore it would be most improper on the part of the Ministerialists to taunt the right hon. Member for Oxford, or the supporters of his Motion, if it were withdrawn. It was a question which affected the happiness of 150,000,000 of God's creatures; and he did say that after the information they had received that morning, and in the absence of all certainty as to Lord Canning having issued the Proclamation, the question was not ripe for judgment. He had made up his own mind and would adhere to the Resolution; but he appealed to the right hon. Gentleman not to press the Motion; and he was sure he spoke the opinion of thousands of Her Majesty's subjects.

Viscount PALMERSTON: I have listened with great attention to the conversation that has taken place. The motives which induced my right hon. Friend to make the Motion which stands on the Order of the Day have been much misrepresented. The ground upon which I conceive he made that Motion was that a very prejudicial effect would be produced in India by the despatch of the Government upon the subject of the Proclamation, and that it was necessary, with a view not only to ascertain the opinion of Parliament upon that proceeding, but also for the interests of India, that that prejudicial effect should be counteracted by a Resolution of this House, to the effect of that which my right hon. Friend has proposed. It appears to me that the papers which have been laid upon the table and delivered to Members to-day must have a very important bearing upon he arguments and

tenour of the debate, which has now lasted for some days. Those who have spoken against the Resolution have concurred in the opinion expressed in the despatch that the policy indicated by Lord Canning in his Proclamation was a policy of sweeping and general confiscation, affecting the whole people of Oude,—that it was, in short, a policy of cruel severity ; whereas the Government thought, and those who support them thought, that a policy of clemency and discriminating mercy should be pursued. I think that no man who has read the last letter of Mr. Edmonstone contained in the papers just issued, which gives an authoritative explanation of the views with which Lord Canning acted in issuing the Proclamation—of which, by the bye, we have no authentic information that it has ever been published—but I say no man can read that letter without seeing that Lord Canning's intention was not in the first place to do anything affecting the bulk of the people of Oude, but that the measure, whether right or wrong, was confined to one class—namely, the talookdars ; and with regard to them his principle was this :—Instead of saying, "I will punish the guilty by a retrospective inquiry and inflict penalties upon those who are proved to be guilty," he took another course and said, "I will not punish for the past, but will only look to security for the future, and all those who give me that security by tendering their submission shall be restored to all their rights and properties." I think, therefore, these papers establish conclusively that the policy of Lord Canning in regard to the Proclamation was the same policy which he has pursued from the commencement, and which has gained for him the appellation, which we have so often heard in the course of this debate, of "Clemency Canning." That being the case, it appears to me that the papers going out to India will powerfully counteract the bad effects produced by the Secret Despatch published by the Government. That being the case, and the conduct of the Government having been—I will not say sufficiently—but at great length defended by those who have taken part in the debate, which has now extended over several nights? I would submit that, if it be the wish of the House that no further proceedings shall take place, then I would recommend to my right hon. Friend to bow to the wish and the feeling of the House upon that point. I might, undoubtedly, in accordance with the spirit in which the Motion was made, put it to the Government whether they would not be disposed to view the last letter in the same light as it strikes me, and sanction by their concurrence the interpretation which I have put upon Lord Canning's policy. I am not in a position to ask anything of them, but merely stating the grounds upon which it appears to me that the papers going out to India will materially and powerfully counteract the prejudicial effects of the Secret Despatch, I submit to my right hon. Friend that, if it be the wish of the House not to proceed further on the present occasion, it would not be best to yield his own opinion to that of the House and withdraw the Resolution.

Mr. CARDWELL:—Sir, I conceive that I am in this position. The Motion, Sir, is in your hands, and except with the entire concurrence of the House, I have not even the power to withdraw it. I did not feel that it was open to me in the early part of the evening to forego my desire of submitting that Motion to the House ; but after the numerous appeals which have been made to me I shall certainly desire to act in conformity with what appears to be the general feeling of the House ; and if I understand that it is the general feeling of the House that I should withdraw it, I shall not personally be any obstacle to its gratification.

Mr. GLADSTONE : My impression is that my right hon. Friend has not misunderstood what he believes to be the prevailing tendency of feeling in the House. There can be no doubt that, whatever may be the motive of this proceeding, in every proceeding where this House is keenly divided upon a matter of deep interest, much of the eagerness of party spirit must mingle in the debate, and if it did not attend and accompany its origin it must necessarily arise in the progress of the discussion. But, at the same time, I think we are all deeply sensible that there is something involved in the discussion of this great Indian question far above all party considerations. I am certain there is no man who hears me, whatever result he may have anticipated from the Motion of my right hon. Friend—and I believe that result to have been most doubtful,—there is no one who is not willing freely to surrender the paltry advantage which he might have gained from the issue of the conflict for the sake of the happy recollection that even in the hour of excitement,

for fear of detriment to the public interests, we have stayed our hands and quitted the battlefield, and even at the risk of incurring criticisms upon the proceedings of the House, which we may not escape, have declined to carry this matter to the issue of a division. But, concurring as I do in the recommendations which have been made, and convinced as I am that the decision to which my right hon. Friend is ready, if permitted, to come to is a decision eminently advantageous under the circumstances of the time to the public interests, I still would venture to say one word upon the subject of the person to whom my noble Friend the Member for Tiverton has alluded, whose interests are deeply bound up in our proceedings, and whose interests and feelings are, permit me to say, closely connected with public interests of the highest importance. My noble Friend has put a construction to which I am bound to give, not an entire, but a partial assent, upon the papers that are now before us. I am convinced that Lord Canning did not intend, in issuing the Proclamation with respect to Oude, in any point or in any degree to compromise those principles of equity and humanity which I think have ever influenced him, and which, I beg leave to say, will make his name illustrious in the future history of India. If Lord Canning's judgment has erred—and that is a question upon which it is not necessary for me to give an opinion, but I frankly own I do not think we are now in a condition to pronounce absolutely upon his judgment in issuing the Proclamation,—but even if he has erred in judgment in issuing that Proclamation, I am deeply convinced that he has erred simply through miscalculation as to the difficulties in the way of the object which he had in view, and as to the efficacy of the means he proposed; and I concur with the noble Lord (Viscount Palmerston) in the full conviction that it was the intention of Lord Canning to effect no general displacement of proprietary rights in Oude, and that he drew up the Proclamation, as being the best means in his power under the then existing circumstances of Oude, for the purpose of settling all controversies that had arisen in that province as to proprietary rights since our annexation of that country. At the same time, I am free to say I think those who, like me, have had the honour and privilege of knowing Lord Canning from his boyhood are not only entitled, but are bound to put that construction upon his policy; and, for myself, I am bound to place that construction upon it from my general knowledge of his character, and from all the information which I have been able to obtain upon this particular subject. With regard to Lord Canning and with regard to the judgment of the House at large, I have been one of those who, lamenting the original proposal of my right hon. Friend, have been thankful to the hon. Member for Swansea for the Amendment he has submitted. Convinced as I am as to the motives and intentions of Lord Canning, I do not think that it would be fair to ask this House, or to ask Her Majesty's Government at this moment, to put any particular interpretation even upon the papers which have been delivered to us to-day; and a satisfactory ground upon which we can take our stand is that, up to the present moment, we are not in official possession of any knowledge that the Proclamation has been issued at all. We are not in possession of that knowledge, and, although it is true that we are in possession of so much of his views and policy as Lord Canning thought fit to communicate to the Chief Commissioner in Oude, yet we are not at all entitled to say that we are in possession of the whole case which Lord Canning might have thought fit to submit to Her Majesty's Government. That being so, what I wish to hear from the Government is, that they do not intend to recede from the intention which they have expressed in this House, of assenting to the declaration of the hon. Member for Swansea, which refers to the past policy of Lord Canning up to the time of this Proclamation, and with regard to which I think we may not unreasonably form an opinion. I concur entirely in the sentiment expressed in the Amendment of the hon. Gentleman, that the House is satisfied with the judgment and firmness which have been shown by Lord Canning in a difficult crisis, and approves generally the policy which he has pursued. I confess that it appears to me to be reasonable to ask for such a declaration from the Government. I believe that I am right in saying that the head of the Government, "in another place," of his own spontaneous act, has expressed his views with respect to the policy and conduct of Lord Canning as Governor General of India in terms which precisely correspond with those employed in the Amendment of the hon. Gentleman. I feel a deep interest in Lord Canning, and that not only upon personal

grounds, but I think, also, that the country has a deep interest in the character of her public men, and that interest becomes deeper than on any other occasion, perhaps, in the case where a person has been chosen by the favour of his Sovereign to discharge the high duties of Governor General of India under circumstances of unparalleled difficulty. When I heard that the late Government, in concert with the Court of Directors, had made choice of Lord Canning, I confess that it appeared to me that they had made a most admirable selection, and that their choice had been solely dictated by motives of public duty, and was likely to result in great advantages to those over whom he was called upon to rule. I had sufficient confidence in Lord Canning to believe—nay, to entertain the most confident anticipations as to what would be his course in India; and I am bound to say that, although the trial to which he has been submitted has been severe beyond all expectation or precedent, yet those anticipations have been realized. No one, I think, can look back upon the proceedings of last summer without feeling that it is owing to Lord Canning that we have escaped—if, indeed, we have escaped—the general charge of cruelty to our revolted subjects in India. I observe, also, that there is no one who has stated in a clearer or more distinct manner the mitigating circumstances in the case of the landholders of Oude than Lord Canning, both in his private letter to the right hon. Gentleman the Member for Northampton, and likewise in his public despatch of Mr. Edmonstone to the Secretary of the Chief Commissioner in Oude, which has this morning been laid upon the table. I trust, therefore, that it is not too much, in the first place, to express the hope that the House generally will concur in the propriety and wisdom of the course which the right hon. Gentleman the Member for Oxford is about to take; and that, while he is permitted by the general sense of the House to pursue that course, Her Majesty's Government will, upon the other hand, not refuse, in the hour when pressure is relieved, which they gave—and, I trust, honourably gave—in the hour when pressure was strong upon them; but will declare in this House, as they have declared in the other, that the policy of Lord Canning, in the general conduct of the affairs of India, under circumstances of unparalleled difficulty, is deserving of and has received their approbation.

LORD HOTHAM said, he did not rise to express any opinion as to whether the right hon. Member for Oxford should, or should not be permitted to withdraw his Motion, but he rose to perform a duty to a portion of his constituency. He rose to present a petition from a number of persons in Beverley disapproving the Proclamation of Lord Canning, as calculated to drive the landholders of Oude to renewed hostility rather than to bring them to submission, and praying that in case a vote hostile to the Government should be arrived at upon the present Resolution, the constituencies throughout the country might have an opportunity of showing their opinions upon the matter.

SIR ERSKINE PERRY said, that as an appeal had been made that some expression of opinion should be made by the Government on the conduct of Lord Canning, he wished to point out, as an act of justice, that the question which they had been debating for the last week had been whether Lord Canning intended to confiscate the lands of a province. They disputed that in this House, because, from a knowledge of Lord Canning's antecedents, they believed it was impossible to suppose he would do that. Now he saw from the papers which they had received that day, that the question which had arisen between Lord Canning and Sir James Outram was not a question of justice or injustice, but simply a question of policy. These papers disclosed the fact that the talookdars had been dispossessed by Lord Dalhousie, and that that dispossession had caused great turbulence. It appeared to him that these papers showed that all Lord Canning intended to do was, to dispossess the military proprietors, and to allow the talookdars, on submitting, to re-enter on their lands.

THE CHANCELLOR OF THE EXCHEQUER: Sir, in exercising that privilege which every Gentleman in this House possesses, namely, of acceding to or refusing that permission which the right hon. Gentleman the Member for Oxford desires, of withdrawing the Resolution which he has proposed to the House, I am obliged to consider the request under two heads. I must not merely consider those general interests which affect naturally the opinions of all who hear me, but I must also remember that, as far as regards myself and my colleagues on this bench, the Motion of the right hon. Gentleman had a particular character and a particular object.

[*Fourth Night.*

That Motion was brought forward by the right hon. Gentleman avowedly as a censure upon the conduct of the Government, and the indictment only last night was elaborately paraded by the learned Knight the Member for Aylesbury (Sir R. Bethell), and that not as a censure of some single point of policy or conduct, but undoubtedly as one implying general want of confidence in our administration of affairs. Therefore, when I am asked to agree to the withdrawal of the Resolution, I feel bound to say that it is a proposition which I myself would under no circumstances have originated; and if I assent to it I beg to state emphatically that it is not because we shrink from going to a vote that I do so. We looked to the result of that vote, whatever might have happened, without apprehension; and the consequences of a division we are even now ready to encounter. But, Sir, there are higher considerations than those which affect the convenience of a Government. I wish that those higher considerations had throughout this debate influenced more the views and arguments of our opponents. But as far as this debate is concerned, even if its career be untimely cut short, I think I may say that no ministry that has ever been put upon their trial can look back to a discussion of this importance with more satisfaction. For the opposition to this Motion has been sustained, not by the Members of the Administration—who wisely and properly, in my mind, withdrew as much as possible from the discussion—but by Members of this House unconnected, many of them, with us in politics—many of them inferior to none in intellectual character or authority with this assembly; and it is by the weight of their arguments, the force of their eloquence, and the influence of their authority that the opinion of this House has been so much worked upon that we have witnessed the strange result at which we have now arrived. But, Sir, when I am asked to say whether I can consent to the withdrawal of this Motion for other reasons than those which affect the convenience of the Ministry, I am bound to admit that there are grave and weighty considerations which must, I think, sway every man who sits in this House. I looked forward, I confess, whatever might have been the result, with some apprehension and anxiety to what might be the consequence in India of a division—and a near division—on a theme of this Imperial magnitude. If, indeed, the question had been narrowed to the petty issue in which it was at first presented to our notice, it might only, whatever the result, have counted among those "faction fights" of which we were last night reminded, and which are the necessary incidents of our Parliamentary life. But the expansive nature of the subject soon broke the bonds by which it was idly attempted to restrain it. No sooner was the question launched in this House than the House, with an instinct worthy of a great popular assembly, felt immediately the importance of the theme subjected to their consideration; the country answered to the impulse of this House; and our debates, which may have commenced only in the manœuvres of faction, have at length assumed a character and touched on subjects which at this hour interest and agitate every nook in Her Majesty's dominions. If I am asked whether, dropping for a moment all considerations of a party nature, or affecting the convenience of the Government, I think it would be better for the interests of the empire—for the sake of England as well as of India—that no division should take place on the Motion now sought to be withdrawn, I am bound to say I have a deep conviction that it will be for the public welfare that this debate should terminate as is now suggested. Impressed, then, with these feelings, and acting from a sense of duty, I do not think I am authorized in resisting the proposition made by the right hon. Gentleman the Member for Oxford. Sir, it is impossible after all that has occurred in this debate, not to consider, in arriving at this decision, the position of the Governor General of India. The House may, perhaps, permit me to observe that with the exception of the memorable despatch which has been so much criticised in this discussion — a despatch, remember, intended only for the eye of Lord Canning, and which, under those conditions, in my mind, touched on no topic, and expressed no opinion that was not perfectly justifiable and proper — Her Majesty's Government have given to the Governor General a sincere, hearty, and cordial support. When we acceded to office, after dealing with that urgent peril connected with continental politics which at that moment engrossed every mind, and the pressing interest of which cannot be exaggerated, it was our first duty to consider our future course with respect to India, and what ought to be the character of the policy which we should

The Chancellor of the Exchequer

recommend. Sir, after grave deliberation, we arrived at a result which was embodied in a Secret Despatch to the Governor General, and which now lies upon the table of this House. And I might appeal to that despatch to prove, which it does most conclusively, that the Government of Her Majesty gave to the Governor General at that time, and when these instructions were sent to him, the most cordial and complete support. I wish the House would look at the significant title which that despatch bears on its first page,—a title which, though it has not been noticed in this debate, at once explains the important character of its contents. It is a "Letter from the Secret Committee to the Governor General, relative to the policy to be pursued towards the Natives of the Provinces lately in a state of hostility." There is not a word in the despatch, not a sentiment expressed in it, to which I do not give, to which I hope the great majority of this House and the country are not prepared to give, a complete adhesion. It contains, in my mind, a wise, a great policy, comprehensive in its spirit, and alone calculated, as I think, to rebuild our Indian empire in a manner satisfactory to the people of England. But remember that when we arrived at these results we believed that in Lord Canning we had a willing and a cordial agent. We believed that this despatch expressed the policy of Lord Canning. Its concluding words were :—

"In carrying these views into execution you may meet with obstruction from those who, maddened by the scenes they have witnessed, may desire to substitute their own policy for that of the Government; but persevere firmly in doing what you may think right; make those who would counteract you feel that you are resolved to rule, and that you will be served by none who will not obey. Acting in this spirit, you may rely upon our unqualified support."

Now, looking to the policy there enunciated, remembering the character and career of the Governor General thus addressed, who can for a moment doubt that Her Majesty's Government were sincerely determined to support Lord Canning in the policy they believed him resolved to maintain? After all that has occurred, I will not touch upon the despatch of the 19th of April, or upon the unfortunate circumstances connected with it. After the turn this debate has taken, I think I should err in taste and feeling if I were to obtrude on the House a vindication of my personal conduct. There are much greater things at stake than the vindication of my conduct in respect to that despatch. I will only say that from the period when the question of our policy was first introduced into the House of Commons by the hon. Member for Devonport (Mr. J. Wilson), I without reluctance or hesitation avowed the policy which the Government intended to pursue in India before the despatch of the 24th of March was placed upon the table. What was that policy? "Discriminative amnesty," to quote the words of Sir John Lawrence, respect for property, religious toleration, and a decent respect for the rights and usages of the people. And when I was asked a few weeks later whether I approved a despatch which sanctioned confiscation, why, Sir, it was utterly impossible for me to equivocate and fence with such a question when my declaration as to the policy of the Ministry had been unequivocally made, and when the despatch of the 24th of March had been laid upon the table. The question now is as to our conduct towards Lord Canning, and what is the best course to be taken under existing circumstances. Permit me to observe that since these unfortunate discussions commenced, or rather about the time that they were threatened, we communicated by telegraph to Lord Canning, and assured him that in the difficult position in which both the Government here and he himself there were placed he might rely upon our support. Well, what is the course which we are recommended to adopt in regard to the present Motion? We are asked to agree to its withdrawal. I do not wish to raise a technical difficulty—I do not wish, from any feeling of exultation or any desire for a triumph, to suggest to the right hon. Gentleman that the most convenient course is that his Motion should be negatived; because, if it is withdrawn I cannot see how we can consider the Amendments which depend upon it, to one of which our attention has just been directed by the right hon. Member for the University of Oxford. ["Withdraw."] I have no objection to its being withdrawn. I have not the slightest doubt that I and my colleagues can communicate with Lord Canning in a much more satisfactory manner than by a vote of the House of Commons suggested in its present form, without any great consideration and with special reference to a Motion no longer in existence. The simplest course would be that this Motion and all its adjuncts should be withdrawn. I beg the House to believe that in making this suggestion I am not ac-

tuated by any desire to avoid giving an opinion as to the previous policy of Lord Canning. The Governor General of India is the servant of the Queen; we also are the responsible servants of Her Majesty, and it is of the utmost importance that we should act together cordially and sincerely. We never anticipated the publication of the despatch which has produced all this discussion; but permit me to say that if the relations between Her Majesty's Government and the Governor General of India should be cordial, they should also be sincere; and if it is supposed for a moment that I or those with whom I act are prepared in any way to retract the opinions which we have expressed with regard to the policy of confiscation which Lord Canning, under evil influence, unhappily adopted, but which I hope, and have some reason to believe, he has by this time relinquished, the House will indeed have misinterpreted what I have said, and the country will indeed be deceived as to the policy which we intend to pursue. I trust that Lord Canning will be influenced by those sentiments and that policy which distinguished his career at the commencement of these sad disturbances and disasters. Although this is not the occasion, and I am little in the mood to enter into any angry controversy, still in self-defence, and in vindication of those among whom I sit, and who are placed in confidential relations with Lord Canning, I must say that I was surprised that the noble Lord the Member for London said the other night that it was with great astonishment that he saw on the Treasury bench the professors of a policy of mercy—that it was with great surprise that he found us criticising Lord Canning, as if we were pursuing a line of conduct very different from that which we had previously followed. Now, Sir, I should like to know what has ever been said or done by Her Majesty's servants in this House which could justify such—I will not call it an insinuation—but such a charge, from the noble Lord. When it was made I looked round me with some amazement. I remembered that not a year ago, when we first received the news of this great disaster, I ventured to call the attention of the House to the state of India. I told them then that what they looked upon as a mere fleeting military mutiny was probably the commencement of great disasters; that they must brace up their energies to the occasion, and must consider the matter in a vein and mode equal to the emergency. I said then, "Put down this mutiny, if you persist in calling it a mutiny; but remember that you will not be able to put it down without making the greatest efforts even of England." I said then, "If you fail by negligence, by the inefficiency of your means, by not appreciating the crisis, or by the inadequacy of your preparations, and if you enter upon a third campaign, the consequences may be most serious." I told the House and the Government that if, after making these necessary preparations, we did not master the social condition of India, if we did not discover what were the sources of this disaster and seek adequate remedies for them, we should be involved in dangers and difficulties which the most sagacious could not at the moment foresee. But was the policy which I recommended a ruthless one? Did I not entreat and implore the House to consider the social incidents of India, to respect their religion, and not to disturb the tenures of their lands—a subject, the importance of which is now well impressed upon all the Members of this House? Did I not urge upon the House the importance of accurately ascertaining the causes of this disorder, and of not being led away from their consideration by the belief that this was merely a transient and fleeting circumstance? Who opposed me then? Why, Sir, I did not succeed in impressing my views upon the House, which was then for nothing but violent action. Violent action in a state of ignorance is the most ineffective of all policies. The noble Lord the Member for London then diverted the attention of the House from the subject which I implored them to consider. He, by the Amendment which he moved—an Amendment which, if it meant anything, did not recommend a policy of clemency—prevented that subject being discussed sufficiently, and in a manner which would have been just to the country. What has happened since? What have I or my colleagues done that the noble Lord should assume that we have been the opponents of Lord Canning on account of his clemency? It is very true, as the noble Lord stated, that when a vote of thanks to Lord Canning was proposed I acceded to it under certain conditions; but the conduct of Lord Canning was impugned on other grounds than his clemency. There were charges against him with respect to his conduct towards the press and with respect to other matters which I thought

The Chancellor of the Exchequer

required explanation. On that occasion the noble Lord agreed with me. He himself considered the proposition premature; but he yielded to the salutary precedent of Parliament, nor do I regret that course was taken; but I must repudiate the charge of the noble Lord that Her Majesty's Ministers are now professing a policy with regard to India different from that which they have before supported. I am convinced that a policy of discriminative amnesty is the policy which we ought to pursue; that if the policy of confiscation is adopted it will lead to military occupation, to immense expenditure, to increased taxation, and to diminished permanent resources; but that by a wise clemency, by respect for the rights and privileges of the people, by respect for their religion, by respect above all things for their tenures of land, our power in India may again be built up, supported as it is by the most valiant soldiers that ever flourished; and I shall be proud and gratified if it shall be recorded in that page of our history that the Governor General of India, by his wisdom, contributed to that noble result.

LORD JOHN RUSSELL: As the right hon. Gentleman has twice alluded to me, the House will, I am sure, allow me to make a few remarks in reply to what he has stated. With regard to what passed last year, the right hon. Gentleman, I remember, made a most able speech, reviewing our whole policy in India, finding fault with some portions of it, and recommending certain measures which I need not now recall to the recollection of the House. What I then said was, admitting the ability with which the right hon. Gentleman had enforced his views, that at the commencement of the mutiny our main object should be to assure Her Majesty of the support of this House "in any efforts that might be necessary for the suppression of disturbances, and in any measure that might be required for the permanent establishment of tranquillity and contentment in that important portion of Her Majesty's dominions." Those, if I mistake not, were the closing words of the Resolution which I proposed, and I cannot but still think that that was not a moment at which to inaugurate a new policy, but it was a moment at which to put down resistance, and to assure Her Majesty of the support of this House. I will further refer to what passed this year with respect to the Vote of Thanks. When that vote was moved, the right hon. Gentleman and several others who were of his opinion demurred to it on the ground that Lord Canning's policy was vacillating; that it was one which they could not approve, and which ought to be reserved for future consideration. Sir, it appeared to me that that was the time to pronounce whether or not Lord Canning was justified in those acts of clemency for which he had been visited with so much vituperation. I will not say that the right hon. Gentleman or others attacked Lord Canning for his clemency; but at a moment when he required great support it was not accorded to him. Before I sit down, I beg to be allowed to say a word or two with respect to the correspondence which has been produced to-day. It appears to me that that correspondence shows the difficulty of the Governor General in a stronger light than I had supposed. It is evident that, on the one side, Sir James Outram says that unless the landowners of Oude are restored to their ancient possessions, you will have in that country a guerilla war, which will cost the lives of thousands of Europeans, and which in such a climate ought not to be encountered. There is the great authority of Sir James Outram in support of that view; but on the other side, Lord Canning puts this difficulty: he says:—

"If it were only that these people should be restored to the lands which they have lately owned and occupied, I should at once accede to that proposition; but the case is this—they were in possession of large territories and of certain rights, which, after the submission of Oude, were taken away from them by the officers of the Government. They then joined in the rebellion. They joined in it under temptations which in their position I admit to have been almost irresistible. Their territory had only been ours for a year, but still it seems to me to be a dangerous example to put them, after they had taken up arms against the British authority, in a better position than they would have occupied had they remained quiet."

Well, it appears to me that, without saying whether that consideration should have the preponderating weight which it seems to have in the mind of Lord Canning, it is one of vast importance for any Governor General. If the Governor General were to say in Oude that all persons who had rebelled should not only be subjected to no penalty, should not only have their lands restored, but should have greater powers and more extensive territories than they would have had, if they had not rebelled, it is obvious that he would offer a premium for rebellion throughout the whole of India. Looking at the opinion of Sir James Outram, on

the one hand, and the objections of the Governor General on the other, the subject is of the greatest weight and importance, and I must say I am glad to be relieved from the necessity of giving an opinion upon it. Indeed, after all that has occurred, after the appeals which have been made to my right hon. Friend the Member for Oxford to withdraw his Motion, but especially after what the Chancellor of the Exchequer has said, I think we may rest satisfied with the treatment which the Governor General is likely to receive from the Executive Government at home. I certainly could not leave the House with any satisfaction, setting aside all other considerations, if I had not heard from the right hon. Gentleman that the Government were prepared to treat Lord Canning with that confidence, with that just forbearance, with that appreciation of all his difficulties which is due from any Government at home to a Minister in the high position of Governor General of India, especially at such a time as the present. I am satisfied, however, with the declaration of the Chancellor of the Exchequer, and I trust that without further discussion—the right hon. Gentleman the Member for Oxford University not insisting upon the Amendment of the hon. Member for Swansea being put as a substantive Motion—all these Motions may be withdrawn. The situation of the British Government in India even at this moment is one of peril, and it will require the highest civil abilities and the greatest military skill to overcome the difficulties in our path. Under these circumstances it is the duty of the House, satisfied with the declaration of the Government, to give them every assistance in re-establishing our dominion in the East.

MR. BRIGHT: Sir, although after the animated debates of the last few nights, we seem to have arrived at a conclusion which I think will excite the amusement, and perhaps the ridicule of the public yet I am unwilling to abstain from saying, that I think the more the Members of this House on both sides really look at the position we are in, and the course we are now taking, the more entirely will they be satisfied that this debate has not gone further, and that the great subject of India has not been pushed so as to result in the great party fight that we had reason last night to expect. I believe that throughout the country there has been a very lively interest created in this question; and I feel quite confident that the course which we have taken will be ratified by the solid judgment of the country, and that the House will stand better in the opinion of their constituents than if the Government had succeeded by a very small majority, or had been overthrown as the consequence of this Motion. I wish to state further to the noble Lords and the right hon. Gentlemen who sit on the ex-ministerial bench, that I hope what has now taken place will not be without its instruction to them. Don't let any of them suppose—for if they do they make as great a mistake as they ever committed—that my right hon. Friend the Member for Ashton (Mr. Milner Gibson) and myself have the slightest personal hostility to any Gentlemen on that bench. I hope that our conduct during the last fifteen years in the House has been sufficiently consistent and sufficiently intelligible both to the House and the country, to save us from any imputations of that kind. But if Gentlemen on either side of the House are expected to act together, and if great public questions and great principles are to be advanced by the action of a united party, it is not becoming, and it cannot be advantageous, that a small portion, a mere handfull, a half-dozen Gentlemen, it may be, shall propose a policy on a great question of this nature without consulting, without ascertaining the feelings, of the great body of those by whom they hope to be supported. There is nothing more certain than this: that there are more than a hundred hon. Gentlemen on this side of the House who, if we had divided on the question to-night, would have voted for the right hon. Gentleman the Member for Oxford with extreme reluctance, and who have over and over again, and many of them have done it in my hearing, declared that they thought the Motion was not a wise one—that it ought not to have been brought forward—that the question was too solemn to be thus treated, and that the conduct of those eminent Members on this side of the House who have supported the Motion was leading their party into a difficulty that could have no favourable results to their political position, and still less to the political principles by which we understand we are bound together. I am not unwilling to act with the party with which I sit, but I expect to be consulted about great questions of this kind. And if I may give a little friendly advice to those hundred hon. Gentlemen who have been thus re-

luctantly dragged in, with regard to this question during the past week, I would venture to tell them that if, when they disagree with those who affect to be their leaders, they would not from day to day discuss the question, change their minds, set up imaginary obstacles, adopt one opinion to-day and another to-morrow; if they would take the course which their own sound judgments point out to them—they rarely make a mistake at first—the mistake is made afterwards, when a thousand ingenious artifices are brought to bear upon their judgments—if they would take the course which a few men take here they would find that all those arts would, failing, cease to be practised upon them. There would be no attempts made upon their judgments. And more than that, those Gentlemen who bring them into dilemmas like that in which they are to-night, would find that that course must not further be pursued, and that in future they must be disposed to listen to the opinions of all those Members of their party with whom they hope to act upon a great question like this. So far, then, I hope we may be satisfied with the course which has been taken to extricate the House from discussions and party divisions, from which I have never anticipated anything but discredit to Parliament and peril to the interests of England as connected with the Government of India. I now wish to ask the Chancellor of the Exchequer for what period he proposes that the House, at its rising, shall adjourn. I do not wish to press it unduly upon the right hon. Gentleman; but I think that an adjournment to Monday week would be advisable. I have heard it objected by hon. Gentlemen who take the opportunity of an adjournment to go down to the country—that an adjournment to Friday has this inconvenience, that it brings them up to town three days sooner than is necessary, and all for one night's sitting. I also wish to know if it be the intention of Government, immediately upon the re-assembling of Parliament, to proceed with the Indian Resolutions; because, unless the House has changed its views with regard to the necessity of legislating for the government of India, the sooner it proceeds with those Resolutions with the view of passing them through the House the better; and I hope the general feeling which now seems to prevail in the House, that the question of India should not be one of those upon which the House should be drawn into any more party tricks, will continue. Having heard what the Chancellor of the Exchequer has said with regard to the condition of things in India, and what the noble Lord the Member for London also has said with regard to the difficulties in which the Governor General is involved, and those most peculiar circumstances with which we are all partially, and I am afraid very partially, acquainted, I do hope that we shall come to the consideration of those Resolutions as if we had the most solemn individual interest in doing the best we can with regard to each of them, and that the object of every man in this House, whatever his views as to who should occupy the Treasury bench, will be to pass the best Resolutions and the best Bill in the shortest possible time which the intelligence of the House can devise.

MR. NEWDEGATE: Now that we are about to close what I may well characterize as a factious struggle upon the Government of India, I feel there is one man to whom more than to any other the House is indebted for the escape we have just made from a position which I believe would have been most prejudicial to the interest of the empire—that individual is Lord Ellenborough. By the generous, manly, and disinterested course he has taken—by the self-sacrifice which he made, he at once laid a check upon the action of a faction and a party—he relieved the Legislature from the discredit and the country from the danger, of seeing this House made the arena of a great party struggle under the pretext of anxiety for the welfare of India. If there is no other in this House, I for one am ready to pay my humble tribute to that noble Earl for his great deserts; for I cannot, unless I see this Motion withdrawn, refrain from marking my sense of what the House owes to the high-minded course which the noble Earl has taken, and from giving my humble tribute of admiration for the conduct which he has pursued. I feel that the country, as expressed in the petitions which were ready for presentation to-night, is in accordance with the policy recommended in the despatch which has been so much questioned, and if its terms are not filed down to the nice distinctions of polished language, let us remember that the noble Earl was acting in ignorance of information which we now possess—that he did not know that a letter had been written by Lord Canning to those who preceded him in office, deprecating any premature judgment of his Proclamation, and that it was only last night that this House was made aware that the noble Earl had urged that

his despatch should not for the present be given to the world. If the noble Earl erred, it was an error of ignorance, and of ignorance, too, caused by those who ought to have given him information, and this House, by its conduct this night, pays a tribute to the generous soundness of view and the wise policy recommended in that despatch. I shall not further detain the House, but I beg the House to observe the dangers which must ever attend any attempt to interfere with the administration of India, and I trust they will now perceive that if they contemplate breaking up the form of government which has been adopted with respect to India, they will incur dangers even more calamitous than those that we have now to struggle against. I cannot refrain from again offering my humble tribute to the noble Earl who, I believe, has saved Parliament from a great difficulty, and has prevented it from adopting a policy which would be dangerous—most dangerous—to the interests of the empire.

MR. GLADSTONE said, the noble Lord opposite (Lord John Russell) appeared to think, and others might be labouring under the same imagination, that he wished to have the Amendment of the hon. Member for Swansea affirmed by the House as a substantive Motion, after the withdrawal of the original Motion. He had only to say that he had no such intention. All he wished was, what he had obtained, that the Government should express its approbation of the policy of Lord Canning up to the time of the Proclamation.

THE CHANCELLOR OF THE EXCHEQUER said, he regretted much that the state of public business would not allow him to accede to the request which had been made from so many quarters—to move the adjournment of the House to Monday week. He proposed to go into Supply both on Friday and Monday, and they would go on with the Indian Resolutions on Friday week.

Motion *agreed to.* House at rising to adjourn till *Friday* next.

ROMAN CATHOLIC CHARITIES. QUESTION.

[*See End of Volume.*]

GOLD IN OREGON.—QUESTION.

MR. CHRISTY asked the noble Secretary for the Colonies whether it was true that gold had been discovered in the district lying between Fraser's and Thompson's River in British Oregon, and in Vancouver's Island.

LORD STANLEY said, within these few months a considerable quantity of gold had been discovered in the districts between Fraser's and Thompson's Rivers in British Oregon. About two years ago gold was discovered in Vancouver's Island, but the quantity was not great. He had no reason to believe that more had been found since.

OUDE. PROCLAMATION OF THE GOVERNOR GENERAL.—DESPATCH OF THE PRESIDENT OF THE BOARD OF CONTROL.

ADJOURNED DEBATE.—FOURTH NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [14th May]—

"That this House, whilst in its present state of information it abstains from expressing an opinion on the policy of any Proclamation which may have been issued by the Governor General of India in relation to Oude, has seen with regret and serious apprehension that Her Majesty's Government have addressed to the Governor General, through the Secret Committee of the Court of Directors, and have published, a Despatch, condemning in strong terms the conduct of the Governor General; and is of opinion that such a course on the part of the Government must tend, in the present circumstances of India, to produce the most prejudicial effect, by weakening the authority of the Governor General, and encouraging the further resistance of those who are in arms against us."

And which Amendment was—

To leave out from the word "House" to the end of the Question, in order to add the words "generally approves of Lord Canning's policy up to the time of the Oude Proclamation, and is satisfied with the firmness and judgment he has evinced during the crisis in India; but this House declines to give any opinion upon the Oude Proclamation until it has had further information on the state of Oude when the Proclamation was issued, and also Lord Canning's reasons for issuing it,' instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Amendment and Motion, by leave, *withdrawn.*

SALE AND TRANSFER OF LAND (IRELAND) BILL.—SECOND READING.

Order for Second Reading read.

MR. J. D. FITZGERALD hoped the right hon. Gentleman would not press the Motion. He believed several Gentlemen from Ireland meant to discuss the Bill; but they had not expected it to come on to-night; and for himself he must own he was not inclined to go on with the discussion.

MR. WHITESIDE said, if there was any objection to the principle of the Bil of course he would not press the Motion but he understood that all the objection

made to the Bill were of a nature to be discussed in Committee.

Bill read 2° and *committed* for *Monday* 31st May.

House adjourned at eight o'clock till *Friday* next.

HOUSE OF COMMONS,

Friday, May 28, 1858.

MANNING THE NAVY.—ANSWER TO ADDRESS.

LORD CLAUD HAMILTON appeared at the bar with the answer of Her Majesty to the Address of the House on the subject of Manning the Navy.

Answer to Address *reported* as follows:—

"I have received your Address praying that a Commission may be appointed to inquire into the best means of Manning the Navy. And, having considered the subject, I have given directions that a Commission shall issue accordingly."

USE OF THE "LASSO" BY CAVALRY. QUESTION.

CAPTAIN VIVIAN said, he wished to ask the Secretary for War a question relative to the use of the lasso in cavalry regiments. He was aware that Sir Francis Head, on his return from South America some years since, drew up a Memorandum, in which he strongly recommended the lasso, especially for purposes of draught, and pointed out the propriety of training cavalry soldiers in the use of it. This Memorandum was submitted to the late Duke of Wellington, who was much struck with the suggestion which it contained, but it was not carried out, chiefly, he believed, in consequence of the cavalry officers objecting to the horses being used as draught horses. Latterly the system had been tried at Chatham, where the use of the lasso had been taught to a certain number of men in each troop, and found to be most efficient, but no regular means were given for carrying out the necessary training. He therefore wished to ask the Secretary for War whether the suggestion of Sir Francis Head has been been brought under the notice of the Military Authorities, and whether it is their intention to introduce it into general use in our Cavalry barracks?

GENERAL PEEL said, that the suggestion of Sir Francis Head had, when brought forward many years ago, received the approval of the Duke of Wellington and many eminent military authorities. It was not, however, carried into effect. Since he had received notice of this question from the hon. and gallant Member he had had some conversation with his Royal Highness the Commander in Chief, who approved of the suggestion, and he understood that orders had been given that ten men in each troop of cavalry should be furnished with the lasso, and that reports should be made half-yearly to the Horse Guards, with respect to the exercising of the men and to the amount of proficiency they had attained in their use. Every regiment now at home had been furnished with their proportion of lassos, which had also been distributed to that branch of the Engineers to which the hon. and gallant Member had referred.

THE PRESS IN SIERRA LEONE. QUESTION.

MR. ROEBUCK said, he rose to ask the noble Lord the Secretary for the Colonies a question relating to the newspaper press in Sierra Leone. Sometime since a newspaper called the *New Era* was established in that colony, which chose to criticise the conduct of the Governor in a manner that was not altogether pleasing to the latter. There was no representative body in Sierra Leone, and consequently the Governor in Council had alone the power to make laws. The Governor in Council thought he would control the press, and accordingly issued an Ordinance, in which he required that every newspaper should find a certain number of gentlemen as securities for its good conduct. The proprietors of the *New Era* were called on to give in the names of their sureties. They did so, but every surety named by them was rejected, and the consequence was, that that paper was put down. He wished to ask the noble Lord whether his attention had been called to this matter; if so, whether the Government had done anything regarding it, and what; and whether, in consequence, they had considered the propriety of recalling the Governor?

LORD STANLEY, in reply said, an Ordinance had been issued last year calling on all publishers of newspapers in the colony of Sierra Leone to find securities in the same manner as was done in England. His attention had been called to the Ordinance, and also to the circumstances to

which the hon. and learned Member had referred; and it was the opinion of the Government that, considering the peculiar state of society in so small a colony, and the difficulty which persons might have in finding proper securities, the Ordinance could not be satisfactorily worked, and that it would be better, therefore, to repeal it. With regard to the other question of the hon. and learned Gentleman, he had to inform him that there was no intention of recalling the Governor.

On the Motion that the House, at its rising, adjourn till Monday.

STATE OF THE THAMES.—QUESTION.

MR. GRIFFITH said, he wished to ask the First Commissioner of Works, whether the principle just put forth by Dr. Odling, the officer of health for Lambeth, that the perpetual agitation of the water of the Thames, and the flux and reflux of the tide, affects the oxidization of decomposing matters to that extent, "that he had never been able to detect sulphuretted hydrogen in Thames water," may not be well worthy of further investigation, as offering possibly the means of escaping the hazardous and expensive drainage engineering undertakings that have been under consideration?

LORD JOHN MANNERS said, that a Select Committee had already been appointed to inquire into the subject of the Metropolitan Drainage, and that the subject to which the hon. Gentleman had referred would be properly considered by them. In the meantime he would suggest to the hon. Member to inquire from Dr. Odling whether, if he had been unable to discover sulphuretted hydrogen in the Thames water, he had been equally unable to do so in the Thames air.

Motion *agreed to.*

House, at rising, to adjourn till *Monday* next.

BREACH OF PRIVILEGE.

MR. G. CLIVE said, it would be in the recollection of hon. Members that he had felt himself compelled a few days ago to bring under the notice of the House an article in a newspaper call the *Carlisle Examiner and North Western Advertiser*, imputing to him as Chairman of a Committee upstairs almost every crime that it was possible to charge upon a person filling that judicial situation. Not only had he (Mr. Clive) and other members of the Committee been charged with partiality in the room and out of the room, but a direct imputation of corruption had been launched at him individually. He had read the article on a former occasion to the House, and he would not trouble them by reading it again. At that time he believed the writer to be labouring under some sort of delusion, that the facts were the suggestions of interested persons, and that the writer would upon inquiry see and acknowledge how totally false were the imputations in which he had indulged. If there were a single word of truth in these imputations he should not only be wholly unworthy of a seat in that House, but should deserve to be visited with the indignation of every honest man in the country. For himself he had on a former occasion met the charges with a distinct denial, expressing at the same time, as he now did again, his perfect willingness to submit to any inquiry into his conduct that might be suggested. He was so averse to these attacks upon the press that he had hoped that the necessity for any further proceedings in this case would be put an end to, and that the proprietor of this newspaper would retract what he had said, in which case he should have moved when he was called to the Bar of the House that he be permitted to withdraw. But no such retractation had appeared, and in an article written subsequently, and which he held in his hand, the writer had persevered in the course he had originally adopted. He, no doubt, felt that he was able to protect himself in a court of law, but several hon. Members of that House had assured him that it was impossible for him, as a Member of that House, to overlook the charges made against him. He had subsequently submitted the article to the highest authorities in that House—to the right hon. Gentleman the Member for Lewes and the Speaker, who both thought it wholly impossible to pass the matter over. That which convinced him there was no disposition to retract these charges was a subsequent article, in which the writer said he knew the House of Commons was an assembly of honest Gentlemen, and was not inclined to cover the spotted reputation of any of its Members with the shield of its collective responsibility. This could only be applicable to himself. In another article it was said that the editor believed, from information he had received, that there was

a strong presumption against Mr. Clive, that it was his duty to make public the result of that information; that he should not, however, at present, disclose the nature of that evidence; and that it would be for counsel to consider whether it amounted to legal evidence, and for him (the editor) to consider whether he should go into an inquiry with unwilling witnesses. The hon. Gentleman was proceeding to read from the article in question, when—

MR. T. DUNCOMBE rose to order. He said that two persons had been ordered to appear at the Bar of the House to explain certain articles which had appeared in a newspaper. It appeared to him that the hon. Member was trying to aggravate the offence by reading another article in another and subsequent newspaper. They knew nothing of that article; it formed no part of the offence for which they were to be brought to the Bar. They were in attendance, and it would be only fair to hear what they had got to say before he read another article which was not before the House. He (Mr. Duncombe) would therefore ask the hon. Gentleman not to aggravate the offence by reading that article; he would put it to Mr. Speaker whether by so doing he was not out of order?

MR. SPEAKER said, that it was not possible for him to say that the hon. Member was out of order. He did not know that he might not conclude his address by another Motion on the subject of the paragraph he was reading. So far as the hon. Member had proceeded in stating his case he was not out of order.

MR. G. CLIVE said, he could assure the hon. Member for Finsbury that he had no intention to aggravate the offence which these persons had committed. He merely meant to show that he could not take the course of leniency to which he should otherwise have been inclined. After reading an extract from another article published in the paper of the 25th inst., in which it was asked if our liberty was to be at the mercy of stockjobbers, the hon. Gentleman said, he would conclude by moving that the proprietor and printer of the *Carlisle Examiner and North Western Advertiser* should be called in.

Order for the attendance of Hudson Scott and Washington Wilks read.

Hudson Scott and Washington Wilks called in and examined in relation to the article complained of in the *Carlisle Examiner and North Western Advertiser* Newspaper of Saturday, 15th May, 1858.

MR. SPEAKER, addressing the former, said—Are you the proprietor of the *Carlisle Examiner and North-Western Advertiser*?—I am.

MR. SPEAKER: Are you also the publisher of that paper?—I am.

MR. SPEAKER: Did you publish, or cause to be published, the paper of the 15th May?—I did.

MR. SPEAKER: Were you cognizant of the substance of the article of that date, under the heading "Hawick and Carlisle Railway?"—I was.

MR. SPEAKER: Are you aware that that article reflects on the character of a Member of this House who was Chairman of the Committee on that Railway?—I was aware that it made certain imputations upon, and addressed certain inquiries to, the Member for Hereford (Mr. Clive), who was the Chairman of that Committee.

MR. SPEAKER: Have you any explanation of those imputations to offer?—I beg to offer this explanation. There was in my neighbourhood a very strong feeling regarding the conduct of the Committee on the Carlisle and Hawick Railway Bill. Gentlemen of eminence in the neighbourhood who had attended the Committee, informed me, partly in conversation and partly in correspondence, that they had doubts with respect to the impartiality of the Chairman. There were strong doubts expressed as to the impartiality of the Committee, and I thought it but justice to Mr. Clive that the matter should be further investigated, in order that this matter might be explained and the charges refuted, if they were unfounded.

MR. COLLIER: Are you prepared to state to the House who was the author of that article?—With all respect, I am not.

MR. COLLIER: Are you prepared to state from whom you received the information on which you made those charges?—I am not. The great part of my information was confidential.

MR. COLLIER: I now ask you, are you prepared to withdraw them?—I am very sorry to say I cannot. I can only state, that if I heard before that article was printed, that any hon. Member had stood up in his place and stated that those charges were untrue, I would not have written the article, or I would have withdrawn it.

MR. COLLIER: Are you prepared to withdraw the article?—I cannot withdraw it.

MR. COLLIER: Are you prepared to prove it?—I believe I could show that I was justified morally in putting it in.

MR. COLLIER: Are you prepared to state to the House any proofs of the charges made in the article?—They are of such a nature that I scarcely could state them, for the statements were communicated to me by two or three friends, and communicated to me in good faith.

MR. CAYLEY: You are asked will you withdraw the article?—I can only state that I will so far withdraw it as cheerfully to publish to the world Mr. Clive's contradiction.

MR. CLAY: You have said that statements were made to you by two or three friends. What were those statements?—One of the statements was that Mr. Clive was actively engaged in operations on the Stock Exchange, at the time this inquiry was going forward; that he was in communication with stockbrokers during this inquiry. In some mysterious manner information of the nature of the Committee's decision had reached the Stock Exchange before that decision was pronounced; and I was informed that Mr. Clive had himself visited a stockbroker. I am willing to publish his denial of that.

MR. CLAY: Can you give us the name of the stockbroker?—I cannot at this moment. I heard that from a second or third party.

MR. CLAY: Can you give us the name of the second or third party?—No. The communications were made to me confidentially.

MR. CLAY: Can you give a clue such as—you yourself as an honest man might desire to have, which would enable Mr. Clive to discover the author of those statements?—I shall be happy to inform Mr. Clive, in private, of the gentleman who gave me the information. I believe that gentleman would be willing to repeat his statement before a Committee of this House.

MR. WARREN: Were your informants interested in this railway?—I believe they were to some extent.

MR. WARREN: Did they tell you that they were?—Oh, it was a matter of report. It was a matter perfectly notorious in Carlisle that the gentleman who gave me the information was concerned in the line that was thrown out. I fully believe that, were he called on by a Committee of the House, he would state to such Committee all he stated to me.

MR. WARREN: Were you not aware that this publication might bring you under those rules of this House which apply to breaches of privilege?—That did not occur to me.

MR. GROGAN: I think that you have said that if the gentleman who gave the information to you were called on, he would repeat his statement to the Committee of this House?—Yes.

MR. GROGAN: Now, how can the House call on him to attend before a Committee if you do not give his name?—He would rather attend before a Committe, I think.

THE SOLICITOR GENERAL (to Mr. H. Scott): Are you the printer of this paper?—No, I am not. I was at one time.

THE SOLICITOR GENERAL: Were you the printer at the time this article was published?—I was not.

Mr. Wilks: I am the printer and publisher.

MR. MELLOR: Were you the printer of the article that appeared in the paper of the 25th?

Several HON. MEMBERS: That is not before the House.

Mr. W. Wilks and Mr. H. Scott were then directed to withdraw.

THE CHANCELLOR OF THE EXCHEQUER said—It appears that the proprietor and publisher of this article has neither withdrawn the imputation, nor expressed his readiness to substantiate it. Therefore, Sir, I do not see any other course which we can take in justice to the hon. Member for Hereford, and also, I must say, in justice to every Member of this House than to declare "that the said article is a false and scandalous libel upon the Chairman and other members of the Committee on group No. 13 of railway bills."

Resolved, That the said article is a false and scandalous libel upon the Chairman and other Members of the Committee on Group 13 of Railway Bills.

Resolved, That Washington Wilks, the proprietor and publisher of the said newspaper, in publishing the said article, has been guilty of a breach of the Privileges of this House.

Ordered,—

That Washington Wilks, having been guilty of a breach of the Privileges of this House, be for his said offence committed to the custody of the Serjeant at Arms attending this House; and that Mr. Speaker do issue his Warrants accordingly.

MR. ROEBUCK: Ought not something to be done about the other person?

THE CHANCELLOR OF THE EXCHEQUER: He does not seem to have been in any way concerned in the matter. I will move that the order for the attendance of Hudson Scott be discharged.

Ordered,

That Hudson Scott be discharged from further attendance on thisHouse.

THE CHANCELLOR OF THE EXCHEQUER'S SPEECH AT SLOUGH.

Order for going into Committee of Supply read.

LORD JOHN RUSSELL (who was very indistinctly heard)—Sir, I should not be disposed on the present occasion to call attention to our foreign relations, were it not from reports in the newspapers of what appeared to me to be a most extraordinary speech made by the right hon. Gentleman the Chancellor of the Exchequer. This speech purports to have been made at Slough, and I hold in my hand a copy of a newspaper which contains a report of it, and there are various points of it to which I think it necessary to call the attention of the House. Sir, if that speech had been merely a speech of passing exultation at the result of a late debate in this House on the Resolution introduced by my right hon. Friend the Member for Oxford (Mr. Cardwell), certainly neither I nor any one would find fault with the Chancellor of the Exchequer for even excessive expressions of exultation on that account. But there are other matters which deeply concern the relations of this House to the Government, and the relations of this Government to the Governments of other countries. Now, Sir, in the first place, with regard to the relations of this House to the Government, we are informed in that speech that when the Earl of Derby was called upon by Her Majesty to form a Government, that he stated that not above a third of the Members of this House were attached to the party of which that noble Earl was the head, and therefore, that that was the only certain support on which he could rely. I know there are many who at the time, founding their opinion upon this fact—which it is now stated has been communicated to Her Majesty,—thought that the House of Commons ought not to consent to the existence of a Government commanding only that unit of support. Those who thought so might have moved to address Her Majesty, as has often been done, praying that an efficient Administration should be appointed representing the majority in this House. But that was not the course pursued, and I remember the right hon. Gentleman the First Lord of the Admiralty told his constituents some time ago that he believed there were a great number of independent Members in this House who were not attached to any particular party, and he said that although the present Ministers might not possess the confidence of a majority of the House upon their formation, yet their measures might be such as would conciliate the support of those independent Members, and thereby place them in the constitutional position of having the command of a majority of the House. When I read that statement I thought it was the best defence which could be put forward for the situation of the Ministers, and I thought it was a position which might be constitutionally defended by those who had taken office. But the House will observe that in that defence everything depends upon the conduct of the Ministers. It was for them so to shape the measures which they brought forward in accordance with the opinions of the majority of this House as to conquer the adverse feeling that existed in regard to them and thus establish a solid claim to the support of this branch of the Legislature. The great majority of this House, I think, accepted that view of affairs, and, so far from having to complain of attacks, I think, the Government have experienced the utmost forbearance. Differing as they do in opinion on many subjects from Her Majesty's Ministers, it would have been in the power of hon. Gentlemen on this side of the House to array themselves in active opposition to the Government. They have not done so, but have allowed Her Majesty's Ministers to carry on the Government of the country without disturbance. Well, Sir, the right hon. Gentleman's speech appears to me to proceed on an endeavour to show that during the three months which have elapsed since the present Government took office they have brought forward such measures, and pursued such a course in relation to foreign affairs, and likewise to India, as deserved and commanded the confidence of this House, and if not of this House, certainly of the country. This proposition, I think, ought to be examined into a little closely. We cannot do this without examining, in the first place, into the relations of the Government with the Governments of foreign countries, for almost the very

first statement that I find in the right hon. Gentleman's speech is the following:—

"It is well now for us to think lightly of the perils we have passed through—even to forget them; but when I tell you, and tell you seriously, that the question of peace or war when we acceded to office was not a question of weeks or days, but of hours, I am sure you will remember that peace has been preserved, while the honour of the country has been vindicated."

How is it, I ask, that our relations with France were in such a condition when the present Government came into office, that the question of peace or war was not one of weeks but of Hours? I cannot find from any member of the late Government—and I took the opportunity of asking the Earl of Clarendon in particular—that when they resigned office there was any apprehension of an imminent war. The only question, as far as I am aware, on which it was supposed that any misunderstanding could have arisen between this country and that great empire with which we are in alliance—an alliance which I hope will be long maintained—was one which grew out of the residence here of persons who had conspired against the life of the Sovereign of that country, and the Conspiracy Bill which had been introduced into this House. I cannot believe that a Prince of such great sagacity as the Emperor Napoleon, who has been so firm to the English alliance, who has been one of the best, if not the very best, ally to us of any French Sovereign, would have taken any step which should raise apprehensions of war, simply because we refused to alter our laws, and to change the ancient spirit of our domestic legislation at the desire of a foreign Government. If the right hon. Gentleman means to imply that, then I should have much less reliance on the security and stability of peace than I have at the present moment. If this is his meaning, I should not rely so firmly on the justice and on the pacific policy of the French Government as I am disposed to do. But above all, I can hardly believe any such apprehensions existed, because we are even now going into Committee to consider the Army Estimates—the plan of which is, that 20,000 militiamen, well armed and well disciplined, are to be disbanded, and we are to rely solely upon our recruits and newly-raised troops, the greater part of our effective force, and our veterans having been sent to India. I cannot imagine than any such plan would be proposed by a Government which was of opinion that peace hung upon a thread, and that we were in such danger that when the late Ministers went out and the present Ministers came in, peace or war was a question not of weeks, but of hours. There is another part of this question which, in my opinion, is of great importance, but to which the right hon. Gentleman has not called attention. Every one will recollect that when the Conspiracy Bill was brought into this House the right hon. Gentleman, in this House, and the Earl of Derby, in the other House, expressed their approbation of it. We who voted against that Bill—ninety-nine in number—were supposed to be very bad patriots, and certainly I for one had no hope that we should be able to defeat it. But afterwards, when we came to the second reading, the right hon. Gentleman and his Friends, who swelled the majority of 299 on its introduction, came round and embraced most readily the proposition of the right hon. Member for Ashton (Mr. M. Gibson), the obvious effect of which was to throw that Bill over altogether. It was rumoured that the then Ambassador of France complained that he had reason to expect that the hon. Gentlemen opposite would have supported the Bill when they came into office,—that it would have been carried through both Houses, and that his expectations had been disappointed. I can conceive that there might have been a great deal of irritation existing if that were the case, not against this country, but against the present Administration. The French Government might have felt aggrieved at the conduct of our Government; but that is very different from the two countries being on the brink of war. And I will take this occasion to express my belief that the people of this country, and the people of France, taking them in the mass, are cordially disposed to keep up relations of peace. They both see that peace is necessary to commercial prosperity and to the progress of civilization, and they both are aware that the breaking out of a war must be attended with great evils, and must impose burdens on their resources which would be deeply felt by both. I repeat, Sir, that I believe that the two nations are both inclined to peace, and that the difficulty would be either in France or in England to induce the people to take up arms upon any petty matter, or, in fact, without some serious cause of quarrel. The Emperor of the French, in one of his despatches, desired his Minister to say that peace could only be maintained if the honour of both nations were kept intact—a sentiment worthy of

him, which we ought always to hold in respect. I should be glad to hear, therefore, from the right hon. Gentleman an explanation of the passage which I have quoted from his speech, and I hope he will tell us, too, how it is that if we were within a few hours of war greater preparations have not been made for the defence of the country than are proposed in these Army Estimates. The right hon. Gentleman went on to make another statement in reference to the question of peace or war which is of the greatest importance. In another part of his speech he says:—

"A war between Naples and Sardinia, which would have been a war that would have set the whole world in flames, was nearly precipitated in order to inconvenience, and, perhaps, upset a Government which was the choice, after due reflection, of the Queen of this country, and which was honoured by her confidence, not formally, but sincerely and cordially, because they were the only party who would come forward and incur the responsibility of carrying on the Government."

Now, that is another subject, with respect to which I ask for explanation. I say there has been great forbearance in this House on that subject. Those who sit on this side of the House were anxious that we should not betray, or desert, or abandon Sardinia. An hon. Member gave notice of a Motion to the effect, "that this House trusts that in the difficulties which had supervened between Sardinia and Naples, this Government will act in concurrence with that of Sardinia." I think that was a Motion which it was perfectly competent to an hon. Member to make, and in which, unless an explanation had been given, he should have persevered. But as soon as this House understood that a proposal had been made by Her Majesty's Government to the Government of Sardinia which that Government had accepted, and that negotiations consequent on that proposal and acceptance had begun, there was no indiscreet interference with the Government. There was, above all, no wish whatever to commit or goad on Naples and Sardinia to hostilities. On the contrary, there was every disposition to wait the result of those negotiations. I might, if I should say anything on that subject, say that the House has shown over much patience upon it, because, although we profess to support Sardinia, we do not find that that concurrence has produced that which we might naturally expect it would have produced—an immediate concession on the part of Naples, at least of the ship and the crew that were seized; but that, on the contrary, there is every danger that the crew of the *Cagliari*—notwithstanding that, according to the statement of the Earl of Malmesbury, the law officers of the Crown are of opinion that the capture was illegal, or at least a great part of the crew may have to suffer in the pestilential dungeons of Naples during the most unhealthy part of the year. So far, therefore, from being impatient on that subject, or showing a disposition to destroy the Government, this House has been willing to accept any intimation, however brief or incomplete, which Her Majesty's Government might make upon it. Then there is another subject upon which the right hon. Gentleman prefers a charge against a large portion of this House. I read with great surprise the statement which he made upon our policy in India. The right hon. Gentleman says that the question was whether or not we should pursue in India a policy of extermination—whether we should maintain there a force of Europeans four times greater than ever was maintained before—whether there should be no mercy shown to the inhabitants of India, and we should attempt to rule by force alone—or whether there should be a discriminating amnesty with the view of affording us a chance of restoring peace in that country. Now, I wish to know who has ever proposed that policy of extermination? Let us know where it was proposed. Did the late Government send out instructions that no mercy should be shown, that all persons who were taken should be put to death without exception, that there should be a general massacre of those who had been our subjects because they had rebelled? Or was it Viscount Canning who issued such instructions? Has Viscount Canning, contrary to all that we have seen of his policy, written home to propose a policy of extermination, believing that we can rule in India only by force? Where is the information? I conceive that there is no statesman, whether here or in India, who has proposed such a policy. But I must admit—and I admit it with sorrow—that, great and cruel outrages having been perpetrated upon the mutineers at the commencement of the mutiny, and indeed for some months, not only upon unarmed men, but upon women and children, a spirit of resentment and revenge took possession of those who had arms in their hands, and that in many cases more persons were put to death than the vanquishing of the mutineers necessitated. I be-

lieve that Viscount Canning in India in a despatch to the Government in this country and which reached the hands of the late or of the present Ministers—deplored that there should be any excess of revenge, and expressed his anxiety that at the first moment possible, when resistance had been put down, to act in a spirit of mercy, and to show to the races of India that we wished to govern with them and for them, for their benefit and welfare, and not to govern by force the many million inhabitants of India. That was, I believe, the policy of the late Government; and yet the right hon. Gentleman, who expected to be believed by his constituents, and who, I dare say, was believed by them, said to them that there are now in this country men who are bent upon a massacre of all the Native races in India, and who are determined that we ought to govern them by force; and the right hon. Gentleman took great credit for the Government for having sent the orders of the 24th of March — orders founded, doubtless, upon humanity and good policy; but I have not the smallest reason for believing that any Government would not have adopted a policy of a similar character. These are the observations which I have thought it my duty to make with respect to the statements of the right hon. Gentleman upon foreign affairs and the affairs of India. I cannot but think that, in these respects, of the right hon. Gentleman, who has great powers of description and of eloquence, in representing to the people of Buckinghamshire that terriffic scene for which he was indebted to his own imagination rather than to fact, it may most appropriately be said, as was said of the greatest poet of our country,—

> "Existence saw him spurn her bounded reign,
> And panting time toiled after him in vain."

That, no doubt, to a poet is great praise, but it is not precisely the praise which a statesman ought to receive. He ought rather to confine himself within the limits of that which actually exists, and ought not to put time so much out of breath as a poet may. Such being his statement with regard to these affairs, I think the right hon. Gentleman is bound to explain what he really meant. But there is another matter upon which he made a statement to his constituents which appears to me to have been highly objectionable—I allude to that statement of his which involved a very serious question—one not to be discussed in this House, but one at the same time upon which the constitution of this country very much depends. It appears that the right hon. Gentleman told his constituents that if a majority of this House had voted a censure upon Her Majesty's Government they would have to defend their opinions upon the hustings. Now, I beg leave to remind the House what have been the maxims on this subject of other statesmen while possessing the confidence of the Crown. They have thought, when there was a great question depending, upon which no satisfactory conclusion could be obtained in this House—when the House and the Ministers of the Crown were decidedly at variance, such as was the case upon the great India Bill of 1784, upon the Reform Bill of 1831, upon the question of Free Trade in 1841—that the solution of any such question should be sought in an appeal to the electors of the United Kingdom. But it is quite another matter when the question is whether a particular Prime Minister or a particular party should remain in office. And when Sir R. Peel, in 1846, explained his conduct in this House on resigning office, he stated that he had declined to propose to, or to advise Her Majesty to dissolve this House, because it was his opinion that that was a most delicate and sacred prerogative of the Crown, and ought not to be exercised for the purpose of any individual who might be at the head of affairs, or for the purpose of any party. Now, that entirely agrees with my opinion. And when I offered my resignation to Her Majesty in 1852 I declined to offer any advice to Her Majesty to dissolve the then Parliament. But there seems to be an opinion acquiring weight, which I am sorry to observe, that upon any occasion when the Minister has not a majority he may have recourse to that which Burke called, and I think truly called, a penal dissolution—that is to say, he may not only put the Members of this House to the great trouble and expense of an election, but may expose them to the dangers of any misrepresentation to which they may be subject in the performance of their duty. Now, that I think ought not to be the relation between the Crown and the Members of the House of Commons. You, Sir, and your predecessors, when you have gone up to the other House of Parliament to ask for the approbation of the Crown, have always asked that the most favourable construction should be placed upon the motives and proceedings of this House. That prayer may have

alluded originally to the personal will of the Sovereign. That personal will, as we all know, is now represented by the advisers of the Crown, and the advisers of the Crown are bound not lightly or needlessly to attribute to unjust, unpatriotic, or dishonest motives the proceedings of the majority of this House. I lament very much that it was thought necessary by the late Government to advise Her Majesty to dissolve Parliament in the spring of last year. I believe that dissolution was not justified under the then existing circumstances. My opinion is, that my noble Friend the Member for Tiverton ought then to have tendered his resignation and have advised Her Majesty to call the Earl of Derby to her councils. I cannot think, Sir, that the evil to which I have referred will be remedied by the Earl of Derby saying that whenever he is thwarted in Parliament—that whenever any view which he may advance does not meet with the approbation of Parliament, he will at once advise Her Majesty to dissolve Parliament, and using that threat as a means of coercing the actions of Members of this House. I can conceive nothing more likely to damage the constitution of the country—nothing more likely to bring on that question which is a question which might, I believe, be entertained, but which could not be entertained without considerable discussion, and without considerable difference of opinion—I mean the question of shortening the duration of Parliaments so as to limit the prerogative of the Crown. That is a very serious question, and if we have repeated threats of dissolution in order to compel Members of this House contrary to their own opinions to vote according to the behests of a Minister, I can only say that this House will stand ill with the Crown and will stand ill with the country, because the country which sends us here does so in order that we may act for the public welfare, and not for the benefit of any individual. These are general considerations, and although the threat of a dissolution has not been used in this House it has been used very commonly in society. I am sure that I have heard it stated several times, and it is confirmed by what was stated by the right hon. Gentleman. [An Hon. MEMBER: Where?] The right hon. Gentleman in his speech at Slough said, that if the vote of this House had been adverse to the Government, Members of this House would have had to defend their opinions to the country. Now, that could point to nothing but a dissolution of Parliament; and I say that, before Friday last, it appeared from conversations on all sides, that in case of an adverse vote Her Majesty's Government were determined to advise Her Majesty to dissolve Parliament. They may contradict it if they can, and i they can I hope they will say that they had no such intention. After all, let me say again I think that, even after the result of the late Motion, the position of this House towards Her Majesty's Government, is the same as the position which it held when the Administration was first formed. I think that putting aside the vauntings of the right hon. Gentleman it remains still to be seen whether the present Government can obtain and retain the support of that which is called a Liberal House of Commons, by which I mean a House of Commons bound to support measures of reform. If they can do so, then this House, which has already waited with great patience, will support them as soon as they have gained that confidence. The solution of the question has not yet been arrived at. There are various questions which have to be brought forward upon which the Government will have to produce measures and to defend their opinions. I do not wish to anticipate any of them, but we shall have several of them in the course of the next fortnight or three weeks, and, if the Government succeed in gaining the majority of the House, those who agree with them will of course rejoice, while those who do not will have to bow to the decision. I am willing to accept that position, for I think it a constitutional position for a Minister of the Crown; but I do not think that any Government which does not obtain confidence, which does not establish itself in the opinion of this House, ought by threats of a dissolution, or by any such unworthy means of that kind, to endeavour to obtain strength at the expense of the independence of Members of this House.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I can hardly flatter myself that hon. Gentlemen have all read the observations which I recently had the opportunity of addressing to some of my constituents whom I had the honour of meeting; but of this I am quite sure, that the noble Lord has assumed that hon. Gentlemen present could not have read them, because the noble Lord has endeavoured to convey to the House during the recess that I went down into the county of which I have the honour of being one

of the representatives, to abuse the House of Commons, complain of its conduct, and to declare that Her Majesty's Ministers had not received a fair and equitable treatment at its hands. Perhaps the noble Lord will permit me to remind him, for he has read those observations—indeed, I see that he is still reading them, and I must say that, in my opinion, he would have done much better to study them beforehand—perhaps, I say, the noble Lord will permit me to remind him that there is not in that speech a single phrase which authorizes the statement which he has made. [*Cries of* "Oh, oh!"] Not a single sentence, I repeat, which authorizes that statement, or a single phrase which justifies the impression which he wished to convey. Nay, more, I say that if hon. Gentlemen will read that speech they will not find any statements or phrases which do not convey a directly contrary meaning. I am speaking from memory, but I think that I have a very fair recollection of what took place, and I felt it my duty to say in reference to some observations of an hon. Gentleman, that I, for one—and from my position I might be considered a candid and impartial judge—had no reason to complain of the present House of Commons. Considering that it was elected under the auspices of our rivals, considering that the late election took place under very peculiar circumstances by which a large majority of Members had been returned who were supposed to be hostile to the principles we generally profess; I was bound to say that the Government had, during their brief tenure of office, received from the House of Commons, as a body, a generous courtesy, and that on more that one occasion the sense and spirit of the House of Commons had baffled the unceasing intrigues and the restless machinations by which, from the first moment of our entering office the Government of the Queen had been assailed. Was that an attack upon the House of Commons? If so, I can only say that it was not received as such by those to whom it was addressed, and I am sure that all who listen to me, when they recall what I have stated to their recollection, will absolve me from the charge which the noble Lord has wished, by inuendo, to convey to the House. Mine was a dinner, the noble Lord has furnished a desert, and although it has taken more preparation I do not think that the entertainment of the noble Lord has been happier than that which I enjoyed. The noble Lord says

The Chancellor of the Exchequer

that he thinks himself entitled to make the observations which he has addressed to the House in consequence of the grave character of certain statements which I made in relation to foreign affairs. He seems astounded at my having stated that when we acceded to office the question of peace or war with France was of an imminent character. The noble Lord says that, after hearing that for the first time, he went to the House of Lords and consulted the Earl of Clarendon upon the subject, and that noble Earl had informed him that he had no knowledge of the immediate danger of such an event as war with France. Now, why did not the noble Lord consult some Member of the late Government in the House of Commons? Why did he not go to the noble Lord the Member for Tiverton? There is not, I believe, existing at present such an estrangement between the noble Lord and the noble Lord the Member for Tiverton as to prevent a frank and candid communication between them upon the subject. If he had consulted the noble Lord the Member for Tiverton, perhaps he might have found that that noble Lord, as far as his own judgment and public experience went, would not have agreed with the Earl of Clarendon as to the impression upon his mind. Why, what happened only two days before the break up of the late Government? The hon. Gentleman the Member for Devizes (Mr. Griffith) rose and put a question to the noble Lord then at the head of the Government, having reference to our relations with France; and what said the noble Lord? Why, Sir, he rose and said—

"What does the hon. Gentleman and those who persist in asking these questions intend? Do they wish, or do they not, to maintain peace with France?"

And the noble Lord declined to answer the question. Now, that was, I believe, only forty-eight hours before the break up of the late Government, and the noble Lord conveyed to the House, when he declined to answer the question, that asking such questions might alone decide the issue of peace or war. Allow me, therefore, to recommend the noble Lord, who professes such extraordinary astonishment at hearing that three months ago our relations with France were of a character so delicate, to consult the noble Lord the Member for Tiverton upon the subject. Well, Sir, at about the same period the noble Lord will remember that the Ambassador of France quitted the Court to which he was

accredited and returned to his own country; and such a step is only taken, as the noble Lord must know, and as every one knows, in a critical state of affairs. The noble Lord is astonished that I should have referred to that critical nature of our relations with France. Why, Sir, three months have passed away since that state of things existed, and what has occurred during that period has considerably—I may say entirely changed, the feeling which existed in the Cabinet and Court of the Tuileries. I make that statement without fear of being contradicted by any person of authority. [Mr. RICH: Oh, oh!] Is the hon. Gentleman who cries "Oh, oh!" prepared to contradict it? [Mr. RICH: Yes.] Well, then, upon so grave a subject I hope that he will come forward with those proofs which the House has a right to expect. In the meantime, I say, Sir, the relations which existed between England and France three months ago are very much changed, I may say entirely changed; and there subsists at this moment, as is shown by the accord which now prevails between them in the management of great transactions, a closer approximation to that entire good feeling which was prevalent a year ago, and for a long time prior to that date, and which at present forms a marked contrast to the tone and temper that pervaded the two countries when we acceded to office. But, says the noble Lord, it is not merely the right hon. Gentleman's statement as to France that requires explanation; a similar explanation is required as to his statement respecting Sardinia. And following the ingenious but not very candid tactics which have characterized the whole construction of this not very terrible attack, the noble Lord sought again to convey to the House of Commons that in what I had said in Buckinghamshire with regard to Naples and Sardinia, I represented that an attempt had been made in this House to upset Her Majesty's Government by encouraging a war between those two countries. Now, that is not true. I do not, of course, use that word in an offensive sense; I only mean to say that the noble Lord has got up his charges without sufficient care and reflection. The fact is exactly the reverse of what he alleges. I did not assert that the House of Commons had endeavoured, by exciting a war between Sardinia and Naples, to overturn or inconvenience the Government. What I said was, that there are persons who did this and who are trying to do it at this moment. I entirely avoided, because I felt it would be unjust to lay this to the charge of the House of Commons. On the contrary, when the attempt is made, as I have no doubt it will be, and when the influence of these arch intriguers may to a certain degree be felt in this assembly, I shall again appeal on the part of Her Majesty's Ministers to the sense and spirit of the House of Commons, and even of those who are opposed to our general policy, for their support to enable the Government to prevent the breaking out of hostilities between those two Italian States. The noble Lord represents that I have gone down to the country to attack and malign the House of Commons. Now, is it not true that when I alluded to the late great debate, on which the fate of the Ministry seemed to hang, I called the attention of the people of England to the extraordinary fact that, while the vote of censure upon the Government was undergoing full discussion, and when that vote had expanded under the marvellous and felicitous handling of the learned Knight the Member for Aylesbury on the last evening of debate into one of general want of confidence, night after night this "weak Government," this "Government on sufferance" when placed upon its trial, was defended by the first men in this assembly, the first men in authority, in intellect, and in eloquence, not connected with them in politics, not bound to them by any ties of political co-operation or association, by men speaking from their earnest convictions and lending their high authority, unbiassed and uninfluenced, to the maintenance of truth and the defeat of a cabal? Was that an attack upon the honour or upon the conduct of the House of Commons? Was it not a public declaration on the part of Her Majesty's Government that they had full confidence in the generous justice of the House of Commons—that confidence which they still retain? And it is in the spirit of that confidence that I trust I shall be able, with my colleagues, to baffle those intrigues which I know are already recommenced to inconvenience Her Majesty's Government, and if possible destroy it. But the noble Lord tells us he was extremely surprised—and this also demanded explanation—at the observations I made respecting our policy towards the people of India. He says I stated that we had prevented a policy of extermination in India, that we ourselves were opposed to that

policy, and that I had attempted to convey to the country that those who are our competitors for power were in favour of extermination. Now Sir, neither in this House, nor in the county of Buckingham, nor in any other place, have I ever heard the word "extermination" uttered. But with that ingenious spirit of perversion and that dexterous tone of exaggeration which have to-night distinguished the somewhat penurious invective of the noble Lord, and which have led him to state that I went into the country to vilify the House of Commons, when in truth I offered it the sincere homage of my respect, he has here again distorted what was a mere declaration of our hostility to a policy of "confiscation" into an accusation that our opponents were in favour of a policy of "extermination." I said in Buckinghamshire what I have said in this House more than once, and what I am at all times prepared to uphold; that we are opposed to a policy of "confiscation—that we are in favour of a policy of discriminative amnesty, of a policy that will respect the religion, respect the property, and treat with a decent and due regard the rights and customs of the different races among the natives of India. I regret to have again to reiterate these sentiments, but it is forced upon me by the unseemly attack of the noble Lord, which prevents us from going into Committee of Supply. But, continued the noble Lord, all these unauthorised observations on foreign affairs and Indian policy subside into nothing compared with the unconstitutional declaration of the Minister to his constituents that if Parliament had not supported the Government, a dissolution would have been the consequence. Now, the noble Lord may read my speech again, and perhaps he will favour me with the passage in which that statement is made. He began by boldly declaring that I had informed my constituents that if on a division the majority had gone against the Ministry there would have been a dissolution of Parliament. At the end of his address he told us it was very unconstitutional, because I had intimated that if the Government had not been successful "there probably would have been" a dissolution. Well, that second version of my statement makes the matter not quite so unconstitutional as the first. All I can say is that I made no such declaration as the noble Lord has described, and that what I did say on that subject was so guarded that it did not transgress the right of any gentleman to allude to such a contingency as not impossible or even improbable. No position, however responsible, which any individual may occupy, can possibly deprive him of the privilege of making such a reference in becoming terms. What I stated was, I believe, literally this—"If, as might have been the case, we had found ourselves upon the hustings, I should have appealed with confidence again to your support, and I have no doubt the verdict of the country would have been given in our favour." But the noble Lord went into many precedents against the policy of a dissolution, and he told us that in 1852 he had never counselled the Queen when he was in a minority to dissolve Parliament. Well, it would have been a very bold thing if he had, for the noble Lord had then, I think, been six years in office, and he had received several intimations that the House of Commons wanted to get rid of him. Moreover, he had resigned a year before, and the Parliament fruitlessly had been elected under his own auspices. That a Minister who has enjoyed the high privilege of having a Parliament elected under his own auspices, who finds that Parliament so docile that it supports him for five years, and though, when its patience at last is quite exhausted, it compels him to resign, yet by the most fortunate combination of luck in the world that ever fell to the lot of a Minister, it is willing to give him a renewal of his lease for another twelve months—that a Minister in such a position should at the end of six years claim the applause of the House of Commons and the approbation of the country because he did not take upon himself to advise her Majesty to dissolve Parliament appears to me one of the most remarkable instances of self-complacency which the annals of this nation can produce. But though the noble Lord was evidently very sore on this subject of a dissolution, and though he had exhausted his ingenuity by the previous adroit perversions in which he had indulged, yet as his theme advanced he could not, from the natural candour of his disposition, resist making the admission, that neither in this nor in the other House had there been any declaration of a kind which could unconstitutionally influence the debate or the division. And here the noble Lord spoke only the truth. Neither in the House of Lords nor in the House of Com-

The Chancellor of the Exchequer

mons can it be alleged that before the division was expected to take place at the close of the late debate any intimation was made of the Royal will, or any indication given of the policy which the Government would recommend to the Sovereign in respect to a dissolution. But, observed the noble Lord—and this is a point on which he and his friends are very sensitive—this event was talked about everywhere—in drawing-rooms, in the clubs, in the lobby of this House, I suppose, and certainly also with remarkable frankness here by several hon. Gentlemen below the gangway. The word dissolution, said the noble Lord, was spoken of everywhere; the practice of so speaking it is most inconvenient, and I must, in a high constitutional manner, gravely deprecate and denounce it. Well, I believe the noble Lord is quite correct as to the fact. You really could not enter any House in England in which it was not said, "It must end in a dissolution." Why did they say so? What made people everywhere say "This must end in a dissolution." Why, Sir, it was the conduct of certain individuals in this House, who so behaved towards Her Majesty's Government that people began to see and to feel that there was no alternative but getting rid of the House. The people who said it everywhere felt that the Earl of Derby had been called upon by Her Majesty most unexpectedly to form a Government. The Earl of Derby told Her Majesty that he had not of declared followers in the popular House, sufficient to give him anything approaching to a majority, and in a commendable spirit, and not eager for office, he humbly counselled Her Majesty to reconsider her appeal to him, at the same time rightly assuring her that, whatever might be her decision, he was entirely devoted to her service. Her Majesty graciously condescended to reconsider her appeal. These are not State Secrets. The noble Lord seemed to intimate to the House and to the country that I had been divulging State secrets in Buckinghamshire; but these are the statements which, by Her Majesty's permission, the Earl of Derby made in the House of Lords when he announced his accession to office. Well, the people of this country knowing all this, knowing that the Earl of Derby and his friends had not been eager to seize the spoils of office, but had acted very differently from the conduct of others recently—knowing that it was after the due representation of these difficulties to Her Majesty that she repeated her wish, and that it was in deference to her commands, and from a paramount sense of duty, that we took this responsibility,—knowing, as they did, that we had sedulously, honestly, and not altogether without success administered affairs during our brief tenure of office, the great body of the people, whether Whigs, Tories, or Radicals, when they saw a cabal organized, when they saw the sense and spirit of the House of Commons exhibited by some of its most eminent Members opposed to the Government generally, but yet not condescending to take part with that cabal,—when they saw all these circumstances, felt, as every man of spirit, whatever his political opinions, must have felt, that a Government which had acceded to power under such circumstances and encountered such opposition could not in duty recede from its position without humbly counselling Her Majesty to exert her constitutional privileges. It wanted no Minister to menace Parliament,—it wanted not even the private intimations of people in office to influence votes. The fear of a dissolution, the announcement of a dissolution, came from the opposite benches—from the opposite party. It was the general opinion of the country, which felt that the Government of the Earl of Derby, encountering such opposition, ought not to, and could not, fall without appealing to the popular sense. That was the general feeling. It required no unconstitutional, no undue exercise of our position and authority to influence the public voice and the division of this House. Public opinion was in our favour, because public opinion was outraged by the conduct of certain individuals; to that public opinion we appeal, and I believe that it will support us, notwithstanding such sorry attacks as I have met this evening at the hands of the noble Lord.

MR. RICH said, that he would in one or two sentences dispose of the answer of the right hon. Gentleman as to his statement, that when the present Government acceded to power we were within a few hours of a war with France. The right hon. Gentleman said that he would prove that assertion, and taunted his noble Friend with not consulting the noble Lord the Member for Tiverton before referring to this subject. His noble Friend (Lord John Russell) consulted that noble Lord's colleague the late Secretary of State for Foreign Affairs—there could be no higher

authority—and received from him the answer which he had quoted. But the right hon. Gentleman promised to prove his assertion, and how did he fulfil that promise? He said, "Did not the hon. Member for Devizes ask the noble Lord the Member for Tiverton some question to which the noble Lord replied, 'He wants us to go to war with France?'" And the right hon. Gentleman actually had the boldness to give that answer, neither more nor less, as a proof that we were within a few hours of a war with France. That was proof No. 1. Proof No. 2 was worthy of it. It was this —"Did not the French Minister very suddenly quit this country at the time referred to?" Now, can or will the right hon. Gentleman deny that the French Minister left this country for a few days only, and that, for special reasons connected with affairs of his own Government, that he returned before the change of Government took place here; and that some week or ten days later, when he was exchanged for another Ambassador, that this change arose in no degree from differences with the late, although, if rumour be true, it was not disconnected from differences with the present Government. The right hon. Gentleman, therefore, had not a shadow of a shade of a reason for the assertion which he made. When a Cabinet Minister rises in his place and repeats a declaration in the face of the country that two great nations like France and England, living in all apparent amity, were within a few hours of rushing into war with each other it was a most unjustifiable attack upon the Governments of both countries, and it was most unbecoming for that House to allow such an attack to be made, and to be satisfied with such flimsy and irrelevant reasons as had been given for it by the right hon. Gentleman. As to the right hon. Gentleman's praise of that House, it consisted merely of praise of those who supported him, and it would have been most extraordinary if he had blamed them; but when he applied the word "Cabal" to those who censured Lord Ellenborough's despatch, let him (Mr. Rich) ask if he had recommended Her Majesty to reinstate the Earl of Ellenborough in office. If he had not, he must have committed a gross injustice to that noble Lord. Did that noble Lord resign for any reason, or did he not? He presumed that he resigned because he had been guilty of the publication of a despatch which was so improper that the noble Lord at the head of the Government could not defend it; and if the late debate had gone on it would have been proved that the right hon. Gentleman was himself much more guilty of that publication than even the Earl of Ellenborough who had been made its victim; for the right hon. Gentleman, on a previous occasion, speaking from his place, declared in so many words what was the nature of that despatch, and thereby rendered its publication inevitable. This he had done apparently without the Earl of Ellenborough's knowledge or consent. But he was more guilty still; for the Earl of Ellenborough had the discretion, before laying the despatch on the table of the Lords, to suppress that portion which referred to Oude and was in a constitutional sense its most damaging element; but the right hon. Gentleman had no such discretion; he placed the whole despatch on our table. Therefore, what he called the Cabal would have brought more guilt home to him than to the Earl of Ellenborough; and if he had acted with a due and manly generosity he would have tendered the like resignation which the Earl of Ellenborough so magnanimously sent to Her Majesty; but if the generosity of the right hon. Gentleman was more questionable, it certainly was more profitable, for it accepted and took advantage of that very resignation for an offence in which he himself was something more than an accomplice. He appealed to the House to say whether the right hon. Gentleman had not made a most unjustifiable attack upon France and England, and had not supported his statement by flimsy and irrelevant reasons.

SIR GEORGE LEWIS: It is with the greatest reluctance that I rise to say a few words on this question, and thus for a short period to prolong the debate; but being the only Member of Her Majesty's late Government who is now in his place, I feel that I should not be doing my duty to the House if I allowed all the statements of the right hon. Gentleman opposite to pass without notice. As far as I could follow the answer of the right hon. Gentleman to the observations of my noble Friend (Lord J. Russell), it consisted mainly of a denial of the accuracy of the report of his speech which appeared in the public newspapers, because the general purport of that speech, as it was reported, was, according to my recollection, rendered with perfect fidelity, by my noble Friend; and upon each point the right hon. Gentleman said that the language which he had used was not the language attributed to him, but was language altogether different.

THE CHANCELLOR OF THE EXCHEQUER: What I said was that the language I used was not that attributed to me by the noble Lord—the word "extermination," for instance. I did not at all question the accuracy of the report.

SIR GEORGE LEWIS: I understood the right hon. Gentleman to deny the accuracy of the representation made by my noble Friend, and to say that it was not the language which he used to his constituents. I have not a copy of the speech to refer to, but my recollection of his speech as reported in the newspapers agrees with the version of it as given by my noble Friend, and does not agree in any respect with the version given of it by the right hon. Gentleman himself. That is the deliberate statement which I make to this House. I am unable to substantiate it by reference to words, but my memory is quite distinct. I will refer particularly to his version of what he said with respect to the policy which had been adopted towards India. He said that he claimed for the Government the honour of disapproving a policy of confiscation, but he did not go further. My recollection is distinct that he attributed either to the late Government, or to some persons whose policy he was condemning, the adherence to a policy of massacre and confiscation. I have a distinct recollection that the word "massacre" was used in his speech. Now, I claim most distinctly for the late Government a consistent adherence from the very commencement of the outbreak to a policy of clemency and mercy, as far as justice to our own countrymen would permit. It will be in the recollection of the House that the popular objections to the policy of Lord Canning, which policy had received the approbation of the late Government, was that it was a weak policy, that it erred too much on the side of lenity, and that the administration of justice was not sufficiently severe. Upon what, therefore, the Chancellor of the Exchequer founds the panegyric which he has pronounced upon himself for having repudiated an imaginary policy of proscription and extermination I am utterly at a loss to conceive. Again, I thought the right hon. Gentleman met in a very unsatisfactory manner the extract which my noble Friend read from his speech with respect to this country having been within a few hours of war. I repeat in the most distinct manner, what has been already stated, that when the late Government left office they were wholly ignorant of the dangers with which the right hon. Gentleman says this country was menaced. The division by which the late Government were put out of office took them by surprise. They were not aware that our relations with France were of a menacing kind. Undoubtedly there was a strong feeling in this country with respect to certain expressions which had been used by officers of the French army, which had been inserted in the *Moniteur*, and which it was thought had not been sufficiently disavowed; but to say that there was any such misunderstanding between the Government of France and the Government of England as threatened this country with imminent war is, in my opinion, one of the greatest misrepresentations which any responsible Minister ever attempted to impose upon the credulity of this House and the public at large. I deny it in the most positive manner, and I feel satisfied that the right hon. Gentleman will find himself utterly unable to produce any evidence in support of his assertion. The only attempt at proof which he is able to produce is an answer which my noble Friend the Member for Tiverton made to an hon. Gentleman who asked him what I must be allowed to consider—though, perhaps, I have no right to comment upon his expressions—a somewhat indiscreet question. My noble Friend declined to answer that question, and said that if questions pointing personally to the Emperor of the French, and throwing doubt upon his veracity and good faith, were to be put from day to day in this House, they were likely to lead to a misunderstanding—and he may have added, to a war—between the two countries. But that reply did not relate to any negotiations which were in progress, or to anything which had passed between the Government of this country and the Government of the Emperor of the French. Now, with respect to the question of India, which appears to me to be in a very grave state, I am perfectly contented to take whatever share of responsibility may attach to me for having supported the Motion of my right hon. Friend the Member for Oxford (Mr. Cardwell). I believe that Motion was founded upon perfectly just and defensible principles. Notwithstanding all that has passed, I retain my opinion that the composition of the despatch of the Earl of Ellenborough and the publication of that secret document in the way in which it was effected was a grave offence, which justly

deserved the unfavourable notice of this House. I cannot regret that Motion, inasmuch as the announcement of it had at least this one good effect — it produced the resignation of the late President of the Board of Control. He, by withdrawing from his office, and the Prime Minister, by advising that his resignation should be accepted, so far acknowledged the justice of the censure which this House was invited to pass upon his conduct. But I am not going to revive the discussion upon that question. I shall only say, that in my opinion the subsequent publication of the secret correspondence between the Governor General and Sir James Outram — rendered necessary, I admit, by the previous improper publication of the Earl of Ellenborough's despatch — added to the great inconvenience which had already arisen, inasmuch as it was a correspondence of a nature such as on no previous occasion had ever been submitted to Parliament. One of the letters contained in it distinctly charged Sir James Outram carefully to suppress all the copies of the Proclamation in his possession, which identical Proclamation, in its original form, has now been laid on the table of this House, and will be made public to the whole of India. I think that the necessity of producing that additional correspondence was an aggravation of the original offence, and I am prepared to reassert the impropriety of the course adopted by the Government; but, even if I did not think that the course adopted by the Government was objectionable, and certain, upon mature reflection, to be condemned by the impartial judgment of the country, I should protest against the language now used by the Chancellor of the Exchequer and those with whom he is acting, in attributing any Motion which may be inconvenient to them, and of which they wish to get rid, to the influence of faction, in saying that it originates in the intrigues of some unnamed persons, of which intrigues they are unable to produce the smallest evidence, and in denouncing it as the result of some unknown cabal. In order to make these high-sounding and invidious terms the more important, and to have the greater weight with the country, the right hon. Gentleman insinuated in his speech to his constituents that this cabal was in some way or other connected with foreign intriguers. I am sorry that my noble Friend the Member for London, when speaking of foreign affairs, did not ask for an explanation of this very mysterious passage. To me it is wholly unintelligible. I have not the smallest notion to what the right hon. Gentleman referred; but it seems that this Motion, which so much alarmed the Government, and which they thought it necessary to meet with threats of a dissolution, said that it was connected with some unknown, indescribable, and mysterious foreign influence. In conclusion, I wish only to say that I recognize fully with the right hon. Gentleman the Chancellor of the Exchequer the gravity of our present position in India. I trust that not only the Resolution which we are about to consider, but the relations of the Governor General with the territory of Oude, will be treated in a calm, dispassionate, and impartial manner. I therefore abstain from making any remarks upon that subject at present; but I may be permitted to say, that in my opinion the question was not left in a satisfactory state by the observations which the Chancellor of the Exchequer made on the last night of our sitting before the recess. I had hoped that the Government would announce the appointment of a responsible Minister to preside over the Board of Control. The expectations which we naturally entertained have not been satisfied by any announcement made even this evening. The Earl of Ellenborough, I presume, holds his office only until his successor is appointed. It would be unreasonable, therefore, to criticise his conduct, or to ask for any explanation of policy from him. Nor need we inquire from the Government what their intentions with respect to India are until the office of President of the Board of Control is filled by a responsible Minister. But I trust that as soon as the Government have announced their new President of the Board of Control they will inform us in the most distinct manner, without any rhetorical exaggeration about massacre and extermination, without panegyrizing themselves for some supposed policy of clemency and mercy, whereas they impute a barbarous, savage, and sanguinary policy to their antagonists — without, I say, these somewhat puerile flowers of rhetoric, what it is they intend to do with the territory of Oude. I trust they will tell us whether they intend that the Proclamation which has been issued should be revoked. If it is not to be revoked, what is it they have instructed Viscount Canning to do; whether it is their intention to give him their cordial support and confidence, and, if not, who-

Sir George Lewis

ther they mean to recall him, and whom they propose to appoint in his place? These are plain questions, having nothing to do with flowery orations to constituents at Slough. They are questions, however, upon which this House is entitled to have a distinct explanation, and that explanation, I trust, the Chancellor of the Exchequer will shortly be prepared to give in a manner deserving the careful consideration of Parliament and the country.

MR. MILNER GIBSON: We seem to be in a somewhat unsettled state, and I shall not venture to intrude my opinion upon the House as to the cause of the uneasiness which exists; but I may be permitted to notice the remarks of the right hon. Gentleman who spoke last with respect to the publication of the correspondence between the Governor General and Sir James Outram. The right hon. Gentleman objected to the production of that correspondence. I hold an entirely different opinion. I believe that the House of Commons has suffered far more from suppression and secrecy than from publicity. I will not be one to complain of a Government, whether Conservative or Liberal, who think it consistent with their public duty to communicate information to the House of Commons; and I must say that I think that those hon. Gentlemen who brought forward the late Motion in reference to the Earl of Ellenborough's despatch have no right whatever to complain of the production of the correspondence as respects their own interests, for it furnished them with a creditable mode of escaping from a very difficult position. I believe that that Motion was from the beginning based on a false issue, and that it would have ended in any case in a defeat; but the being able to say that further information had put the matter in a different position was, in point of fact, being able to take advantage of a mode of escape somewhat more creditable than otherwise would have been the case. I was not prepared to-night for a discussion on the state of the nation, and I think that some notice ought to have been given of the intention to raise such a discussion; but, with respect to some observations which have been made in reference to the Conspiracy Bill, I will take leave to say that I did not collect from the public statements of the right hon. Member for Buckinghamshire that he approved the Conspiracy Bill itself as proposed by the late Government, but that he would not be a party to object to the introduction of a measure in deference to the wishes of the French Government. I really, when I brought forward my Amendment, framed it with the feeling on my mind that hon. Gentlemen were not committed to the merits of the particular measure, and, without knowing what course hon. Gentlemen would take, I felt that there was nothing in the public speeches which had been made that precluded Members from opposing the Conspiracy Bill on its merits on the second reading; there was no inconsistency in a Member voting for the first reading of the Bill, and afterwards voting against the principle of the Bill on the second reading. With respect to the question of Sardinia and Naples, I should be very sorry to see the Government of the day urged into an unnecessarily hostile course in reference to this matter, as if it were an evil that the question between Sardinia and Naples should be settled without fighting. The protocols and Resolution come to at the Conference at Paris point out a mode of settling differences that may arise between the Powers of Europe; and the representatives of the great Powers at that Conference all pledged themselves to the principle that, previously to having recourse to arms, it is desirable to settle such disputes as might occur by arbitration or mediation. That having been the deliberate Resolution of the parties to the Conference, and it having been so recently agreed to, I certainly cannot complain if the Government did appear desirous of bringing into action the principle of that Resolution, and of endeavouring by every means in their power to bring about a settlement of this question between Sardinia and Naples by arbitration or mediation. I, therefore, could not have been a party to support any Motion made in this House with a view to prevent, as it were, the peaceable settlement of the question. I am extremely glad to find that, on the question of India, both sides of the House are willing to support, or to avow their support of, the principles of humanity and mercy. I remember reading, not long since, a remarkable passage in a leading journal to this effect,—that in the affairs of India humanity and justice were secondary considerations. Well, I am glad to find that we are not now ashamed to be thought capable of acting in the spirit of humanity, justice, and mercy to the people of India, notwithstanding the great atrocities which have

undoubtedly been committed towards our own fellow-countrymen. I, therefore, am glad that this discussion has arisen, in order that the world may see that, as passions have become subdued, all parties are favourable to a policy of humanity and mercy. If there be astonishment felt that a great party like the Liberal party, being superior, no doubt, in numbers both in the country and in this House to what is called the Conservative party, should nevertheless find itself on the Opposition benches, I think that that state of affairs can only be explained by this simple circumstance—that the party has been badly led and badly handled; that those who have conceived the policy which it should adopt and support have been mistaken, and we have unfortunately by those mistakes been led to the "cold shade" of Opposition, when otherwise hon. Gentlemen near me would still have been on the Treasury benches. I am firmly myself of this opinion, and I see no chance whatever of the restoration to power of the Liberal party, unless that party brings forward its own measures, founded on its own principles, and carries its measures through into practical effect, and shows to the country that it is not merely the Liberal party in name, but that it is earnest in the cause of Reform, and will use power, when it has it, to carry its principles into practical legislation.

MR. COLLIER said, he did not intend to protract the present discussion; but, as the Chancellor of the Exchequer had imputed to the noble Lord the Member for London grave misrepresentations of what the right hon. Gentleman said at Slough, and as the right hon. Gentleman admitted the accuracy of the reports, he would read a short passage from the speech as given in *The Times*. [The CHANCELLOR of the EXCHEQUER here intimated that the report in *The Times* was perfectly correct, as well as the reports in other newspapers.] The noble Lord the Member for London said that the right hon. Gentleman had accused certain parties of being the advocates of a policy of cruelty, vengeance, and extermination, and the right hon. Gentleman said that he had done no more than allude to confiscation. Now, he would give the House an opportunity of judging between the noble Lord and the right hon. Gentleman. The noble Lord's expression of "extermination" was not correct certainly, but the House would be able to say whether the noble Lord's description did not equally apply to the words used. The right hon. Gentleman said at Slough:—

"We had to decide—for it was the turning point of our Indian empire—the character of the policy which ought to be pursued; whether it should be a policy of unmitigated vengeance, or whether the time had arrived when we should attempt to rebuild our grand empire in the East on principles of a very different character, and leading, as we believed, to a very different result. Was it to be military occupation," the right hon. Gentleman continued, "by an army four times greater in amount than any army of Europeans that ever entered that country? Was it to be military occupation attended by enormous taxation, by a draining of Her Majesty's subjects from this country, and by a perpetual exhaustion of our resources? or were we to recognize that vengeance had done its duty?"

The right hon. Gentleman then proceeded to say:—

"Was it always to be massacre and confiscation? or, on the other hand, was it to be discriminating amnesty?"

[*Cheers.*] The hon. Gentlemen opposite cheered very loudly, and he must do them the justice to say that they had lately given the most efficient support to the Government by their lungs at least; but the question was, whether the right hon. Gentleman was correct in stating that he had referred to nothing but "confiscation?" The right hon. Gentleman was reported to have used the words "massacre" and "vengeance," though not "extermination;" and therefore the noble Lord the Member for London was substantially accurate in his statement.

MR. WHITESIDE: Considering the industry which the hon. and learned Gentleman (Mr. Collier) has shown in conning over my right hon. Friend's speech for the last half hour, I do not think he has made much of it. The right hon. Member for Ashton (Mr. M. Gibson) says this is a discussion on the state of the nation; I would rather say it is a discussion on the state of nations, for the affairs of all the nations of Europe have been brought in review. What my right hon. Friend said was this, that there were two policies which might be pursued towards India—a policy of vengeance and confiscation, and a policy which would be consistent with an enlightened amnesty. I uphold that sentiment, and abide by it; it is a sentiment founded on humanity and reason; it is consonant with the feelings of the country; and I am surprised to hear hon. Gentlemen, who were so confident in the justice of their opinions, but who shrank from bringing the question to a division last week, now come forward

again and reiterate their old assertions. The right hon. Member for Radnor (Sir G. C. Lewis) says he abides by all he said and all he did—that he is affected by no argument, changed by no fact; he is unchangeable, and to be convinced by nothing; and then he says that my right hon. Friend was disrespectful to the House of Commons. Why, the greatest possible disrespect is shown to the House by the right hon. Gentleman himself, who says that notwithstanding the strange scene which was witnessed here on Friday last—in which the opinion of the House was most unequivocally manifested, though we on this side took no part in it—that notwithstanding all this, he still maintains the justice of the Resolution, he defends its propriety, he is not altered by the decision of the House, he maintains that all the world is wrong and that he alone is right. The right hon. Gentleman says he never heard of anything showing that this country was in danger of a collision with France. Why, the right hon. Gentleman must have been perfectly ignorant of what was in every person's thoughts at the time; he must have been living in the Republic of Plato, and not in the ordinary world. Then he asks for proofs of the fact. It would certainly be a strange thing if a Minister of the Crown were to stand up and state *seriatim* to the House all the matters which would justify such a statement to his constituents. That statement might be substantially true, but it might not be capable of logical proof. Does the right hon. Gentleman, however, mean to tell this House that there was no language used by French military men, none published by the journals, none employed in high quarters, which offended, and justly offended, the people of this country? Does he mean to say that there were no facts patent to everybody which justified the apprehension of a collision between the two countries? I think the right hon. Gentleman might have remembered these facts in his calmer moments—yes, he has been unusually lively to-night, while the noble Lord has been more than usually tranquil; but I cannot say that, though the late Chancellor of the Exchequer has been lively, he has been at the same time philosophical—he has shown too much spleen for that. I must say that I think the noble Lord opposite did not fairly hit the question in relation to the displacement of the late Government. The Motion of the right hon. Member for Ashton (Mr. M. Gibson) was made to censure Her Majesty's Ministers for having deserted their duty to the country, because they did not reply to the despatch of the French Minister, and thus failed to maintain the national honour. The Resolution of the right hon. Gentleman was not that the law of conspiracy might not be considered at a fit and proper time. In passing that Resolution and inflicting that censure, the House of Commons decided that the late Government had neglected their duty, but the right hon. Gentleman (Sir G. C. Lewis) tells us that the House of Commons is wrong again; in fact the House of Commons is always wrong, and the right hon. Gentleman is always right. The noble Lord then referred to the dispute between the Governments of Naples and Sardinia. Now, let me say to the noble Lord that this Government is friendly to the Government of Sardinia, and will stand by Sardinia, because we admire a country that is governed on constitutional principles similar to our own, that rejects Mazzini-ism, that refuses to be ruled either by the soldier or the priest. That is a valuable fact. But then we can only support any country when that country is in the right; and it does not follow that we are bound to support her at all times without reference to the question whether she is right or wrong. I read over the papers connected with that question with the utmost care, because I expected that we should have had a discussion of them in this House, and I am ready to maintain that the noble Lord at the head of our Foreign Affairs, though he has no critics in the newspapers to write him up, discharged his duty to his country, throughout the whole of this affair, with prudence, with spirit, with judgment, with discretion, with wisdom. Then the noble Lord and the right hon. Gentleman appear to be somewhat excited on the subject of India. What is your policy? asks the right hon. Gentleman—with perfect sincerity no doubt,—What do you mean to do? The right hon. Gentleman says he has read all the papers, but he certainly does not appear to have made himself master of them. If the right hon. Gentleman would sit down to those papers in the same spirit of fairness with which he sits down to comment on a book, he would be at no loss to understand our policy, which has been approved of by this House, and which I am not afraid will be disapproved of by the country. The noble Lord closed his

speech with his accustomed homily upon the constitution. He says it is a most unconstitutional thing to threaten the House with a dissolution. I suppose, then, he will allow it is a much more unconstitutional thing to carry that threat into execution. To be sure the noble Lord feeling what would be said on that subject, did to-night administer a gentle and temperate rebuke to the noble Lord the Member for Tiverton for having dissolved Parliament in consequence of the vote on the Chinese question, But why did not the noble Lord take the first opportunity when the House met of telling his noble Friend that he had done an unconstitutional thing? It is marvellous that he has omitted until the present moment to notice that when the House of Commons voted against the policy of the Chinese war the late First Lord of the Treasury, "the most popular Minister the country ever had," dissolved Parliament, spite of all the constitutional arguments to the contrary which he must have imbibed from association with the noble Lord (Lord J. Russell), and sent hon. Members about their business. [Lord J. RUSSELL: I did remonstrate with my noble Friend.] But why should the noble Lord be so sensitive at the prospect of a dissolution? Was not every patriotic mind glad of an opportunity to meet his constituents? What fear could the noble Lord entertain of facing his constituents on the hustings again? It was true the noble Lord in his speech drew a very just distinction, that a Member might often be obliged, in performing the highest services for his constituents, to vote against their wishes; but certainly the noble Lord had shown a very lively fear of the prospect of having to meet his constituents on the hustings. On the whole, then, though this discussion had been unexpectedly raised, I do not see that it has been at all prejudicial either to the conduct of the Government or to the speech of my right hon. Friend.

LORD JOHN RUSSELL said, he wished to explain his use of the word "extermination." He had no wish to misrepresent the right hon. Gentleman, and desired to quote the exact words employed, but had been unable at the moment to find the passage. It now appeared that the words were "unmitigated vengeance" and "massacre." He thought the sense implied by these words was not very different from that which he had conveyed; but the right hon. Gentleman did not seem to have spoken of "extermination."

MR. GRIFFITH said, he rose to explain how he came to put the question which had been so frequently referred to in the course of the discussion. The House would remember that when the Conspiracy Bill was introduced a very strong impression was made in favour of the Government by the right hon. Member for Morpeth (Sir. G. Grey) reading at the close of the debate the despatch of Count Walewski, apologizing for the language which had been used towards this country. But, he (Mr. Griffith) from his acquaintance with France, and his knowledge that no Government, whatever might be its name, gave real liberty to the people, suspected that that despatch would not be published as the offensive articles had been in the *Moniteur*. He waited for some days, and finding that his anticipations were correct, and the despatch did not appear, he put a question respecting it in the House, when the noble Lord gave him an answer which certainly betrayed an apprehension that such questions would produce a war with France. He had put the question referred to entirely on his own account, and had not consulted any one with regard to it. No doubt the answer of the noble Lord had some effect on the independent Members of the House.

Motion made and Question proposed,—"That Mr. Speaker do now leave the Chair."

CAPTAINS IN THE ARMY.

ADDRESS MOVED.

SIR DE LACY EVANS said, he rose pursuant to notice, to move an humble Address to Her Majesty, praying that Her Majesty would be graciously pleased to take into consideration the hardships experienced by captains of cavalry and infantry who, having been reduced to the non-effective list by order of Government at the termination of the late war in 1856, and being replaced upon the effective strength of the Army on the breaking out of the war in the East in 1857, find themselves posted to regiments in relatively inferior rank to lieutenants who had obtained the rank of captain, by purchase or otherwise, during the intermediate year of peace. He would take occasion to state, that at the close of the Crimean war the Government of the day having deemed it expedient to make certain reductions in the Army, had with that view determined to

place a number of captains, instead of subalterns, upon half-pay. The reason why the former had been selected rather than the latter being, he believed, that a saving of 6*d.* or 1*s.* a day would by the adoption of that course be effected. Now, he was at the time to which he referred, and still continued, to be of opinion that so trifling a saving constituted no sufficient justification of the step which had been taken; but, be that as it might, a war had ten months afterwards unfortunately broken out in the East, and Her Majesty's Government had then deemed it to be its duty to secure again the services of those officers who had at the close of the Crimean war been reduced to half-pay. They had consequently been reappointed to the regiments in which they had previously served, but on returning to them they had found that those who had been subalterns when they had quitted the army, and who, in some instances, had absolutely been under their command, had become their seniors in the service owing to the circumstance that those subalterns had, within the ten months, purchased their promotion. Now, he could not help thinking that it was on the face of it an injustice that officers, who had been placed upon the non-effective list against their own will, should labour under such a disadvantage; and he might add that the principle of there being a claim upon the part of those captains to return to their relative ranks in the army, was in point of fact admitted by the authorities at the Horse Guards, inasmuch as it was laid down by them as a rule that if the captains upon half-pay should be called out for service within two months after having been placed on the non-effective list, they should be permitted to resume their original place in their respective regiments. Although this was nugatory in practice, it was an admission of the principle for which he was contending, while the consequence of acting upon a different principle in those cases in which a longer time than two months had elapsed was, that many captains were extremely unwilling to return to the service to be placed under the command of those who had been their lieutenants, and that in doing so they were animated by the hope, that when the attention of the authorities was directed to the grievance of which they complained a remedy for it would be provided. The authorities, however, seemed determined to adhere to the rule which they had laid down upon the subject, but as it could not be defended upon the grounds of equity, he thought that the sooner it was departed from, the better. The subalterns ought to have, in the first instance, he contended, come in for their due share of the reduction; but that not having been the case, they ought not, at all events, to be allowed the privilege of holding a superior rank to those officers who had originally been their seniors. Entertaining those opinions, he begged to move the Address of which he had given notice.

Mr. SPEAKER having asked if any hon. Member was prepared to second the Motion,

Colonel NORTH said, he should be happy to do so; but he must at the same time observe, that there would be found to be great difficulties in the way of carrying out the objects which the hon. and gallant General sought to attain. He (Colonel North) was one of those who had most strongly protested against the injustice of reducing the officers in question, but how the grievances of which they complained were to be redressed he did not clearly understand. He thought it better on the whole, to leave the matter in the hands of the authorities.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to take into consideration the hardship experienced by Captains of Cavalry and Infantry, who, having been reduced to the non-effective list by order of Government, at the termination of the late war in 1856, and being replaced on the effective strength of the Army on the breaking out of the war in the East in 1857, find themselves posted to Regiments in relatively inferior rank to Lieutenants, who have obtained the rank of Captain, by purchase or otherwise, during the intermediate year of peace," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

General PEEL said, he would admit that those captains who had been placed upon half-pay very naturally complained of the hardship under which they laboured in having originally been put on the non-effective list, as well as in finding themselves upon their return to the service occupying a position under those officers of whom they had previously been the seniors. He felt, however, at the same time perfectly assured that the hon. and gallant General who had made the present Motion must feel that it would be absolutely im-

possible to make an exception in favour of the particular officers to whom he referred without making the rule extended to them applicable to the entire army. It was invariably the case, that when an officer who had been on half-pay rejoined his regiment, he was placed at the bottom of the rank to which he belonged. To act upon the contrary principle, would be to do an injustice to those officers who had purchased their promotion in the service upon the faith of the system which was actually in operation, and unless the hon. and gallant General was prepared to reverse the entire system upon which such promotions proceeded, he (General Peel) did not see how the object of the Motion could be accomplished. He had not been in office at the time when the reduction of the officers in question had been carried into effect, and he could not, therefore, be justly held to be responsible for that step. It had resulted, he believed, in placing upon half-pay thirty-six captains of cavalry and 171 of infantry, out of which number 195 had already been brought back to active service; and although it might be a great hardship to those officers to find themselves at the bottom of the list, yet he could not help thinking that a much harder case still was, that of those officers who happened to have been for years upon half-pay, and many of whom would be glad to return to the service upon similar terms. While, therefore, he was ready to admit the existence of the hardship to which the hon. and gallant General had called the attention of the House, he did not see how it was possible to make the exception for which he contended.

Amendment, by leave, *withdrawn.*

MILITARY EDUCATION.—QUESTION.

MR. MONSELL said, he rose to put three questions to the right hon. Secretary for War of which he had given him notice. The first question related to the carrying out of the Resolutions of that House with regard to the education of the scientific corps of the army. He was quite satisfied the right hon. and gallant Gentleman was doing all in his power to carry into effect the decision of the House, but until the heads of the various colleges and schools throughout the country where young men received a training preparatory to proceeding to Woolwich were assured that the system now pursued there would be permanent it was not probable that they would adopt such a mode of education as would fit young men for the scientific corps. He begged therefore, to ask whether, with as little delay as possible, a minute would be issued cancelling the minute of December last, and assuring the public that the system now pursued at Woolwich would be continued; and whether, if that were done, the right hon. and gallant Gentleman would lay such minute upon the table? His second question also had reference to Woolwich. He (Mr. Monsell) called attention some two or three weeks ago, when the Army Estimates were under discussion, to the absolute necessity of an alteration in the buildings at Woolwich, which would render them more fit for the class of cadets by whom they were now occupied. There were, in some cases, three or four young men of twenty, twenty-one, or twenty-two years of age, sleeping in the same apartment, without any private rooms for study; and he wished to know whether the right hon. and gallant Gentleman had considered this subject, and whether he intended to take measures for rendering the buildings more suitable for the young men who were now received as cadets, and who were considerably older than those for whom they were originally intended? The next question he wished to put, referred to the Council of Military Education. He thought they were greatly indebted to His Royal Highness the Commander in Chief for establishing that Council, which would doubtless produce most important results with regard to the education of officers of the army, but he thought the Council—probably from a desire not to expend too large an amount of money upon this new establishment—was not constituted in a satisfactory manner. One member of it was General Portlock, an engineer officer, and an excellent and an able man, and there were also two officers of the line who, he believed, had been selected with admirable judgment; but when it was considered that a very considerable portion of the scientific branch of the army was composed of the artillery, he thought it was obvious that an artillery officer ought to be placed upon the Council. As the examinations which were to be established both at Woolwich and at Sandhurst were to be founded, not upon any special education, but upon the general education of the country, he was of opinion also that some gentleman thoroughly conversant with that general education—such a man as Canon Moseley, who had taken so much interest in the subject—should be ap-

pointed a member of the Council. He wished, therefore, to ask the right hon. and gallant Gentleman whether he is prepared to recommend the addition of an artillery officer and a civilian to the Military Council of Education?

GENERAL PEEL, in answer to the first question, said that he perfectly understood the spirit of the vote to which the House had come with respect to it, which was that the admissions to Woolwich should be continued on the same footing as that on which they stood at present. It was his intention fully to carry out that vote. A minute had been drawn up on the subject, and would in a short time be laid upon the table. With respect to the second question, he had already requested the proper officer at Woolwich to state what alterations were necessary in the buildings for cadets, in order that he might in the first instance have some idea of the cost. With regard to the third question, he had to inform the hon. Gentleman that he had already recommended the appointment of an artillery officer to the Council of Education, and also the appointment of Canon Moseley and he was glad to say that the latter Gentleman had accepted the appointment.

Main Question put and *agreed to.*

SUPPLY.—ARMY ESTIMATES.

House in Committee, Mr. Fitzroy in the Chair.

(1.) £118,287 Educational and Scientific Branches.

COLONEL NORTH said, he rose to express his hope that the assistant chaplains in the Army, who had rendered most valuable services during the war in the Crimea, would be placed upon the same footing as regarded half-pay and retirement with the same class of officers in the navy. He believed that if the whole of the military chaplains were commissioned the increased annual charge to the country would only be £850.

THE CHAIRMAN intimated to the hon. and gallant Member that he was out of order in bringing the question forward upon the Vote before the Committee.

SIR DENHAM NORREYS said, he wished to know when the Survey Report would be laid on the Table. He hoped no supplementary Estimate with respect to it would be taken until they had had an opportunity of considering the Report.

GENERAL PEEL said, that he had received the Report just after the adjournment of the House for the holidays; he had forwarded it on the same day to Her Majesty, and should lay it on the Table as soon as he got it back. He had given orders that no alterations should be made in the terms laid down by the Treasury in the matter.

SIR DENHAM NORREYS said, that last year skeleton maps were appended to the Report, in order to show the progress of the survey. He understood there were no such maps this year.

GENERAL PEEL said, he believed that they would be produced.

GENERAL CODRINGTON said, as the Vote had reference to the establishment at Carshalton he thought he was in order in calling attention to the case of the chaplains of the army. He could confirm all that had been said as to their services both in the Crimea and in Bulgaria, in the midst of fever and cholera.

THE CHAIRMAN informed the hon. and gallant Member that he was out of order in alluding to the subject on that occasion.

COLONEL NORTH asked if he would be at liberty to bring the case of the chaplains forward on the bringing up of the Report?

THE CHAIRMAN replied in the affirmative.

MR. MONSELL said, he wished to call the attention of the right hon. and gallant Gentleman to the various rates imposed upon the students at Woolwich and Sandhurst. Those establishments cost the country nothing, but it was right to inquire out of whose pockets came the funds for maintaining them. The sons of private gentlemen at Woolwich paid £125, while the sons of general officers having regiments paid only £80, the sons of those who had not regiments £70, and so on in the lower ranks of officers. It must be clear, then, that the cost of maintaining the establishment came from the pockets of private gentlemen, who were required to pay £125 per annum. He did not mean to say that the sons of officers were not entitled to some advantage, but he thought that advantage should be paid for by the public, and not by private persons.

COLONEL NORTH reminded the hon. Gentleman that Sandhurst College was originally intended for the sons of officers only, and the first class thought of by the Duke of York was the orphan class, which existed for some time, until that House thought fit to withdraw the allowance,

thereby inflicting great dishonour upon the country. When he (Colonel North) was a cadet at Sandhurst he met there a brother of an hon. Baronet, now a clerk of that House, who was the son of a gallant officer, the founder of the institution, who fell in one of the most brilliant charges of the Peninsular war. The orphan class, however, was no longer considered by the public. In 1815, at the close of the great war, there were 412 cadets at Sandhurst, all the sons of military or naval men, and of whom 156 were orphans, who paid nothing, but towards whose education the country paid £21,300 a year. He quite agreed that one class should not be unduly taxed for the education of another class, but thought it was the duty of the country to provide any funds that might be required.

MR. W. WILLIAMS said, he thought it desirable that a statement should be laid before the House of the amount received as well as of the amount paid for such an establishment.

SIR DENHAM NORREYS said, he concurred in the opinion that it was unjust to tax one class for the benefit of another. It was monstrous that a civilian should have to pay £125 per annum for his son, when a man of property, who might also happen to be a general, had to pay only £70 or £80 for his.

Vote *agreed to.*

(2.) £16,330 Rewards for Military Service.

LORD HOTHAM said, he was anxious to call the attention of the Committee to the subject of Military Rewards. Those rewards were of two classes—pecuniary, which were met out of the Vote now proposed, and the highest military reward which an officer could receive, the Order of the Bath. It might be supposed that when the latter decoration had been conferred upon an officer for distinguished services, he would be permitted to wear it during his life, and upon his decease to bequeath it as an honourable heirloom to his family. That was not the case; for the decoration was conferred only for life, and immediately upon an officer's death an official demand from the Herald's Office, which was signed by His Royal Highness the Prince Consort as the head of the Order, was made upon his representatives for the return of the mark of distinction which had been conferred upon their gallant relative. Again, the decoration which was delivered to an officer when at home by the hand of his Sovereign, or transmitted to him when abroad, was of so mean and miserable a description that no officer could wear it in the state in which it was handed over to him, and that the very first thing he did after the investiture was to go to his own jeweller and get him to furnish him with a silver decoration, devoid of which he was almost ashamed to be seen in public. The practice, indeed, had been found so objectionable that it could not be carried into effect with reference to those foreign officers on whom the Order of the Bath had been conferred. At the conclusion of the Crimean war, when many French and Sardinian officers, along with several British officers, were decorated with the Order of the Bath, the English officers were placed in this disgraceful position — that while they saw the foreign officers receive the decoration in silver it was given to them, the English officers, in tinsel and pasteboard. He took the liberty of mentioning this subject to the House last year, and on that occasion he received from the noble Viscount then at the head of the Government an intimation that that part of his complaint was reasonable, and should be redressed. Since then, however, nothing had been done, and it was his (Lord Hotham's) intention, on the meeting of Parliament this year, to have made this the subject of a distinct Motion for an Address to the Crown; but he would now leave it in the hands of the Minister for War, hoping the right hon. and gallant Gentleman would take it into his consideration and give such advice to his Royal Mistress as would lead to a removal of this just cause of complaint, which would be received as a matter of grace and favour on the part of the military and naval professions.

COLONEL NORTH said, he could confirm the statement of the noble Lord as to the distinction made in the decoration given to our own officers and that conferred on foreign officers, and as to the pain with which that distinction was regarded by the former. He thought, however, the matter could not be in better hands than those of the present Minister for War.

GENERAL BUCKLEY said, he wished, on the part of the 64th Regiment, to make some remarks on the statement made by the late Chancellor of the Exchequer in reference to the present Sir Henry Havelock having been singled out to receive the Victoria Cross, given on

account of the gallant attack which that regiment made on a battery during the first siege of Cawnpore. On that occasion the right hon. Gentleman had said that Sir Henry, then aide-de-camp to his father, had, without orders, placed himself at the head of the regiment, and had ridden in front until the battery was taken. Now, a gallant relative of his (General Buckley) had commanded that regiment, and had written to him to say that the whole regiment was extremely surprised and displeased on finding that an aide-de-camp had been so rewarded for doing that which they could have done without his assistance. He reminded the Committee that the 64th Regiment had behaved with the greatest gallantry during the campaign; that not the slightest imputation rested upon it, and that, on the contrary, it had received the thanks of its commanding officer for its services in the field. He must say, in justice to the present Sir Henry Havelock, that he was highly averse to having the order conferred upon him under the circumstances.

Mr. BRISCOE concurred in the objections expressed by the noble Lord the Member for the East Riding of Yorkshire, with respect to the mode in which the decoration of the Bath was at present bestowed.

Sir GEORGE LEWIS explained that in some remarks he had made to the House on a previous occasion his intention was merely to state circumstances which he thought redounded to the credit of Sir Henry Havelock, and not to cast the slightest reflection on the commanding officer of the 64th Regiment, or on the regiment itself, which he had no doubt behaved on the occasion in question with the utmost gallantry and propriety.

General PEEL said, he was obliged to the noble Lord (Lord Hotham) for calling his attention to the subject which he had brought under the notice of the Committee; and with regard to the remarks of the hon. and gallant Member for Salisbury (General Buckley), he would only say that he could not believe that there was a more gallant regiment, or one more gallantly led, than the 64th, as would be seen, when the letters of Sir Colin Campbell were published.

Mr. MONSELL said, he should be glad to hear the right hon. and gallant Gentleman at the head of the War Office, express some positive opinion with respect to the mode in which the decoration of the Bath was at present conferred. He (Mr. Monsell) believed that the House was unanimous in disapproving of the existing practice in that matter.

General CODRINGTON said, there were two points involved in the present mode of conferring the Order of the Bath. There was, first, the tinsel star, which he believed was a subject of general condemnation. He had himself given a silver star to the French officers in the Crimea, who had been admitted to the Order, because it had been found impossible to confer the decoration upon them in the mode in which it was given to English officers. The other point to be considered in the matter was the size of the decoration. Considering the limited number of cases in which the Grand Cross of the Bath, and the Knights Commandership of that Order were conferred, he thought the decoration might be made smaller, if expense were grudged; for it was not the value of the thing which caused it to be prized, but the honour denoted by it, and the decoration would be much enhanced in value if it could be transmitted to the children and relatives of those who were fortunate enough to obtain it. Moreover, it was at present inconveniently large, and an unnecessary expenditure was thus imposed on officers who had to supply themselves with a valuable imitation of the mean material which they received from the State.

Lord HOTHAM said, he believed there could be no doubt but that convenience and economy would be promoted by reducing the size of the decoration. It was at present so heavy that it could only be held on by being very tightly sewn, and even then frequently tore itself off by its own own weight when the officer was on horseback.

Mr. W. WILLIAMS said, he did not wish to object to the conferment of rewards for distinguished military services, but he was surprised to find upon the Estimates a grant of £2,240,000 for half-pay and pensions—a vote exceeding that of last year by £18,000. The Russian war having terminated, he should rather have expected a diminution than an increase upon these items.

Vote *agreed to*; as were also the following votes:—

(3.) £39,511, General Officers.

(4.) £353,207, Reduced and Retired Officers.

(5.) £139,132, Pensions to Widows of Officers, &c.

(6.) £34,243, Pensions for Wounds.

(7.) £21,372, Chelsea and Kilmainham Hospitals.

(8.) £802,863, Out-Pensioners of Chelsea Hospital, &c.

(9.) £86,410, Superannuation and Retired Allowances.

SUPPLY—CIVIL SERVICE ESTIMATES.

(10.) £46,219, Royal Palaces, *agreed to.*

(11.) £110,651, Public Buildings.

MR. WISE complained that the charges for the maintenance and repair of the several offices were not given in detail. There was a charge of £24,000 a year for a number of small houses all over the town for the use of the Government. This was a most extravagant system, and it would be much more economical to have all these offices concentrated in one place. There was a very large sum for a great variety of small articles, including rates and taxes, coals, soap, &c., and he only referred to them to express the hope that there was some supervision over such outlay, as the charges were year after year gradually increasing.

MR. G. A. HAMILTON said, it had been thought better to put the charge for the maintenance of the Government offices down in one sum, but the charges for what were not, strictly speaking, Government offices were given in detail, even to as small an amount as £16. No doubt the sum paid in rent was very great, but there was no avoiding it without the expenditure of a large sum of money for the concentration of the offices, and on a scheme of that kind the House was not at present prepared to enter. He could assure the hon. Gentleman that every necessary supervision over the expenditure was exercised.

Mr. W. WILLIAMS complained that no less than twelve houses, at a rent of £6,381, were occupied by the War Department, and in the next Vote there was an item of £7,073 for furniture for them. He believed it would be much more economical to build new offices. He found in this Vote a number of items for Scotland for repairs of abbeys and churches. The Abbey Church, Haddington, £230; Arbroath Abbey, £95; Dunfermline Abbey, and several others: these were items that ought not to be charged to this country.

LORD JOHN MANNERS said, these buildings in Scotland belonged to the country, and, if kept up, must be so at the country's expense; and he did not think the hon. Gentleman himself would stand up and propose to allow these ancient relics to fall into decay. He assured the Committee that a proper system of supervision over the firing and the like was maintained, and that a saving would be effected by it. As for the War Department, and the expenses attending it, an opportunity would be given the hon. Gentleman of expressing his opinion as to the centralization of that department under one roof.

MR. W. WILLIAMS said, he must still ask why these Scotch abbeys and cathedrals — Arbroath Abbey, Dunfermline Abbey, Dunblane Cathedral, and others — should be said to belong to the country, and be maintained at the public expense, at the same time that none of the many abbeys and cathedrals of England were chargeable to the country? They belonged to Scotland; let Scotland support them. Why should this country do so?

SIR GEORGE LEWIS said, he begged to remind his hon. Friend that this country had an Episcopalian establishment, but that Scotland had no endowment for the maintenance of cathedrals and abbeys, and that if they were to be maintained, they must appear in the Votes. He rose to make an observation or two upon the sums of money payable as rents for public offices. It was said that this was an extravagant system, and that it would be more economical for the nation to build public offices, so as to render unnecessary the hiring of buildings for temporary purposes. The subject had been considered by Select Committees and by successive Governments, and he trusted that the Government would continue to entertain the plans for building a new Foreign Office, and some others that were more immediately needed. But he should be sorry to see them take steps for clearing a large portion of Westminster, at a cost of a million of money, and then come to that House for double or treble that sum, in order to cover an enormous area with concentrated and centralized public offices. The benefit of such a scheme would be much less than was expected, because many of these public offices had very little connection with each other. They had certain limited duties to perform, and those duties could be as well discharged where they now were as if they were removed to Downing Street, or the neighbourhood of the Houses of Parliament. An enormous outlay would be required for such a central building, and it would be more economical to hire houses for the im-

mediate exigency. Many of these departments had duties to perform for two or three years, when their functions ceased. He trusted that the House would not rush into an enormous centralized system of public offices, under a notion that it would lead to economy. This demand arose partly from those who wished to give a more imposing character to the Civil Service, and partly from others who desired to embellish the metropolis at the public expense, which might be a laudable design, but was one which could not be effected except by a great pecuniary sacrifice, and ought not to be carried out under cover of the economy arising from a centralization of the public offices.

MR. BAXTER said, he must remind his hon. Friend (Mr. Williams) that many of the abbeys and ecclesiastical edifices of Scotland included in this Vote were once private property, and had been handed over to the country on condition that the nation would undertake their maintenance and repair.

MR. SLANEY said, that many of the buildings referred to in the Vote afforded considerable instruction and amusement to the public, and he thought it would be much to be regretted, if from considerations of a small economy they should be allowed to fall into a state of complete decay.

Vote *agreed to.*

(12.) £26,926, Furniture for Public Departments.

MR. WISE said, he found that there had been voted under that head during the last seven years a sum of £187,000. Now it appeared to him that that was an extravagant charge to incur in the case of an article so durable as furniture.

MR. G. A. HAMILTON said, that every possible care was taken by the present holders of office not to incur, in that matter, any unnecessary expenditure.

MR. W. WILLIAMS said, he was glad to find, at all events, that the sum required under that head for the present year was less by £9000 than that which had been expended last year, although there was generally a large increase when a new Ministry came in.

MR. TITE complained that the items in the Vote were not set out sufficiently in detail. He supposed that the largest portion of the item of £5,705 for Science and Art was required for the Museum at Kensington, but he should like to know how much was for that in Jermyn Street, and for the Female School of Art in Gower Street. He was moreover perfectly ignorant of the nature of the last institution.

MR. G. A. HAMILTON said, that £5705 certainly would be a large sum if it was entirely for furniture, but the fact was that it included the money paid for cases and other miscellaneous articles at Kensington. The Female School of Art in Gower Street was the only one of the kind in the metropolis. Of course it would be easy to have the items separated, if necessary.

MR. TITE said, he considered the money excellently expended; he only wanted an explanation of the amount of the different items.

LORD JOHN MANNERS said, that it was very difficult to distinguish what was furniture, in the precise sense of the word, in a museum, and it was therefore thought better to include the fittings and furniture in one item. This however, was the last year those items would appear in the Vote for furniture, to which they did not strictly belong. They would in future appear under the more proper head of "fine arts." With regard to the respective amounts, £500 was required for the Geological Museum in Jermyn Street; £500 for the College of Chemistry; £600 for various articles at South Kensington Museum, and about £4,000 for extraordinary purposes at that establishment.

MR. SLANEY said, as so many thousands of persons resorted, with advantage, to the museum at Kensington, he considered the money laid out upon it very well applied.

COLONEL SYKES said, it must be highly satisfactory that the Museum of Science and Art at South Kensington should be restored to by the general public. No man, however uncultivated he might be, could visit it without carrying away some idea of advantage to him intellectually. He feared however, that in discussing the expenditure under the head of furniture they were losing their time; for there was a statement connected with the Vote to the effect that the amounts could not be supplied with accuracy. How that could be the case when the furniture was bought and paid for he could not understand. He must say that the furniture in the public buildings ought to last ten years at least; none of themselves would like their furniture to be worn out in less time than that.

MR. G. A. HAMILTON said, he thought the hon. and gallant Member did not quite understand the real state of the case. The

Estimate for furniture for the year 1857-8 was £36,069. That was the sum voted; but the hon. and gallant Member would find that the amount actually expended was £31,519. The present Estimate was founded on the actual expenditure of last year.

COLONEL SYKES said, that observation implied that the furniture of last year would require renewal.

MR. G. A. HAMILTON said, the expenditure was chiefly on account of wear and tear, not for providing new furniture.

Vote *agreed to.*

(13.) £99,667, Royal Parks, &c.

MR. W. WILLIAMS said, he wished to call attention to the large expenditure for Kew Botanical Gardens, as it had been suggested to him that they might be rendered profitable to some extent by the sale of those plants for which no room could be found. He understood that in the course of a year an enormous number of plants were produced, which would be disposable, and many of them were extremely valuable. The enormous expenditure of £25,000 for St. James's, Green, and Hyde Parks was, to him, quite unaccountable. He thought that the money hitherto voted had been sufficient for all alterations hitherto, and that this year a moderate sum only would be required for the current expenditure necessary to keep those parks in good condition.

MR. ADAMS, said, he would suggest to the First Commissioner of Works the propriety of providing some additional accommodation for the greenhouse plants at the Botanical Gardens at Kew, for want of which, he believed, great loss had already been sustained. He looked upon those gardens as one of the most healthful places of recreation and instruction of which the nation could boast, and their popularity was attested by the fact that during the past year the Botanic Gardens at Kew had been visited by no less than 400,000 persons, while, to their credit be it spoken, not the slightest injury had been done. With respect to the suggestion of the hon. Member for Lambeth, he would remind him that Kew Gardens were made available at the present moment for the purpose of stocking the Royal parks, for he believed it was the fact that it had supplied some thousands of young trees to Battersea, Victoria, and other new parks, the whole of which would otherwise have had to be paid for out of the public purse. He thought that 400 acres of ground having been generously granted by the Royal Family to the people for the establishment of the Botanic Gardens, the least that Parliament could do would be to vote enough to keep them in an effective condition.

MR. SLANEY expressed his opinion that no public money was better spent than that laid out in parks and pleasure-grounds for the people at large, and no one could grudge the money which was required for their maintenance and improvement. He suggested that pleasure-houses should be erected in the Regent's Park and on Primrose Hill, so as to enable generously-disposed people to give treats to schools or poor persons. Such places of shelter would be erected by voluntary subscription, and when built they might be placed entirely under the control of Government. Their erection, he considered, would be a public boon highly appreciated by the working classes. He would also call the attention of the noble Lord to the condition of Victoria Park. He had visited that park lately, and there were very few seats or benches for the accommodation of the people. He was happy to bear testimony to the excellent way in which the late Minister of Public Works had conducted the affairs of his office. He also called attention to the want of additional seats in Victoria Park.

MR. G. A. HAMILTON said, he could confirm the opinion that had been expressed as to the admirable administration of the late Commissioner of Works. He would also observe that for 1857-58 the Vote for the Parks was £24,000, whereas for the forthcoming year it would be only £23,000.

MR. SPOONER said, he wished to know whether a vote was to be taken annually for Battersea Park, as he had understood last year that that would be the last occasion on which it would appear in the Estimates. No doubt, it was very desirable that parks should be provided for the people of London, but it must be remembered that the inhabitants of all other large towes either paid for their own parks or were indebted for them to the generosity of some public-spirited neighbour. There was a very general feeling that the House of Commons had been somewhat too lavish in granting away public money for these metropolitan parks.

LORD JOHN MANNERS said, he was afraid that Battersea Park would, like the other parks, have to be maintained in future by means of an annual Vote. For

the future, all public improvements in the metropolis of this sort would be carried out at the instance of the Metropolitan Board of Works, and would therefore be paid for either by the localities interested or the general metroplitan district; but this park had been commenced before the establishment of the Metropolitan Board of Works, and it must be maintained by that body which had authorized its formation in the first instance. As regarded the complaint of the hon. Member for Lambeth (Mr. W. Williams) with respect to the Estimate for St. James's Park, the Green Park, and Hyde Park, he must remind him that it was much smaller than the amount asked for last year. It must be remembered that the very completion of new works involved an increased outlay in order to keep them in proper condition. As to the suggestion of the hon. Member for Boston (Mr. Adams), he would observe that during a visit which he paid to Kew Gardens on the previous day, Sir W. Hooker pointed out to him the site on which he proposed that a new conservatory should be erected; and if he (Lord John Manners) understood that the object had the sanction of the Committee, he should next year, if he were then in office, endeavour to provide for the requirements of the case. Nothing could be more satisfactory than the whole of the arrangements and management of those magnificent gardens.

COLONEL SYKES said, he highly approved of the proposal to make a new conservatory at Kew, which would become a school of science for botanists, and enable the eight individuals whose names were mentioned in the Report to give the public the result of their scientific researches in all parts of the world.

Vote *agreed to.*

(14.) £160,793, New Houses of Parliament.

LORD JOHN MANNERS said, that since this Vote had been in print it had come to his knowledge that this sum did not entirely cover the estimated cost of these works. Two items of rather a serious amount had been omitted. One was a sum of £4,000 for expenses connected with recasting the bell and fixing it in its proper position; and the other was also a sum of £4,000 for finishing the unfinished face of the lower part of the clock tower. This additional sum of £8,000 would have to be added to that of £160,793; but this, he believed was the last Estimate that would have to be submitted for completing the unfinished works which had been already commenced.

MR. W. WILLIAMS begged to ask the noble Lord when it was likely that the works would be finally completed?

MR. HANKEY said, he would beg to draw the attention of the noble Lord to the hands of the new clock. It was rather a trifling subject, perhaps; but if it was intended that the clock should be visible at a great distance, he thought the present hands would not accomplish that object. Perhaps the way in which they were painted made all the difference.

MR. TITE said, it was satisfactory to know that this was the last Vote which would be required for the Houses of Parliament. He thought, however, that something should be done to give a finish to the unsightly arch of brickwork that was visible in Palace Yard, as it seemed to suggest that the works ought to go further. That eyesore should be removed. He also thought that the beautiful outside decorations and sculptures of the building were likely to be very much injured by the smoke from the two kitchen chimneys, and he thought they might be furnished with apparatus for consuming their own smoke. It added also, in all probability, to the corrosion of the roofs. He should also like to know when the works were likely to be completed?

LORD JOHN MANNERS said, he thought he had better not say positively when they would be completed, but he believed that every single item of expenditure was included in this Vote. The works were progressing most rapidly, and no one was more anxious than Sir C. Barry himself that they should be completed in the shortest practicable period. The official residences included in the present Estimate were in a state of great forwardness, and he had every reason to hope that in a comparatively very short time the new Palace would be completely finished.

MR. SPOONER said, he wished to call attention to the very large sum expended for the repairs of a building not yet finished. He believed that since the commencement of the works no less a sum than £6,890 had been spent in repairing the completed portions. There was an item especially of £1,500 for covering the iron roof with anti-oxide composition, which appeared to him a very large sum. Whatever the noble Lord might be led to believe, he (Mr. Spooner) must express his

doubt whether we had yet seen the last of the bill for the construction of the Houses of Parliament. As long as they had the architects about them they might rest assured that occasion would be found to make alterations and additions.

LORD JOHN MANNERS said, he would remind the hon. Member that much of the sum expended in repairs had been devoted to the effective maintenance of the Committee-rooms, which had been much used, and also the House itself. Of course, in an enormous building like the new Palace of Westminster, a large sum must be annually spent in repairs. Some time ago it was discovered that the iron roof had got very much out of repair, and at a comparatively small cost—namely, £1,500—it had been made permanently secure.

COLONEL SYKES asked whether any arrangements had been made for the consumption of smoke in the New Houses of Parliament?

LORD JOHN MANNERS said, he believed that none had been made, but the attention of Sir C. Barry should be directed to the matter.

SIR BENJAMIN HALL said, he wished to ask whether any specification for work to be done had been sent in by Sir C. Barry to the noble Lord? He understood that it had been sent in, and as everything must depend upon the nature of that specification, he thought it would be advisable that it should be laid on the table as soon as possible. He should be glad to know whether the noble Lord had been advised that the specification comprised all the work to be executed, and whether it was in sufficient detail to enable the noble Lord to test whether the money now required would be all that would be necessary for the completion of the building. When in office, he (Sir B. Hall) was told no more would be required, and the same thing was told to his predecessor (the late Sir W. Molesworth).

LORD JOHN MANNERS said, he would now lay the specification on the table, and he regretted he could not do so before the recess. He had been advised that the specification was the usual professional one, and showed everything which was required to be done and the cost of the same.

MR. WISE said, he wished to ask the noble Lord to lay before the House an account of all the sums expended upon the Houses of Parliament up to this time. It would be also desirable to know what amount had been expended for furniture and other things.

LORD JOHN MANNERS said, that there would be no objection to place an account on the table of all the expenditure since the last return in 1854.

Vote *agreed to*, as were also the two following Votes.

(15.) £30,300, Addition to War Office; and

(16.) £31,000, Probate Court and District Registries.

(17.) £4,707, Embassy Houses, &c. Abroad.

MR. HANKEY said, the Embassy at Madrid was in want of repair, and he did not find any Estimate on the paper.

LORD JOHN MANNERS said, he had thought it better to have some conversation with Lord Howden, who was on his return home, before any sum was asked for.

Vote *agreed to*.

Motion made and Question proposed,—

"That a sum, not exceeding £170,000, be granted to Her Majesty, towards defraying the expense of constructing certain Harbours of Refuge, to the 31st day of March, 1859."

MR. BAXTER said, there existed out of doors a wish that the House of Commons would look more closely into the question of the utility of those harbours. He should like to know what the works at Dovor had already cost, and what further sum they were likely to cost. As to the £60,000 for the harbour at Alderney, he was told that that harbour would never be of any great advantage to the commerce of this country. He wished to elicit the views of the Government as to harbours of refuge, for he had heard a great deal said as to the extravagance of which the House of Commons had been guilty in reference to this matter. Beyond this he had heard it stated that there was a great deal of jobbery in reference to the subject, and that schemes were being hatched which it would become them to keep a jealous eye on. He thought that it would ill become them at this time to sanction any new Vote on this subject, which would involve considerable expenditure, and which expenditure he thought would be attended with no commensurate benefit. He had heard it said that it would be a great thing to have harbours of refuge on the north coast of England, the north-east coast of Ireland, and also on the coast of Scotland, but what he wished to call attention to was this, that it was doubtful whether the advantages would be so great as to justify

their expending a million, or a half, or a quarter of a million on these harbours. A Committee was now sitting upon this subject and should they take any course committing the country to begin other works as extensive as those at Dover, Holyhead, Portland, and Alderney, it would be the duty of the House of Commons to step in and prevent what he thought would be a profuse and wasteful expenditure of the public money. He admitted that when the finances were in an easy condition the taxes might be legitimately applied to improving commercial harbours, but he believed that it would be better to grant small sums in aid of harbours already in existence, and which might be converted into harbours of refuge for all practicable purposes, instead of expending half or a quarter of a million in one particular place. Half-a-dozen grants of £10,000 or £20,000 would more promote commerce than the expenditure of an enormous sum of money at one particular place.

MR. WILSON was surprised that his hon. Friend had taken this opportunity of saying what he had said, when he knew that there was a Committee still sitting, and on the eve of making a Report, which would be on the table in a few days. He was surprised that his hon. Friend should endeavour to prejudge that question when the Committee upstairs had been sitting so long, and without seeing the evidence which had been laid before them. He thought it a most unfair mode of proceeding, and he would not follow the example of his hon. Friend by discussing the matter. He was convinced that the evidence would disclose a state of things which could not be allowed to continue. He was quite aware that hon. Gentlemen who had in their minds particular localities, or a particular class of works, might wish to forestall the Report of the Committee; but that was one of the inconveniences which must attend a matter of this kind. He could only say that he believed it was the intention of the Committee to report in a very few days, and, as at present advised, he had no doubt that a Motion would be submitted to the House during the present Session based on that Report. His hon. Friend would have ample opportunity, with full materials, for judging of the Report on that occasion. He might, however, remark that these were harbours for defence, not for commerce. He now wished to ask the hon. Gentleman the Secretary of the Treasury for some explanation regarding the details of this Vote. The present Vote was for £170,000, which showed a decrease on the Vote of last year of £54,000, and it was stated that "this sum, with the balance remaining unissued of last year's Vote, will be sufficient for the service of 1858-9." The Vote, therefore, did not represent the expenditure of the year. A mere reduction of the amount of the Vote would not lead to reduced expenditure, and he wished to know how much the expenditure for the ensuing year would be.

MR. G. A. HAMILTON said, if the hon. Gentleman supposed that the information conveyed to the House by this Vote, as it appeared in page 9, was all the information which they could obtain on the subject, it was not to be wondered at that he should ask for further details. But the hon. Gentleman would see at the foot of the Vote a reference made to a Parliamentary paper, a copy of which he (Mr. Hamilton) then held in his hand. By referring to that paper, the hon. Gentleman would find set forth the progress of the works, the sums already voted, the sums already expended on them, and the sum to be expended on them. The first column of the paper stated that the whole of the original Estimates amounted to £650,000. The total amount of the Votes come to up to the present time was £346,000. The Vote for 1858-59 was £34,000, and the subsequent Votes required amounted to £208,000. In the first page the hon. Member would find all the particulars fully stated, the number of men employed, seven of one class, seventeen of another, a millwright and so on. In reference to those three harbours of refuge, it was thought more convenient to present those details separately. With regard to the question of his hon. Friend, he had to inform him that the sum appropriated last year on the works of Dover was £34,000, the sum expended was £34,000, and the sum necessary for the next year was £34,000. For Alderney the sum authorised was £100,000, the sum expended was only £87,000, and the sum required for the ensuing year was estimated at £67,000. For Portland the sum authorised was £90,000, the sum expended £88,000, and the sum to be proposed £76,000; and a further sum, if required, might be expended upon these works.

SIR CHARLES NAPIER said, perhaps it would have been better for his hon.

Friend to have waited for the harbour of refuge Report; but for his part he wanted to advert to the harbour at Dovor. He never had been able to find out the use of it. In 1842 and 1843 he had resisted the Vote, and showed that to take Dovor as the site for such a work would be totally and entirely useless for trading vessels going from east to west, for they could not get into the harbour. He thought that the sooner a stop was put to the matter the better, for the cost was just so much money thrown away. This was on the supposition that the harbour was for commercial purposes, but if the Government would show that it was for the defence of the country, he, for one, would vote any amount they liked. As to the Alderney harbour, would any hon. Gentleman tell him the use of it as a harbour of refuge? It would be indeed useful for French vessels, but not for English. Even if it was for defence, what was the use of it? Originally the use of Alderney was that you could from thence look into Cherbourg, but now you could not do so. In the present condition of the French army and navy he thought that Portland, which was situate opposite to Cherbourg, should be kept in a proper state of defence. The other night he had called attention to the defences of this country, and he trusted that no delay would occur in nominating the Commission he had moved for. He did not think that the Government should lose a single day about it.

Mr. DUFF remarked, that he really did not know any way in which the money of the country could be better expended than in making a few national deep water harbours of refuge for the commercial navy, and also for defence. He hoped, however, that the Government would not neglect the suggestion of the hon. Member for Montrose (Mr. Baxter) as to expending small sums on other harbours.

Mr. MONSELL observed, that he did not think that the papers referred to by the hon. Secretary for the Treasury were calculated to decrease their desire to know a little more as to the harbour at Alderney. The statement of the gallant Admiral (Sir C. Napier) was that the harbour would be of no use.—[Sir C. Napier: Hear, hear!]—and what was to be the cost of it? Why, something more than £1,300,000. There had been expended already £600,000 odd, and there remained to be expended £700,000, though the original Estimate was only £600,000. It appeared to him to be not too late to inquire whether they could not limit their expenditure to the original plan, that which was to have cost £600,000.

Colonel SYKES said, he wished to inquire whether thirty-eight feet represented the entire progress made with the pier at Dovor by means of an outlay of £34,000.

Mr. G. A. HAMILTON explained that the thirty-eight feet was the work done in a single quarter.

Mr. BAXTER said, that they had elicited some important information that night, namely, that these were not harbours of refuge, but of defence. He should, therefore, move, as an Amendment, that the Vote for Alderney works be reduced by the sum of £30,000.

Motion made and Question proposed, "That the item for works at Alderney be reduced by the sum of £30,000."

Question proposed, "That the said item be so reduced."

Sir CHARLES NAPIER asked, whether any part of the Vote for Alderney was intended for works of national defence.

Mr. G. A. HAMILTON said, that Alderney was important both as a harbour of refuge and defence. He could not say what portion of the expenditure on that harbour appertained to the purpose of defence and what to that of refuge, but they were essentially and necessarily connected. The Votes on the Army Estimates appertained more particularly to the purposes of defence, and those at present before the Committee related especially to those of defence.

Colonel SYKES said, he wished to suggest to the Secretary of the Treasury to calculate the cost of the pier at Dovor. At the rate at which it was now progressing—120 feet per annum—it would cost £6,000,000 of money instead of £600,000, and would not be finished in the present generation.

Mr. MILNER GIBSON said, that from the first he had had doubts as to the propriety of the expenditure at Alderney; but after so very large a sum had been expended it naturally suggested itself to his mind that it might not be wise to begin the work and not to complete it. He wanted to know, however, from the hon. Member for Montrose what he meant by the precise amount of the reduction which he proposed? If it were intended merely as an expression of an adverse opinion to the expenditure which was going on, he

would vote with him. He knew well why the works were undertaken. They were not intended as a harbour of refuge for merchant vessels, and were not for anything else than a place where vessels of war might rendezvous. He believed that the harbour and fortifications of Alderney would be a source of weakness to England, for they would serve to keep large bodies of troops there, who would be better employed in taking care of the coasts of this country. Before sitting down he would make a remark to his hon. Friend the Member for Devonport (Sir E. Perry) who was chairman of the Committee on harbours of refuge. It appeared that evidence had been admitted from various private quarters on the subject; and he wished to suggest that, if that was so, evidence from all who were interested should be admitted, so that the Committee should be impartial. He for one did not object to spending public money on harbours of refuge. If it were made out that they were useful for the public interests, he thought that the expenditure of public money was a good one.

SIR JOHN PAKINGTON hoped that, after what had fallen from his right hon. Friend the Member for Ashton (Mr. Milner Gibson), the hon. Member for Montrose would not divide the Committee upon his Amendment. The harbour at Alderney could not be looked upon as strictly a harbour of refuge. The works there had, beyond all doubt, a military object. And for a long period it had been the opinion of high military authorities, including the Duke of Wellington, that it was important to construct a harbour at Alderney for the reception of Her Majesty's ships. Upon that opinion many successive Governments had acted, and large sums had been laid out. There were several plans for the completion of the harbour of Alderney varying very much in scale. But the sum included in the Vote for the present year would be required, whatever plan might be carried out. It would be expended in the construction of the mole, the foundations of which were laid. By voting this money to be expended during the present year, the House would not be committed on the ultimate expenditure, or as to the ultimate size of the harbour. They would only be voting the sum required to complete what was already begun. Under these circumstances, he hoped the Amendment would not be pressed to a division. Before the Government came to the House for a Vote next year they would be prepared to announce a definite opinion as to the course which should be adopted at Alderney, and as to the scale upon which the works there should be carried out.

MR. RIDLEY said, he concurred in the recommendation to the hon. Member for Montrose not to divide the Committee upon this Vote.

MR. BRISCOE said, that if the hon. Member for Montrose divided he should certainly support the Amendment. This was called a harbour of defence; but, as he understood that it would require 5,000 troops to protect the fortifications, he was convinced that it would be a source of weakness rather than of strength.

MR. MONSELL said, he would rather suggest the expediency of withdrawing the Amendment, in consequence of the statement of the First Lord of the Admiralty.

MR. BAXTER said, his object in moving the reduction was simply to give the Government a hint that the House of Commons was tired of the expenditure at Alderney; but after the statement of the First Lord of the Admiralty he could not press the Amendment.

GENERAL CODRINGTON said, he hoped it would not go forth to the world that England was unable to defend its Channel Islands. The late Duke of Wellington asked, with reference to this very point, where would this nation find allies if she could not defend her own frontiers?

MR. SLANEY called attention to the state of the western coast, which he said was unprovided with a single harbour of refuge.

Motion, by leave, *withdrawn.*

Original Question put and *agreed to.*

(19.) £21,000, Holyhead Harbour.

LORD JOHN BROWNE said, he wished to ask when the new packet pier at Holyhead would be commenced. Would it be completed so as to be ready for the accommodation of the new and larger packets about to be placed on the station, and to run between Holyhead and Dublin?

MR. G. A. HAMILTON stated, that it would be completed in a year and a half, in ample time to be ready for the accommodation of the new and larger packets which were about to be placed on the station.

MR. GLYN suggested, that it was worth while to consider the possibility of rendering Holyhead available for the accommo-

dation of the American traffic. Time would be saved both in the conveyance of the mails and passengers if they could be landed there instead of being carried on to Liverpool.

Mr. G. A. HAMILTON said, he feared that in the present state of the harbour of Holyhead it would not be possible to land the American mails there. He would, however, cause inquiry to be made into the subject.

Mr. WILSON remarked, that the works now going on at Holyhead were being carried out with a view of making the harbour available for the landing of the American mails, so as to save as much time as possible in the conveyance of the mails and passengers intended for the metropolis and the south of England. He wished to know, as the amount of the present vote was so small, whether there was any balance applicable to the works at Holyhead.

Mr. G. A. HAMILTON replied, that there was a considerable sum applicable to Holyhead, in addition to the Vote before the Committee.

Mr. W. WILLIAMS said, that the original Estimate for this harbour was £600,000, and now the total Estimate was put at £1,920,000. He had no doubt but that the harbour would be a work of great national importance; but these original Estimates were perfect delusions.

Mr. G. A. HAMILTON said, that there could be no doubt that the work when completed would cost more than the amount originally estimated by Mr. Rendell; but Mr. Hawkshaw had examined the harbour last year, and made calculations which there was every reason to believe would not be exceeded.

Mr. WILSON said, that in justice to Mr. Rendell, it should be mentioned that the original Estimate of that gentleman was for a much more limited undertaking than that to which those works at Holyhead had spread to. Repeated extensions had taken place while the works had been going on, in consequence of it becoming manifest that greater harbour accommodation would be required.

Mr. W. WILLIAMS said, he could assure the hon. Gentleman that he was mistaken. The Estimate was made by Mr. Rendell at £628,000 for the same plan which Mr. Rennie and other engineers estimated at £1,700,000.

Vote *agreed to.*

(20.) £1,049, Port Patrick Harbour.

Mr. W. WILLIAMS observed, that fourteen years ago an assurance was given to the House that no further sum would be required for this harbour. The superintendent, who, he understood, had nothing to do, received a salary of £120, and he was also informed that it was contemplated to bring a railway to the harbour, which, after an immense expenditure made on it, would not be of any use.

Vote *agreed to,* as was also

(21.) £60,651, Public Works, (Ireland.)

(22.) £18,506, Kingstown Harbour.

Mr. MONSELL inquired, whether it was proposed to have a covered way from the terminus of the Dublin and Kingstown railway to the pier from which the Kingstown and Holyhead boats started.

Mr. G. A. HAMILTON replied, that it was intended to bring the railway down to the new pier.

Vote *agreed to.*

(23.) £88,107, Retired Officers of the Houses of Parliament.

Mr. WISE said, that with that portion of the Vote which related to the House of Commons he was entirely satisfied, for there were two pages of detailed information given, and no one could say that any of the officers of that House were overpaid. But with reference to the House of Lords, the amount required in aid of the fee-fund was £18,000 in the present year, while in the last year it was £15,000; and he should like to know why the same detailed information was not given with reference to the House of Lords as was given in the case of the House of Commons?

Mr. G. A. HAMILTON said, he was not aware of any objection to the production of the information, if it should be thought desirable. He believed, however, that the Estimate had always been drawn up in the present form. He would, however, make inquiry as to whether the details asked for could be obtained.

Sir GEORGE LEWIS said, that the hon. Gentleman had made a very imprudent promise; for there was more difficulty in the way than the hon. Gentleman was aware of. The matter stood thus:—The House of Lords was in the habit of sending to the Treasury every year the amount of the expenditure of the preceding year; but for the current year they only sent a general Estimate, and the Treasury had no power to require the House of Lords to give information on the subject, and the Treasury could only lay the statement before the House of Com-

mons in the form in which it was received. If the House of Commons wished to have the details of the Estimate which the House of Lords would require next year, there was no means of obtaining that information except by a Motion being made to that effect, and a message sent to the House of Lords asking them to give the information.

Mr. W. WILLIAMS said, that the attention of the House had often been called to this matter, and the late Mr. Hume proposed to divide the House against any Vote for the House of Lords unless a proper Estimate should be furnished.

Vote *agreed to*, as were also the two following Votes:—

(24.) £54,000, Treasury.

(25.) £24,799, Secretary of State, Home Department.

(26.) £61,900, Secretary of State, Foreign Department.

Mr. W. WILLIAMS inquired, why the Vote in the present year was increased by upwards of £9,000.

Mr. G. A. HAMILTON replied, that there was a deficiency last year in consequence of the increased number of Queen's messengers and extra couriers whom the Foreign Office were obliged to employ. The amount paid by the Government for telegrams was so large as £8,000, in consequence of the many messages which had passed between this country and India.

Vote *agreed to*, as were also

(27.) £29,134, Secretary of State, Colonial Department.

(28.) £67,847, Privy Council Office.

(29.) £2,720, Lord Privy Seal.

Mr. WISE said, that having given notice of a Motion with reference to this office, it would be inconsistent in him if he were not now to make one or two remarks upon the subject. In 1850 a Select Committee of this House was appointed to consider the question of official salaries, and they recommended that provision should be made for transferring the duties of this office to some other department of the Government, and that the salary should be discontinued. A great deal of evidence was taken, which tended to show that the office was useless and ought to be abolished. It had been said that the post was of great antiquity as well as dignity; but the same argument might be used respecting the Master of the Hawks or of the Buckhounds. The office seemed, indeed, to be "a great sham." It had been held by absentees, by Lord Lieutenants of Ireland, by Lord Durham while ambassador at St. Petersburgh, and by Lord Minto when he went on his roving commission through Italy. The right hon. Member for Halifax (Sir C. Wood) stated to the Committee:—

"The Lord Privy Seal has no great duties belonging to his department. He is employed on various matters which arise from time to time and attending Committees of the House of Lords."

Lord Minto, observed:—

"The duties connected with the office are extremely slight—I may say next to nothing. They are merely ministerial, in applyiug the seal once or twice a week to a number of patents. They are such as to occupy no time at all. I have no doubt that arrangements might be made by which all the ministerial duties of the office would be just as well performed in other hands. It could be held in commision, or it could, as far as regards the duties of the office, probably be combined with another office of slight labour, and entirely dispensed with as a separate office."

Being asked whether the office was not a sinecure, he replied:—

"I should say as completely a sinecure as an office can be which has certain ministerial duties of a very trifling description. The Lord Privy Seal is responsible that the seal is not attached to any instrument improperly, but that is practically a very slight responsibility."

It was not (he added) an office in which a man was likely to be worn out in the service; there was no labour of any sort. Evidence to the same effect was given by Lord Durham. He (Mr. Wise) stated this in order to show that the office was of no use. In the spring, when he gave his notice of Motion, he did so as an administrative reformer, and as the present Government professed to be administrative reformers he wished them to be assured that he was not making a double-shotted Motion; but he hoped that if the Government found that the duties of the office could be transferred to some other department they would make some arrangement with that view, and consider whether it would not be more creditable to our governing system if they had persons in the Cabinet out of office, but as Privy Councillors, with salaries from £2,000 to £3,000 a year, and not continue a sham office like this, which must be given to a Peer. He did not make these observations simply as an economist, but because he thought that sinecures of all kinds ought to be abolished. [*Cries of* "Move."] Several hon. Members said, "Move," but looking to the state of the House he did not know whether he should be justified in moving the omission of the Vote. He considered the

office useless, and if he was supported he was bound to move the rejection of the Vote, and if it was rejected the Government could, out of the civil contingencies in their hands, pay the salary due to the noble Lord who now held the office. He begged to move the rejection of the Vote.

Motion made and Question put,—

"That a sum, not exceeding £2,720, be granted to Her Majesty, to pay the Salary of the Lord Privy Seal, and the expenses of his Establishment, to the 31st day of March, 1859."

The Committee *divided:* Ayes 71; Noes 31: Majority 40.

Vote *agreed to;* as were also the following Votes:—

(30.) £5,223, Civil Service Commission.

(31.) £17,198, Paymaster General.

(32.) £6,255, Comptroller General of Exchequer.

(33.) £26,575, Office of Works, &c.

MR. BERESFORD HOPE said, he rose to complain of the unsatisfactory manner in which that department was managed. As a proof that such was the case, he might mention that from papers which had some time ago been laid on the table of the House, it appeared that, although several architects had been induced to compete in furnishing a design for the erection of public offices, yet the whole scheme had subsequently been set aside by the overruling authority of the Treasury.

MR. WILSON said, that to the House of Commons, and not to the Treasury, the blame of that proceeding attached, inasmuch as, although the right hon. Baronet the late First Commissioner of Works had introduced a Bill for the purpose of carrying out the scheme to which the hon. Gentleman referred, he had been obliged to withdraw it in deference to the wishes of the Members of that House.

MR. BERESFORD HOPE observed, that the Bill in question related to the general scheme for building public offices upon a large scale, and that, although that measure had not been sanctioned by the House, yet ample powers had been given for the purchase of ground for the erection of a Foreign Office, the proposal for the construction of which had been arbitrarily set aside by the Treasury in favour of a plan which had been produced by the Government architect of a former Administration and rejected.

MR. WILSON denied that the House had sanctioned the purchase of any ground whatever, and maintained that when Parliament refused to purchase the ground required for the selected plans, it was obviously the duty of the Treasury to revert to a plan which had been originally approved of by Sir W. Molesworth, but which had been kept in abeyance, abiding the decision of Parliament upon the plans selected from among those sent in for competition.

MR. TITE said, he believed the question of the construction of those offices would require more consideration than it had yet received. He did not understand that the Government was committed by any pledge or understanding to employ the successful architect in the construction of the building; but he believed the present Chief Commissioner of Works was disposed to grant a Committee to inquire into the whole subject, and he hoped the hon. Member for Maidstone would make that Motion. With respect to the Vote before the House, it was, he considered, a moderate one, for he found that the office was right well officered.

MR. BERESFORD HOPE said, he would in proper time move for the appointment of the Committee as suggested by the hon. Member for Bath.

MR. W. WILLIAMS complained that the salary of the Private Secretary to the Chief Commissioner had been raised from £150 to £313, and the reason assigned was, that the Chief Commissioner was a Cabinet Minister. He could not understand how that made any difference. There was the solicitor, Mr. Gardiner, who had a salary of £1,800, and it appeared he had also a salary from the office of Woods and Forests, though there was another solicitor there with a salary of £1,000 a year.

THE CHANCELLOR OF THE EXCHEQUER explained, that there was nothing new in the principle of the increase of the Private Secretary's salary. The duties of a Secretary to a Cabinet Minister were always more varied and extensive than those of a secretary to a Minister who was not in the Cabinet, and his salary was always fixed at £300 a year.

MR. W. WILLIAMS said, he must repeat his objections. The duties of a Private Secretary, he contended, must be confined to the department, and had therefore nothing to do with the question whether his chief was or was not in the Cabinet.

LORD JOHN MANNERS said, he could assure the hon. Gentleman that was not so. A Commission appointed by the Treasury some years ago, to inquire into all official salaries, laid down the rule to which his

right hon. Friend alluded, and on that ground he stated that the Private Secretary of a Cabinet Minister should always have £300 a year. As to the solicitor, he believed that arrangement was made at the express instance of Lord Seymour when he was in the department, on the ground of Mr. Gardiner's familiarity with the details of the office of Woods and Forests.

Vote *agreed to;* as were the following two Votes:—

(34.) £22,989, Office of Woods, &c.

(35.) £21,009, Public Records, &c.

Motion made and Question proposed,—

"That a sum, not exceeding £216,060, be granted to Her Majesty, to defray expenses connected with the Administration of the Laws relating to the Poor, to the 31st day of March, 1859."

Mr. MACMAHON said, he should propose to reduce this vote by £30,000, the item included in it for the salaries of schoolmasters and schoolmistresses of Poor Law unions. He reminded the Committee that on the repeal of the Corn Laws the charge, among others, for the salaries of that class of schoolmasters and schoolmistresses was transferred, at the suggestion of Sir R. Peel, from the local rates to the Consolidated Fund, with the view to enable the agricultural interest to adapt itself the more readily to the altered state of things; but, inasmuch as the result of the repeal had been beneficial rather than detrimental to that interest and to the whole community, he thought it but fair that the charge should be again borne by the local rates. The case was peculiarly hard as respected Ireland, where the people had not only to bear their own local rates, which were exceedingly high, and where an additional tax had been recently imposed upon the sale of spirits, but to contribute, in common with England, to the fund out of which that £30,000, from which they derived no benefit, was defrayed.

Motion made and Question proposed,—

"That the item of £30,000, for Salaries of Schoolmasters and Schoolmistresses in Poor Law Unions, Great Britain, be omitted."

Lord JOHN BROWNE supported the Amendment, and cited other instances of expense borne by the local rates in Ireland, but paid out of the general charges in England. When these differences were made he admitted the taxation of Ireland was not equal to that of England, but as so much had been done of late to equalize the taxation between the two countries he thought the exemptions ought to be equalized too.

Mr. G. A. HAMILTON said, he would submit to the Committee that it would be dangerous to interfere with the settlement made in 1846, because the same arrangement exonerated Ireland to a great extent from the maintenance of the constabulary force.

Mr. MACMAHON said, the Irish people would be prepared to take on themselves the burden of maintaining their police if they were given, as in England, the control over that force, but not so long as their constabulary was placed on the footing of an army and employed by the Government in the collection of the Excise duties.

Mr. W. WILLIAMS said, he should oppose the reduction of the vote, as he believed the £30,000 for the Poor Law schoolmasters and mistresses was well spent.

Mr. WHITE contended that the poor would not suffer from the transfer of the sum in question from the Consolidated Fund to the English ratepayers, and he would support the reduction.

Mr. E. P. BOUVERIE said, no money was better laid out than that sum of £30,000 for schoolmasters and mistresses, and it was a mistake of the hon. Member (Mr. White) to suppose that the education given to the poor would be equal to what it now was if the expense were to be borne by the ratepayers. In most districts there was a desire to obtain the services of the children so educated, and thus they disappeared from the class of paupers.

Mr. AYRTON said, he should not support the Motion as he thought the education of pauper children should be a national, and not a local burden.

Mr. BUTT suggested that it would be better to raise the question not on the ground of the salary of schoolmasters and schoolmistresses, but on the item of £100,000 for the salaries, of medical officers. He thought that, as a general principle, local expenditure ought to be met by local rates.

Mr. MACMAHON said, he should acquiesce in that suggestion, and should withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Mr. MACMAHON then moved that the sum be reduced by £100,000, the sum charged for one-half of the salaries of the medical officers of poor law unions in England. The objection raised to the reduc-

tion of the educational Vote did not apply to this; and he did not see why England should not bear on her local rates the same expense which was so borne by Ireland. With regard to the police, if they had the control in Ireland of the police, and had to use them only for police and not for revenue purposes, they could maintain them for one-sixth of the present cost.

SIR GEORGE LEWIS said, he objected to dealing with this question in a piecemeal way. The Vote included part of the arrangement made by Sir R. Peel on the repeal of the Corn Laws, and a question so important ought not to be raised on a single item of this nature. He did not think they could take one item without going into the whole of them. With regard to the medical officers there was great complaint that their remuneration was too small. If this Amendment were agreed to it would probably be less. There was some force in the argument that the landed interest had not suffered so much from the Repeal of the Corn Laws as was anticipated, but, on the contrary, had gained by it, and the question might arise how far they were entitled to the compensation then granted them, or any compensation. He thought it would be highly objectionable, however, to deal with the question in the partial way now proposed, and he should like to hear the views of the Government on the subject.

MR. MILES denied that Sir Robert Peel had taken off the local charges referred to as a compensation for the Repeal of the Corn Laws. These local charges were taken off because the landed interest bore much heavier burdens than the rest of the community, and many of them were removed before the Corn Laws were repealed. Before hon. Members took up these questions hap-hazard it would be well if they would reflect how the agricultural interest had been burdened in proportion to the other interests of the country. The prognostications of ruin to the agricultural interest from the repeal of the Corn Laws had not been borne out, but during the first three or four years after that event many thousand respectable, but poor farmers had either been converted into labourers or into poor settlers in other countries. Let the House consider the question of local burdens if it would, but not upon an isolated Vote.

THE CHANCELLOR OF THE EXCHEQUER said, he could not see any distinction between the charges for medical officers and the charges for schoolmasters, and he was not aware of any reason why the medical officer, any more than the schoolmaster, should depend for his remuneration upon the liberality of the poor-law guardians. With regard to the other and most important point, it was not reasonable to suppose that the transfer of these trifling charges to the Consolidated Fund had been proposed by the late Sir Robert Peel as a compensation for the repeal of the Corn Laws, but, complaints having been made of the unequal manner in which such burdens had been borne, that was deemed to be the equitable moment for a fairer distribution of those burdens. If, however, these remissions were offered and accepted, as some believed, in the light of compensation for the repeal of the Corn Laws, it would be most unwise for Parliament suddenly to disturb a settlement of so serious a character. The experience of the Corn Laws had been extensive, but did not spread over so wide a period as to justify the House in coming to the conclusion that the transfer of these charges to the Consolidated Fund was unnecessary. If a period of sharp distress overtook the agricultural community, would not the House be in an awkward position if they represented that when the Corn Laws were repealed certain arrangements were made for the relief of the agricultural interest, but that after they had enjoyed a short period of prosperity the House of Commons broke the contract? There might come such a period of distress. If it prevailed in Ireland the House would hear of it, and they would be in a false position if they took advantage of what might turn out to be a transient prosperity in order to recede from a solemn compact. It was impossible to deal piecemeal with the arrangements of 1846. It must come before the House in its entirety, and it was only by a general and dispassionate review of all the facts that justice could be done. He must, therefore, resist the Amendment of the hon. and learned Gentleman.

MR. WILSON said, he thought that there was some ground for the impression which prevailed that the contract into which Sir Robert Peel entered with regard to Ireland had not been carried out. Sir Robert Peel was desirous to do something to mitigate the evils which were thought likely to attend the repeal of the Corn Laws, although the measures which he proposed could not be considered as

amounting to compensation. He (Mr. Wilson) did not think that the question should be raised in the present form, and he should therefore not support the hon. and learned Member.

MR. BUTT said, that he had not heard a word in justification of the course which was pursued towards Ireland. It was neither just nor honest to call upon the people of Ireland to pay one-fourth of the expenses of medical officers in England, and at the same time to pay the whole of those expenses in Ireland. The question they really had to determine was, whether, having adopted a certain mode of payment with regard to England, they should not apply the same rule to Ireland. The alteration of taxation in Ireland justified them in saying it ought to be done; and unless the Government were prepared to give them a pledge for placing Ireland on the same footing as England, he should vote for the Motion.

LORD JOHN BROWNE said, that the number of constabulary in Ireland was fixed by the Irish Government. If the counties required any more they must pay for it.

MR. ARYTON was glad to hear Irish Members say that they were prepared to submit to equal taxation with England, but he was afraid that they only adopted this high ground for the purposes of this particular question. He was disposed to support any proposition for transferring local burdens to the general taxation of the country, because there was a feeling on the part of the rich to escape from taxation, and to throw the burden on the poor.

MR. MACMAHON said, he deemed the vote so unjustifiable that he must mark his sense of it by dividing the Committee.

Motion made and Question put,—

"That the item of £100,000, being one-half of the expense of Salaries of Medical Officers in the several Poor Law Districts, be omitted."

The Committee *divided:* Ayes 10; Noes 80: Majority 70.

SIR HENRY WILLOUGHBY said, there was no reason in the world why this Commission should be permanent. The local authorities might be intrusted to carry out the provisions of the law without this supervision. Lord Althorp had given a solemn pledge when first the Commission was established, that when its original purpose was served it should not be continued. It was only by striking at Commissions of this sort that the expenses of the Civil Service of the country would be reduced.

Vote *agreed to.*

(37.) £50,000, Civil Contingencies, on account.

SIR HENRY WILLOUGHBY complained of the largeness of the amount required for Civil Contingencies this year. The usual Vote for that purpose was £100,000, and he wished to know whether £128,000 had been really spent last year. If it had, several items of expenditure, which appeared in the paper just published, ought to have been brought specifically before the money was spent.

THE CHANCELLOR OF THE EXCHEQUER said, the excess of this year was caused by exceptional circumstances. There had been a great many special missions and diplomatic expenses of various kinds. For instance, there was the mission of Lord Elgin, and the expenses of the Paris Conferences. There was no money in the Treasury to meet this expenditure, and he therefore hoped that the Committee would allow a Vote on account to be taken.

MR. NICOLL said, he must object to the growing practice of taking large sums on account, and move that the Chairman should report progress.

SIR GEORGE LEWIS said, the proposition of the Chancellor of the Exchequer was perfectly reasonable and usual. Hon. Gentlemen would have a full opportunity of discussing the items when the remainder of the Vote came to be proposed towards the end of the Session.

Vote *agreed to.*

The House resumed; Resolutions to be reported on *Monday* next.

House adjourned at One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 31, 1858.

OATHS BILL.

REPORT OF CONFERENCE CONSIDERED.

Order of the Day for taking into consideration the Report of the Conference had with the Commons on Tuesday, the 18th instant, upon the subject matter of the Amendments made by this House to the said Bill, read:

Said Report and the Amendment made by the Lords omitting Clause 5, to which the Commons disagree, being read, and also t said Clause 5 being read;

THE EARL OF LUCAN rose to move the Amendment of which he had given notice. The noble Earl said, he felt that some apology was due to their Lordships for asking them to modify a decision to which they had come so frequently and so recently on this subject; but he was compelled by a sense of duty to use his best endeavours to bring about the settlement of this long-agitated question, being deeply impressed with the inconveniences and probable dangers which attended the present position of the two Houses of Parliament; and he therefore felt it to be his duty to offer a suggestion which he thought might lead to a settlement of the question. In doing so he was acting *proprio motu*, and without any concert with any party in that House, having even abstained from acquainting the noble Earl at the head of the Government with his intention. The first part of the Amendment of which he had given notice was intended simply to remedy an error which, he thought, had been committed by that House in striking out Clause 5; for if they did not wish to relieve the Jews from any disability, at any rate it was not their intention to impose on them any fresh disability. The second portion of the Amendment was, that from and after the passing of the Bill it should be lawful for either House of Parliament so to modify the oath to be taken under it, as to meet the conscientious scruples of persons of the Jewish persuasion. He was aware that objections would be raised to the admission of Members by Resolution of one House; but he could see no reason why that should not be allowed if the proceeding were legalized by Act of Parliament. He was aware that he was asking their Lordships to concede much, but not, he thought, too much, when the object was to restore harmony between the two Houses of Parliament. Every man of reasonable foresight must be aware that this was a question that must be before long disposed of in some way; and, therefore, he hoped the House would consent to concession, and that the compromise which he had offered would be accepted. He would remind their Lordships of the repeated attempts at legislation which had taken place upon this subject. The question of the admission of Jews to Parliament was first brought forward in the House of Commons in 1830. In that year no Bill was sent up to their Lordships' House; but since, and including 1833, there had been no less than ten Bills sent to that House from the other House of Parliament. The majorities in favour of the Bill in the other House had not been large—not exceeding thirty or forty—until the present year, when, being supported by the entire strength of the Government, the Bill was carried by a majority of 140. From 1836 the subject had been allowed to rest until 1848, when Baron Rothschild was returned for the City of London; and since then, repeated attempts had been made to induce their Lordships to consent. Various measures having the same object, and Bills were sent up in 1848, 1849, 1852, 1853, 1856, 1857, and 1858. The House of Commons until last year had been content with sending up Bills; but after the last Bill had been defeated, a proposition was made to admit Jews into Parliament under the provisions of an Act 5 & 6 *Will.* IV. The question was referred to a Committee, who decided that the provision of the Act did not apply to the case; and indeed it appears to him wonderful how any one could ever have supposed that it was applicable to the admission of Members to the other House, especially looking to the fact that it was passed in 1835, and had been in operation ever since without any one ever thinking that it could be made available for that purpose. Their Lordships all knew what had happened with respect to the Bill of the present year, and how a learned Gentleman had threatened, that if it were eventually thrown out he would, in some mysterious but constitutional way, admit the Jews to Parliament. Such was the present position of the question. In supporting the Amendment which he had to submit to their Lordships' notice he might be accused by his noble and learned Friend on the woolsack with taking his stand upon very low grounds—those of policy and expediency: he could not help thinking that when their Lordships bore in mind that a measure similar to that under their notice had passed the House of Commons twenty-five years ago, and had on ten different occasions come up to their Lordships' House, they would concur with him in the opinion that it was most impolitic and inexpedient to persevere any longer in its absolute rejection. Their Lordships must, he thought, feel that the time for concession had arrived. For his own part, he had scarcely met a single noble Peer, or indeed anybody else, who, in conversation, contended that the exclusion of the Jews from Parliament could permanently be maintained. As a measure of

prudence it was desirable that the question should be settled, and he believed that that object could be best secured by means of a compromise such as that which he proposed. In advocating those views he must not be supposed to shrink for one moment from upholding to their fullest extent the privileges of their Lordships' House, in dealing with questions of great national importance, and he was of opinion that the conduct of the other House of Parliament in appointing a member of the Jewish persuasion to be a party to the Conference which had taken place upon the subject under discussion amounted to something very like an insult. He was not aware whether Baron Rothschild had or had not attended that Conference, or whether he had acted as a Member of the Committee; but he had been informed that in accordance with the advice of the late Attorney General, he had abstained from taking that course. But, be that as it might, it was their Lordships' duty, laying aside all consideration of what had recently taken place in the other House of Parliament, to view the question before them dispassionately, and to pronounce with respect to it a calm and impartial decision. He might be told that in upholding the sentiments which he entertained, he was acting in violation of the religious feeling of the country; but he should wish to know what evidence there was to substantiate that charge. There was no such evidence to be found in the number of petitions which had been presented to that House against the admission of Jews to Parliament, inasmuch as the number of those petitions was extremely small. Neither was it to be discovered in the circumstance, that at the hustings any Member of Parliament had been called to account by his constituents because he happened to have voted in favour of Jewish emancipation; while it was a fact beyond all dispute, that nearly the entire press of the country supported the policy of admitting Jews to a seat in the Legislature. It might, however, be contended that the public out of doors were apathetic upon the subject, because they relied upon the House of Lords to reject any measure which had that object in view. That, however, was not the way in which the country was wont to act, and he felt assured that had the people of England felt so strongly upon the question as some noble Lords seemed to suppose they would, as it was their duty to do, have given unmistakeable expression to the sentiments which they entertained. He should now leave his Amendment in their Lordships' hands, in the perfect assurance that, whether it pleased them to adopt or to reject it, they would be guided by the dictates of their own consciences and a due regard to the interests of the country. The noble Earl concluded by moving:—

To leave out from ("Act") in line 3 to the end of the Clause, for the purpose of inserting ("on any occasion other than an Application to be admitted to sit and vote in either House of Parliament, the Words 'And I make this Declaration upon the true Faith of a Christian' shall be omitted; and that from and after the passing of this Act it shall be lawful for the House of Lords and for the House of Commons, respectively, by Resolution of the House, to determine that the Form of the said Oath, so far as such Oath rests upon or refers to the Christian Faith, shall, for the purpose only of such Oath being administered to Persons professing the Jewish Religion, be modified, and to make such modification accordingly in such manner as to each such House shall seem best calculated to adapt the Form of the said Oath to the honest and conscientious scruples of the said Persons professing the Jewish Religion.")

EARL STANHOPE said, he hoped that at this last stage of the Bill before them he might be allowed to make a few observations. Indeed, he felt bound to rise, when he recollected the mark of confidence which he had the honour to receive two years ago. Then he had, at the request of several noble Friends, moved the rejection of a Bill similar to the present, and it was upon his Motion that the decisive vote against the admission of Jews to the Legislature had been taken. Looking, however, to all that had occurred within the last two years, he felt bound to state that, although several of the objections which he had upon the last occasion entertained to any such proposal remained still undiminished, yet that his views with respect to the policy and prudence of the House of Lords continuing to resist the admission of Members of the Jewish persuasion to Parliament were no longer the same. The reasons by which that change had been brought about, as well as those which induced him to doubt whether the Amendment which had just been proposed furnished the best means of settling the question, and whether it would not be better to accede to the Motion which he understood was about to be made by a noble and learned Lord (Lord Lyndhurst), he would briefly submit to their Lordships. In adverting to the altered circumstances which had arisen, and which affected not so much the abstract merits of the question as the policy

of continued resistance, he must advert to the largely increased majority of the House of Commons in favour of the admission of Jews to Parliament. That majority had more than trebled in two years. Two years ago, upon a clause for admitting the Jews to Parliament, the majority in favour of the clause was forty-nine; this year, upon a similar clause, it was 153. Surely, this was no light point for consideration. He heard it said, indeed, by some that, although the majority of the House of Commons might have increased, there was still a majority in the country against this measure. Now he must submit that an argument of this kind required to be most lightly touched—to be handled with most peculiar care—by all such persons at least as were not in favour of some large radical and sweeping measure of Parliamentary Reform; for see what inferences might readily be drawn from the assertion, if rashly made, that on this question, or on any other, the House of Commons, for many years, and after several general elections, wholly misrepresented the feeling of the people. But what was really this feeling? It was a feeling which, as the noble Earl (the Earl of Lucan) had truly said showed itself in very few petitions to their Lordships, and did not make itself felt at a single election. Let this be compared with the manifestation of feeling in Scotland at the general election which preceded the last, when the constituencies refused to return any representatives who were not opposed to Maynooth, and when the result was that almost every candidate who came forward, whether Whig, Tory, or Radical, declared that at heart he had always been opposed to the grant, and was ready to pledge himself against it. Now, the repugnance shown to the admission of the Jews to Parliament differed very widely in its manifestation from this; it was languid and inert, it evaporated in talk, and it would be difficult to name a single case in which the advocacy of the claims of the Jews by a candidate had in any degree impeded his election. When the opinions of this House were thus languidly supported out of doors, it became very difficult for their Lordships to continue their resistance to the oft-declared wishes of the other House of Parliament. There was another consideration which, in popular apprehension, had very greatly altered the aspect of this question. When the claims of the Jews to sit in Parliament were first mooted, they were supported by not more than one or two occupants of the episcopal bench. Since that time, however, a considerable number of the right rev. Prelates, among others, had shown themselves favourable to the admission of the Jews. Now, it used to be said of some ultra-politicians in the time of Louis XVIII. that they were *plus Royalistes que le Roi;* and in the same way he thought that if so large a proportion of the right rev. Bench supported the claims of the Jews while a majority of this House opposed them, the popular apprehension might be that their Lordships, more zealous than the Bishops themselves, set themselves presumptuously forward as being more zealous for Christianity than even the Bishops themselves! Nor could he (Earl Stanhope) be blind to the fact, that within the last two years there had been several conversions on this subject, and that those conversions had uniformly taken place among those who had heretofore been opposed to the principle of the Bill; and in no one instance, so far as he was aware, had there been any conversion the other way. He saw opposite to him the noble Earl (the Earl of Donoughmore), who, although two years ago he had voted with him against the measure, had voted on the last occasion in favour of this Bill. He (Earl Stanhope) had been prevented, by indisposition, from attending the debate that had taken place the other night upon this question; but he understood that the noble Earl at the head of the Government had himself observed that no less than three of his colleagues in the Ministry in the other House of Parliament were favourable to an adjustment of the claims of the Jews. One of those Gentlemen, no doubt, had always been in favour of the measure, but the two other colleagues of the noble Earl had been converts within the last few years. Now, what did all those facts prove? Why, that the current of public opinion, so far as regards statesmen and Members of the Legislature, had been for years running strongly in favour of this measure; and consequently, it became a matter of serious consideration whether that House would be acting with propriety or prudence in resisting any longer the reiterated wishes of the other House of Parliament. Another event had occurred which, though it deserved no weight as an argument on the abstract merits of the question, had an important relation to the ground of policy. A Jewish gentleman had within the last two years

Earl Stanhope

been unanimously elected to occupy the high office of Lord Mayor of London. Now, it was universally admitted by all parties that no man could have discharged those high and important duties in a more dignified and unexceptionable manner. The heads of all the great parties of the State by turns partook of that gentleman's hospitality, and exchanged compliments and courtesies with him. Undoubtedly there was a considerable distinction between the task of administering laws and of framing them; and therefore, he remained still of opinion that you might justly refuse to allow a Jew to legislate while you freely committed to him merely executive functions. Still, however, when a Jewish gentleman had thus, with general concurrence, filled the office of Lord Mayor of London, he doubted whether the argument he had just used was not too abstract and refined for popular apprehension, and whether it did not dissolve away under the influence of such an example. The question abstractedly was, he repeated, not affected by such an argument; but if their Lordships desired to take their stand on public feeling, and to obtain the support of the country, they were bound to consider, not only what was of force as an abstract argument, but what the popular apprehension on the subject would be. Moreover, when this Bill was brought before their Lordships two years ago, it involved the question of the Roman Catholic oaths, and thus raised difficulties which did not now present themselves. Indeed, it was owned in the other House by one of the most conscientious opponents of the admission of the Jews—a right hon. Gentleman whose friendship he (Earl Stanhope) had the pleasure of enjoying (Mr. Walpole)—that this proposal had never yet been put forward in a manner so free from collateral objections as in the present measure. The question having been thus altered, as he conceived, it was no longer to be viewed as it had been hitherto. Reviewing the history of this question, and all those circumstances to which he had referred, he was bound to ask himself whether, as a Member of that House, he would be justified, even while retaining his former objections, in continuing his resistance to this measure. That House had, no doubt, its independent rights and duties; but he conceived it formed no part of those rights and duties to offer a continuous opposition to the repeated and continuously expressed wishes of the people as expressed by their representatives in the other House of Parliament. It was the duty of that House, no doubt, not merely to exercise an independent opinion upon all subjects that came before them; but, also, to afford every opportunity for ascertaining the real opinions of the people on any particular question that might be pressed upon their attention, either by an appeal to the country or otherwise. That he maintained to be the constitutional right and duty of that House. He did not, however, think that any statesman would contend that it was the right of that House to offer a perpetual barrier to the will of the other House, year after year expressed in a clearer and a still more forcible and decided tone. If, then, he had rightly defined the rights and duties of the House of Lords, how did such principles accord with the present state of this question? Could it be held that their Lordships should oppose a perpetual barrier to the Jewish claims? Since 1848, when this subject was first brought before Parliament, he believed he might say, without impropriety, that their Lordships had staved off the question. They had staved it off for ten years. In that interval there had been two general elections, and full time had been afforded for the clear expression of popular opinion at elections, by petitions, and by every other constitutional mode. What had been the result? Why a largely increased majority — a majority trebled within two years—in the other House in favour of the measure; and under these circumstances he asked whether in continuing their resistance their Lordships were not exceeding the duty they were entitled to perform? He must say he doubted whether it was expedient that their Lordships should continue the resistance they had hitherto offered to this measure. Was it not desirable that they should husband and reserve their strength for other struggles before them? Would their Lordships, he asked, consent to a complete surrender of the question of church rates? Much as he (Earl Stanhope) deemed a settlement of the question of church rates desirable, especially with reference to the great towns, he should, and he hoped their Lordships also, resolutely refuse its unconditional surrender. Many Members—indeed a majority—of the other House of Parliament had, however, expressed an opinion in favour of the abolition of church rates without providing any substitute. He doubted very much whether with regard to such questions concessions on both sides might not be advantageous. Meanwhile

he deemed it most important that their Lordships should not hazard their authority with regard to questions upon which resistance might be necessary or desirable, by opposing a settlement of these Jewish claims to which any long-continued resistance had become impossible. He was, also, swayed in his opinion by the fact which had been adverted to by the noble Earl who had moved the Amendment—he meant the consideration of what course might be pursued by the House of Commons if their Lordships persevered in rejecting this Bill. They had been reminded by the noble Earl that at the end of the last Session of Parliament a Committee was appointed on the Motion of a statesman of great weight and deserved authority—Lord John Russell; and the noble Earl adverted to some of its proceedings. He (Earl Stanhope) confessed that when he looked at those proceedings he entertained great doubt whether their Lordships, do what they would, could continue to exclude Jews from Parliament. He was afraid that if continued resistance were offered by their Lordships their Lordships' House would be passed over, and Jews would be admitted to Parliament in spite of them. Why did he say that? In the present Session the House of Commons had—not without resistance and discussion—by a very large majority named as a Member of the Committee to conduct the Conference the very Gentleman who had given rise to this controversy—a gentleman who was himself a Jew. The noble Earl who moved the Amendment expressed a doubt whether the gentleman in question could act. He (Earl Stanhope) was told that gentleman had acted—that he had been present at the Conference. The question was, not what we might think right or constitutional, but what the majority of the House of Commons intended to do, and if they did seat this gentleman by Resolution all their Lordships' doubts as to whether such a course was constitutional or legal would be of no avail; but considerable difficulty and controversy would necessarily ensue. The noble Earl had adverted to certain proceedings which took place in the Committee of the other House on the 10th of August last. He (Earl Stanhope) found on reference to the proceedings of the Committee that a Resolution declaring that the House of Commons was within the meaning of the 8th section of the *5 & 6 Will.* IV., c. 62, and was therefore authorized to administer or receive any oath, received the support of Lord John Russell, and that the Attorney General of the late Government, (Sir Richard Bethell,) and Mr. Disraeli, who was the leader of the present Government in the other House, had voted in its favour. He thought, then, when their Lordships found such names in favour of a proposition of this nature they would see that there was considerable probability of a proposal of that nature receiving the assent of a majority in the other House of Parliament. At the same time he (Earl Stanhope) doubted whether the question could be satisfactorily settled in the manner proposed by the noble Earl. For his own part, he intended, with regard to the Amendment of the noble Earl, to be guided by the advice and example of the noble and learned Lord opposite (Lord Lyndhurst). If that noble and learned Lord objected to the Amendment, and adhered to the original proposition, he (Earl Stanhope) would give him his support; but if, on the other hand, the noble and learned Lord meant to adopt the Amendment, he would vote with him. His (Earl Stanhope's) desire was to see the question settled, even at the expense of some personal feeling, and he wished to give such a vote as the noble and learned Lord might deem best calculated to effect that object. He (Earl Stanhope) had not taken this course without much anxiety, and it would have been far more agreeable to his own feelings to adhere to the course he had previously pursued; but he did not think he was at all entitled to indulge those feelings of pride in his own consistency, when he believed them to be antagonistic to subjects of great public interest. He was strengthened in his belief of the propriety of the course he was about to pursue, when he remembered the advice so often tendered by one whose memory was regarded with the deepest veneration, not in that House only, which he had so long adorned, but by all persons and all classes—the late Duke of Wellington. For more than twenty years it had been his privilege to live on terms of intimacy and confidence with that great man, and he had heard the Duke of Wellington say that of all his acts in civil life there were none to which he looked back with so much satisfaction, as convincing him that he had not been useless to his country, as when he had raised his warning voice with the view of preventing a collision between that and the other House of Parliament, and ex-

horting their Lordships to concede when the period of resistance had passed. At that time many of their Lordships differed from the Duke of Wellington; but could they now have any doubt, looking back to the matter in an historical point of view, that the noble Duke's counsels were wise? Take the case, for example, of the Reform Bill. No man at first opposed it with greater warmth than the Duke of Wellington: he resisted it until an appeal was made to the country, until Bristol and Nottingham were in flames, and until the current of popular feeling ran too high to be longer opposed with safety. Several of their Lordships continued, nevertheless, to vote against that Bill; but now, looking back to the matter at this distance of time, and being aware of the effects produced, could they doubt that the Duke of Wellington gave good advice in counselling concession, and saved the country at large from great calamities? If the noble Duke were present among them at this moment, could any one doubt what counsel he would give to their Lordships, when he found that, after many years of resistance on the part of their Lordships, the Commons, by great and repeated majorities, still passed the Bill for the admission of the Jews, and in their eagerness to effect the object contemplated a step which appeared to be beyond the bounds of the constitution? He then adjured their Lordships, after the noble Duke's death, to be still guided by his counsels. As for himself, his course was taken, and with reluctance certainly; but sustained by the sense that he was endeavouring to do his duty to his country, he should give his vote with the noble and learned Lord (Lord Lyndhurst) for the settlement of this long-agitated question.

THE EARL OF CLANCARTY: My Lords, I am anxious thus early to address your Lordships in consequence of the speeches of the two noble Earls who have opened the discussion, for while they are abandoning a long continued opposition to the Jewish claims, I, on the contrary, from having been formerly in favour of those claims, now entertain opinions adverse to their admission; opinions which governed the vote I gave upon the question in the last Session of Parliament, and upon which I shall feel it my duty to act upon the present occasion. I am, therefore, desirous of explaining a course of conduct so directly the opposite of that of the two noble Earls; but before doing so I would beg to notice briefly the insufficiency of the Reasons which they, especially the noble Earl who has just sat down, have given for the course they now recommend your Lordships to take. They in fact adopt in its fullest sense the fifth of the Reasons sent up by the House of Commons against your Lordships' Amendments to the Bill—namely, that—

> "The Commons having already on ten previous occasions, and in five Parliaments passed Bills for removing the civil disabilities of the Jews, and having of late years agreed to such Bills by constantly increasing majorities, are convinced that the opinion of their constituents and of the country at large has been irrevocably pronounced in favour of the removal of such disabilities."

A very sufficient ground is no doubt here given for your Lordships making every concession to the wishes of the Commons that you can make consistently with maintaining the constitution in its essential principles. But I would remind the noble Earl who last addressed you, and has endeavoured to justify his present views by a reference to the course taken by the late Duke of Wellington at the period of the Reform Bill, that that great man did not counsel your Lordships to give way upon the question until public opinion had been loudly and unmistakeably expressed in favour of that measure, and that the concession then made to the popular voice did not involve the violation of any constitutional principle. There has been no such manifestation of public feeling in the present case, on the contrary, the public appear very apathetic respecting the claims of the Jews, and have probably looked little if at all into the question. It is true there have been several new Parliaments called since the Jewish claims were first brought under discussion, but I believe that in very few cases have they been noticed upon the hustings, where subjects interesting to the constituencies are commonly brought forward by the candidates for popular favour; and at the last general election undoubtedly the question exclusively considered by the constituencies was the continuance or non-continuance of the Palmerston Ministry. The Jews found no place in the popular mind. It is worthy also of remark with reference to the importance the House of Commons and the noble Earl attach to the increasing majorities by which the Jew Bills have been carried; that the opinions of the leading liberal Members of that House have been repeatedly expressed that the people of England are not adequately represented, and that a new Reform Bill is necessary.

Such being their opinion, the majorities by which the Jew Bills have passed cannot justly be regarded as evidence "that the opinion of the country at large has been irrevocably pronounced in their favour." But, as the noble Earl has searched the records of Parliamentary history for examples of concession, he must allow me to remind him that there are to be found also encouraging precedents for upholding and persevering in the assertion of right principles against a temporary pressure from the House of Commons. Instances are not wanting where the Commons have been at variance upon important questions with this House, and have in the end recognized the soundness of your Lordships' decisions by the abandonment of measures which they had for some time appeared to insist upon. I will only particularize one which is remarkably analogous to the present case. I mean the celebrated "Appropriation Clause" in the Irish Tithe Bill. This measure was repeatedly sent up to your Lordships, and as frequently rejected by you; eventually it was rejected by the House of Commons itself, its original author, Lord John Russell, being, I believe, among those that voted against it. The same should be the end of the measure now before the House, the author of which is the same noble Lord.

I will now, my Lords, briefly state to your Lordships the grounds of my objection to the Bill. The arguments mainly relied upon by its promoters are stated in the 2nd and 4th Reasons of the Commons which are substantially identical. They say that—

> "The exclusion of British subjects from seats in Parliament and offices in the State on the ground of their religious opinions is contrary to the general maxims of freedom of conscience."

The abstract truth of this, my Lords, I think none will dispute, and when first the question arose of the claims of the Jews to sit in Parliament, it appeared to me, I confess, conclusive in their favour. It is unquestionably a principle of our free constitution that no British subject should, without very sufficient cause, be excluded from participating in its privileges, and at first sight it does not seem reasonable that exceptions should be made in the case of a Jew. This would account for a large amount of public support being given to the Bill, and it would be much more agreeable to me to be now, as I formerly was, in favour of it; but when in the last Session of Parliament it became my

Earl of Clancarty

duty to record my vote upon the question, and therefore to examine more closely into its merits, it soon became apparent to me that the proposed concession was fraught with great danger to the future good government of the country and to its very liberties, and that therefore it ought not to be made. It will not be denied that the British constitution, which is the boast of Englishmen, and the envy and object of imitation with every nation struggling for freedom, has grown up and matured under the guardianship of a legislature exclusively Christian. The harmony, mildness, and sufficiency of our laws may be attributed mainly to the Christian principle that pervades them, and the Christian religion has been so intimately interwoven with the whole system of our legislation, that, to use the emphatic words of Blackstone, (no mean authority upon such a subject), "Christianity is part of the laws of England." Surely, then, those who regard Christianity as a system of imposture, are not rightly qualified to make laws for its maintenance. There has been from the earliest period of the monarchy an union of Church and State, and thereby a national acknowledgment of that Divine code of morality which the Gospel prescribes for the government, not of individuals only, but of nations, and for the good of all. Under its salutary influences it is, especially since the Reformation has more fully developed the doctrines and spirit of the Christian religion, that England at the present day affords to persons of every religious denomination residing under the protection of her laws an amount of liberty not enjoyed in any other country; but it is only by a Christian legislature that the Divine rule and precepts of the Gospel can be acknowledged in the work of legislation. It is true that this involves a principle of exclusiveness, while the great community of British subjects includes persons of a great variety of creeds, many of them the most conflicting; it is, however, upon that very account only the more important to provide that our legislation should be carried on upon acknowledged and fixed principles, and that the machinery of government should work harmoniously; and experience fully bears out the assertion that in no way can these objects be better secured, than they are under our present form of government—namely, a Protestant Sovereign and a Christian Parliament. Under these auspices the constant aim and general ten-

dency of legislation has been to render the liberties of British subjects, civil and religious, as perfect as they can be. And let me remind your Lordships that it was to secure the permanence of such a form of government that, when Parliament was opened to persons of the Roman Catholic persuasion, restriction was placed upon them by the terms of an oath the most stringent that human ingenuity could devise, to abstain from doing aught, in a legislative capacity, to weaken or disturb the Protestant religion or Protestant Government of the country. This was proposed and supported by the most liberal statesmen of the day, and opposed by none; it was even assented to by the principal authorities of the Church of Rome resident in the United Kingdom, as the condition upon the Roman Catholic body was to be admissible to Parliament, and it was justified as necessary for the maintenance of Protestantism in the Church and in the spirit of the Government: and this policy you again affirm in this very Bill by providing that nothing therein contained should alter or affect the provisions of the Catholic Relief Bill. But if you admit the Jews, as now proposed to legislate on questions affecting the Established Church as well as the civil interests of the country, you cannot, without great injustice to the Roman Catholics, leave unrepealed a restriction upon their freedom of legislative action. It would be manifestly inconsistent to subject Christian members of the Legislature to restrictions, where the interests of Christianity were involved, which were not also imposed upon the Jews. Let the claims of the latter be admitted upon the principle contended for by the House of Commons in their fourth Reason against your Amendment—namely, that "the infliction of disabilities upon any class of Her Majesty's subjects solely on account of their conscientious adherence to their faith, savours of persecution; and you must admit, also, the Mahomedan, the Hindoo, heathens of every denomination (millions of whom at this moment are dependent upon the kind of government Parliament may impose upon the Indian empire), and the professed infidel, who is commonly quite as bigoted in his own peculiar views as the most superstitious votary of any false system of religion. Religious tests of every kind must be abolished as qualifications for access to the great Council of the Nation, for they could be of no possible value. Nor could you consistently any longer require the Sovereign to make profession of a particular form of religion: the King has as good an abstract right to hold and profess what religious opinions he pleases, as have the King's counsellors: so that, upon the principle contended for by the Commons, the future government and the guardianship of the rights of a people at present blest with the enjoyment of freedom beyond any other nation in the world, might fall into the hands of a Sovereign of any, or of no religion, and of a godless Parliament. The Jew must be free to assail Christianity and every religious observance connected with it—the infidel must be at liberty to scoff at religion in every form—and the Roman Catholics—a body numerically more powerful, and from their organization and union under ecclesiastical rule, more formidable, must be free to lay themselves out for the restoration of the Pope's supremacy, so at variance with the independence and liberties of the nation. The House of Commons appears to have fallen into the error of regarding seats in Parliament and offices in the State as the inherent rights of British subjects intended for the individual benefit of the persons holding them. A participation in the government of this great country is, indeed, a great and distinguishing privilege; but it is still more to be regarded as a trust conferred for the benefit of the community, and experience has fully warranted the qualifications at present by law required in those to whom the reins of government are confided: hence the present limitation of the Crown to the reigning Royal Family being Protestants, and hence those tests imposed upon the advisers of the Crown in legislative matters by which to ensure their counsels being in harmony with these views which the Sovereign is, by the Coronation Oath, obliged to hold to. As a trust is also to be regarded the possession of the elective franchise, so that the citizens of London, so far from having any wrong to complain of under the existing law, are themselves wrongdoers, having fallen short of their duty to the country at large and to their unfranchised fellow citizens by sending as their representative to Parliament a person not qualified to act. The objection to the Jew is not that he is disloyal, not that he is incapable of exercising administrative duties: no such charge has or can be urged against him, but that he is not qualified to legislate for a Christian Church, nor can he

reasonably expected to regard with reverence those divine precepts of the Gospel which are sometimes referred to, and which our laws may not contradict. It is, no doubt, historically true that the words in the oath, which stand in the way of Baron Rothschild's taking his seat, were not intended for the express purpose of excluding Jews from Parliament; but it might, with equal truth, be said that when the sovereignty of the country was limited to a Protestant, no intention existed of thereby excluding a Jew from the throne; and for this reason, that at the periods at which those legislative measures were respectively enacted the possibility of the nation ever falling, in any degree, under Jewish government, was never even imagined. The nation was only intent upon guarding its liberties against the encroachments of the Papacy, and the disabilities are owing solely to the laws of the country having ignored the supposition of the country ever being under other than Christian Government. Looking back to *Magna Charta* the Barons of Runnymede in that, the first charter, of British liberty, notice the Jews only as money-lenders. History does not record their ever having taken arms in the country's defence, or ever having taken part in, or sought admission to the national councils, they have ever been and sought so to keep themselves in every country where they are found, a nation apart, aliens from all around them in blood, in religion, and in social interests. I believe, that the feeling among them generally is still the same, and certainly, but for the wishes and personal popularity of Baron Rothschild, backed by his enormous wealth and the great political weight of his family, we never should to this day have heard of the Jewish claims. I have not the honour of Baron Rothschild's acquaintance, but from all I have heard of him, I do not apprehend that if he should obtain his seat in Parliament his conduct would be other than that becoming a British legislator. He has chosen England as the place of his residence, he has creditably filled the offices of the magistracy, he is respected by all that know him, and has so won upon the esteem of his fellow citizens that, in order to promote his wishes, they have repeatedly elected him with the certainty that he could not take his seat in Parliament. A man so highly esteemed is not likely to do discredit to the choice of his constituents, or to be disposed to damage that free constitution under the protection of which he has preferred to live; but his admission, as a Jew, to the Councils of the nation would be subversive of the great and essential principle of the constitution which connects the maintenance of the Christian religion with the general government of the country. The Commons urge it as a motive for your Lordships' yielding your opinions that Members of both Houses of Parliament of great weight, though differing upon other matters, have concurred in their support of this Bill; but this argument may be met by the fact that other Members of equal weight, though differing upon other subjects, have united in opposing it. The majority of the Commons have so far the advantage that they have taken the popular side of the question: it would be pleasing to your Lordships also to do the same, if you could be as readily excused for seeking popularity; but you have a higher mission as hereditary legislators—it is more especially your duty to act as guardians of the constitution. The country at large, I believe, does not take much interest in the question before you: the majority would probably, on a first view of the question, be favorable to concession; but those who have given their attention to it—the more thinking and religious portion of the community—are strongly opposed to it. They look with respect to the stand you have made against it, and they confidently look to your maintaining those principles which your reasoning and votes have hitherto vindicated, and I venture to hope that you will not disappoint public expectation by countenancing the proposition now brought forward by my noble and gallant Friend of an untimely surrender.

THE EARL OF DERBY: My Lords, I think it will conduce somewhat to the perspicacity, and perhaps to the brevity, as well as to the regularity of this debate, if we come to some understanding of what is the real point we are discussing; because it appears to me that we have got into a state of confusion as to the question before us, which may possibly lead, if not to some inconsistency, at least to inconvenience. My noble and gallant Friend who introduced the Amendment before the House stated that he did so without consulting any of those with whom he usually acts politically; and more especially he assured the House that he had had no communication with me with regard to the Amend-

ment. My Lords, I can in the fullest possible manner confirm, so far as I am concerned, the statement of my noble and gallant Friend, for no one was more taken by surprise than I was when, on the last day on which your Lordships sat previous to the Whitsuntide recess, my noble and gallant Friend rose for the purpose of stating that he was about to move an Amendment, when the Commons' Reasons for disagreeing to the Lords' Amendment on the Oaths Bill came to be discussed in this House. In fact, so much was I taken by surprise, that on the Thursday following I wrote to my noble and gallant Friend, suggesting whether he did not think that we should be made acquainted, if not with the precise words, at least with the object of the Amendment. With whom my noble and gallant Friend may have taken counsel I know not; but that Amendment introduces a novel and important principle—one which I think, if it is intended to discuss it in your Lordships' House, should be discussed with full deliberation, after ample notice, and when more opportunity has been given for its consideration by your Lordships than can possibly be the case under the present circumstances. Your Lordships will recollect that it was only on the last day the House sat that my noble and gallant Friend gave notice of his intention to move any Amendment at all, and there are probably a very great number of noble Lords not present in the House who have not the slightest idea of the proposition now for the first time laid before you. Yet it is a proposition which, on constitutional grounds, is of such importance that every Member of your Lordships' House ought to have had the fullest opportunity of considering and making up his mind upon it. With regard to the Reasons that have been advanced by the House of Commons for calling on your Lordships not to insist upon the Amendments which you have made in the Oaths Bill, I can hardly think that any of your Lordships who have on various occasions listened, without being convinced, to the able arguments, to the evident sincerity, to the vigorous and fervid eloquence of my noble and learned Friend behind me (Lord Lyndhurst), on whose wonderful powers passing years themselves seem to have no effect whatever—I cannot think that those who have listened to my noble and learned Friend are likely to be materially influenced by the arguments set up, and the Reasons assigned by the House of Commons. Those who have not been enchanted, nay, not even attracted by the whole body of the case presented to your Lordships—accompanied by all the graces of muscle, flesh, and colour—exhibited by my noble and learned Friend behind me, will hardly be attracted by the dry bones and skeleton form which appears to us from the House of Commons. It is no disparagement to the House of Commons to say that the form which their Reasons have taken possesses nothing particularly attractive, or to say that I have been at a loss to find in those Reasons anything which can be urged upon your Lordships' consideration; for there is nothing in them which has not been stated over and over again, with all the arguments by which they could be enhanced, in the course of the debates which have taken place in reference to this subject. But there is one question, and a very important one, in the Amendment of my noble and gallant Friend which entirely meets the objection contained in the last proposition but one of the Commons. And, my Lords, if the result of this Bill as it now stands would be to impose any fresh disabilities upon persons of the Jewish persuasion beyond those which they now labour under, I am convinced that there is not a single Member of your Lordships' House who would not cordially accept that portion of the Amendment; for certainly an intention to impose such fresh disabilities was totally foreign to your Lordships' desire. But although my noble and gallant Friend has assumed, as stated in the Reasons offered by the Commons, not that the first and third clauses of the Bill do impose new restrictions, but that they are open to the construction that the new oath which the former of them contains would have to be taken, not only in all cases where the oaths of allegiance, supremacy, and abjuration, are now required, but also where the oaths of allegiance and supremacy are at present required, though without the Oath of Abjuration—the result of which construction, if the Bill should pass into law without the 4th clause, would be to impose fresh restrictions; and, although my noble and gallant Friend has stated his concurrence in that Reason assigned by the House of Commons, he has not instanced to your Lordships a single case in which, practically, that result would follow. I know that my noble and learned Friend on the woolsack has given his most earnest attention to this question, and I believe I am stating accurately his view—he will cor-

rect me if I am wrong—when I say that he has arrived at the conclusion that no such result could by any mode of construction be the consequence of the Bill now before the House. I am confirmed in that opinion, not only by my confidence in the great acuteness and in the legal knowledge of my noble and learned Friend on the woolsack, but still more by the omission of any such argument by my noble and learned Friend behind me (Lord Lyndhurst), who argued with all the powers of his great intellect against the omission of the 5th clause; and if he had thought that any such consequences would accrue, it would have been impossible that he would have omitted to lay before your Lordships so powerful an argument as that it would impose fresh restrictions which would operate adversely to the liberties of the Jews. But during the whole course of the discussion upon the omission of that clause, my noble and learned Friend—I will not say exhausted his great powers—but he entered on a course of argument which would have exhausted the powers of any other man in a single night, and he said nothing about any additional restrictions being imposed as a consequence of this Bill. If my noble and gallant Friend (the Earl of Lucan), or any of your Lordships can show that such additional restrictions would be imposed upon the Jews by the omission of the 5th clause, I am perfectly ready to concur in the adoption of the first part of my noble and gallant Friend's Amendment, which provides that whenever any of Her Majesty's subjects professing the Jewish religion be required to take the oath appointed by this Act, on any occasion other than an application to be admitted to sit and vote in either House of Parliament, the words "and I make this declaration on the true faith of a Christian," shall be omitted. That, my Lords, covers all possible cases in which additional restrictions can be said to have been created by this Bill. If it can be made to appear that any restrictions are so imposed, I, for one, shall be perfectly ready, and I believe the great majority of your Lordships will be ready, to accede to the insertion of those words of the Amendment of my noble and gallant Friend. What support he may have, or from what side he may expect to obtain it, is unnecessary for me to conjecture; for, singularly enough, in the whole course of this discussion, though we know the general view of the question taken by my noble and gallant Friend, I have failed to ascertain what course is intended to be taken with regard to the Amendments under discussion, either by my noble and gallant Friend, or by the noble Earl on the cross benches (Earl Stanhope). The noble Earl on the cross benches says that he objects to the principle assumed by my noble and gallant Friend; that he has altered, not with respect to the principle of the question, not with respect to the objections which he formerly entertained to the admission of the Jews to sit and vote in Parliament, but that his objection is to the expediency of the course taken by this House; and having made that declaration, and stated that he should vote against my noble and gallant Friend's Amendment, he finishes by saying that, with regard to the vote he shall give on the present question, he places himself entirely in the hands of my noble and learned Friend behind me (Lord Lyndhurst)—and says that he will vote just as my noble and learned Friend advises him—if he advises him to vote for the Motion he will do so, and if against it he will do so. Nothing could be more candid than the statement of the noble Earl on the cross benches, though I was rather sorry to see that his offer was not acceded to, for my noble and learned Friend preserved the most imperturbable gravity, the oracle remained dumb, and politely refused to give a word of advice; so that if we were this moment to go to a division, I should be utterly at a loss to know which way the noble Earl would vote, for he says that he has no preference one way or the other. I understand the noble Earl who has just sat down to maintain altogether the objections which he has formerly expressed to the admission of Jews to Parliament. That is clear enough. But, my Lords, there is a question which has not been materially touched upon by my noble and learned Friend behind me, namely, the difficulty between the two Houses of Parliament. With respect to that question, I should wish to say two or three words, but I can assure your Lordships that I am not about to re-argue the very vexed and wearisome questions which have been so often discussed in your Lordships' House. I will just state what, in addition to the 7th, 8th, and 9th Reasons, are the grounds upon which the House of Commons asks your Lordships to reconsider your decision. The first is,

"Because the words 'on the true faith of a Christian' were originally introduced in the oaths

to be taken by Members of Parliament with a view to bind certain Roman Catholics, and were not intended for the purpose of excluding persons of the Jewish persuasion."

That fact has been admitted over and over again, and the answer to it as stereotyped as the fact. It is true the words were not introduced for that purpose, because at that time there was no necessity whatever for introducing any such words, as it was not contemplated by the Legislature that members of the Jewish persuasion should have seats in Parliament. It is only from a comparatively recent period that the Jews have been admitted to the enjoyment of minor privileges in this country, which I for one do not in the slightest degree grudge them; but, in point of fact, up to the present time, the Legislature has uniformly refused to accede to the introduction of members of that persuasion into either this or the other House of Parliament. The second and fourth of these reasons are,

"Because the exclusion of British subjects from seats in Parliament and offices in the State, on the ground of their religious opinions, is contrary to the general maxims of freedom of conscience;"

and

"Because the infliction of disabilities upon any class of Her Majesty's subjects, solely on the ground of their conscientious adherence to their faith, savours of persecution, and is totally inconsistent with those principles of religious liberty which, in the case of more powerful communities, have been applied by Parliament with such happy effects."

Now, again, the answer to that is, and it has been stated over and over again—that although all civil rights, all securities for property, are the birthright of the people of this country; but that the privilege of sitting in Parliament and filling public employments is not an inherent right to which every individual is entitled, but a right conferred by the Legislature, and with respect to which the Legislature has a perfect right to attach restrictions and conditions. As regards the second Reason—

"Because the exclusion of British subjects from seats in Parliament and offices in the State, on the ground of their religious opinions, is contrary to the general maxims of freedom of conscience."

It is at variance and inconsistent with the Bill itself, which on the sole ground of their religious opinions excludes the Jews from certain high offices of the State. It is not for me to reconcile these conflicting views of the majority of the House of Commons, that exclusion from offices of State on the ground of religious opinion is contrary to the general maxims of freedom of conscience; but nobody can deny that on the face of the Bill there is an exclusion from high offices of the State. Then, it is urged that the House of Commons have on several occasions in late years—

"Passed Bills for removing the civil disabilities of the Jews, and, having of late years agreed to such Bills by constantly increasing majorities, are convinced that the opinion of their constituents and of the country at large has been irrevocably pronounced in favour of the removal of such disabilities."

There is also another Reason stated, namely,

"The rights of the electors of the United Kingdom have been peculiarly affected by a law which has been construed to prevent the admission to the House of Commons of persons who have been lawfully returned as Members of that House."

I confess I must demur to the terms in which that Reason is couched, which, whether intended or not, clearly does convey the idea that it is a hardship, not upon the Jews, who are not able to sit in Parliament, but upon a Christian constituency who think fit to elect a Jew, but who are not at liberty to do so because he cannot sit and vote in the House. In answer to that, the same argument may be used as may be applied to all other disqualifications which have been imposed upon the constituencies in the election of the representatives. If a constituency chooses to elect an alien, a minor, or a man not possessing the proper qualification, you might just as well say that it is an interference with their rights, or that they have just cause of complaint, because a person whom they have elected, not being qualified to sit in the House of Commons, is debarred from doing so. I quite admit that there may be a point raised in favour of the admission of such a person if a majority of the assembly to which he is elected are of opinion that he is perfectly competent to be admitted—nay, more, that it is desirable he should be admitted. I admit that in such a case a constituency may consider itself hardly dealt with by the Legislature, and all the arguments in favour of the admission of Jews on that ground have been ably set forth in the lucid statement of my noble and learned Friend on the present occasion. Then it is urged that for a long term of years the House of

Commons has, by constantly increasing majorities, shown itself in favour of admitting Jews. I am as sensible as any of your Lordships of the inconvenience—I will not say danger—that might result from continued differences between the two Houses of Parliament; and I do not hesitate to say that if, upon this question, without sacrifice of principle, I could conceive a possibility of coming to a reasonable compromise with the House of Commons, I would do so; but I must say that I was rather surprised by one of the arguments used by my noble Friend on the cross benches, who urged you not to press your resistance to the House of Commons, because, he says, it is quite enough to have one subject of difference at a time, and he sees another subject of difference coming up—looming in the distance; therefore, he suggests that it would be better to concede this before you begin to prepare for the other question. My Lords, I cannot but conceive that that is rather a dangerous doctrine. To what does it lead? It is in fact to say to the House of Commons "Persevere long enough, bring forward questions enough, on which to raise differences with the House of Lords, and that House will agree to the principle laid down, and get rid first of one and then another by concession." My Lords, we must never forget that the facilities for bringing forward new questions to be forced on a reluctant House of Lords will be increased just in proportion to the ease with which you yield to the first attempt of the House of Commons, and pass a Bill to which you object. If this were a mere question of policy or expediency, I do not hesitate to say, that after so long a time during which the question has been agitated, and after so determined an expression of the views of the House of Commons, it would be your Lordships' duty—and I believe you would feel it to be your duty—to waive your own opinion of the policy and expediency of the question, and to accept the views so often expressed by the other House. But in saying that I do not at all admit, with the noble Earl on the cross benches, that the increasing majorities of the House of Commons do of necessity indicate an increase of feeling on the part of the country. There have been during the last two years general elections throughout the country; but, by Lords, you will recollect that neither in one nor the other case was the vexed question, either of the admission or the non-admission of Jews into Parliament ever put forward as a prominent question on the hustings; nor was the attention of the country or of the constituencies ever specially or entirely directed to its consideration. The topics entertained at these elections turned upon quite different political considerations, and upon other questions of public interest and importance, and in the last case considerably and to a very great extent upon questions of personsal and private interest. The fact is, my Lords, that this question has been taken up and dealt with by the House of Commons, not as a religious, but as a political question; and as that particular party that sets itself up for the exclusive vindication of civil and religious liberty has chosen to tack on to the question of the admission of Jews into Parliament the magic words "civil and religious liberty," every man who belongs to that party thinks himself bound to support this Motion; and upon that, and not upon the merits of the question of the admission or non-admission of the Jews to the House of Commons, have the decision of the House of Commons turned, and these increasing majorities been obtained. My Lords, I wish I could say I thought that there was on this subject any very strong or decided political opinion, throughout the community. I believe, on the contrary, that the country is extremely apathetic on the question. No doubt, my Lords, there are a minority, a small number of very zealous persons, and more especially among the clergy, who are earnestly and anxiously sensitive on the question, and who think, and perhaps sincerely so, that it would be the destruction of this country if this principle were to be admitted. On the other hand there were some persons some half dozen gentlemen, who were anxious that they, as professing the Hebrew religion, should not be debarred from sitting in the House of Commons when once elected by the constituencies; but, my Lords, I do not believe myself, on the part of the Jewish body at large, that there is the slightest interest felt for the admission of such persons into the two Houses of Parliament. It is a very remarkable circumstance, my Lords, that from the Jews, as a body, neither to this House, nor to the other House, I will not say that there have not been any, but there have been no very considerable number of petitions, and no very great expression of opinion. No doubt there are several very

The Earl of Derby

estimable gentlemen—gentlemen who discharge all the duties of private and social life, and all the duties of their stations, and those functions they have been called upon by the law to perform, with infinite credit to themselves and advantage to society—gentlemen whose presence—apart from their political or other opinions, could be nothing but an ornament and advantage to the House of Commons—no doubt they and their personal friends are exceedingly anxious on this subject; but, my Lords, with these exceptions, and with regard to that portion of the religious community in this country who are very much interested in the matter in the other sense, I believe that the introduction or non-introduction of the Jews into Parliament is a matter I might almost say of supreme indifference. And now, my Lords, at the same time, as I have already stated, I am not at all indifferent to the inconvenience of a continued or long-protracted difference of opinion between the two Houses of Parliament on this topic. I wish, as I said before, that I could see my way to effectually removing it. I do not think, and I trust the House of Commons never will be so far forgetful of that which they owe the constitution of this country as to venture on the course of proceedings, which has been held out or suggested; I think myself their good sense would prevent them from acting on an unconstitutional and illegal proposition. Should they, however, adopt the course of, by a Resolution of their own, breaking through the law of the land, it will not be with this House that the House of Commons will have to deal. The House of Commons would in that case be brought into a most painful and dangerous collision with the courts of law of this country, and, my Lords, whatever the issue of that collision might be, the consequences would be most vital and injurious to the country. Therefore, my Lords, in persisting in a continued resistance on this question—of longer or of less duration—whether, in fact, you are prepared firmly to maintain your opposition on the ground of principle to the proposition, or whether you incline to any modification, or to make any arrangement with the House of Commons—of this, my Lords, I am firmly persuaded that the House of Commons will never do themselves and the country such an injury as to take a course so unconstitutional and so impolitic. Then, my Lords, the question arises, is there any solution of this question to be found. My Lords, my noble and gallant Friend brings forward an Amendment, which although it is open to very grave and serious objection, I should not advise your Lordships absolutely and hastily, or without full and fair consideration, to pass by; but again, upon the other hand, I do advise your Lordships not hastily and without full consideration of the consequences, or looking at it only as an Amendment to the Bill sent up from the House of Commons, to decide a question of the deepest and most vital importance, not only as regards its immediate results, but with regard to the great principles embodied in and calculated to become developed by those results. My Lords, it has been stated, and the noble and learned Lord at the table interrupted the noble and gallant Earl who introduced this question, by stating that the course of proceeding by Resolution was not unconstitutional, provided the Resolution was founded on a previous Act of Parliament; and, my Lords, I am not prepared altogether to differ with the enunciation of the principles so laid down by my noble and learned Friend. At the same time, my Lords, I think that, before you adopt such a proposition, you ought to weigh very seriously and very carefully the precedent you would establish on the subject. It may be, my Lords, and I think that it is a very obvious and very plausible solution of the difficulty, and I do not say that I am prepared to reject it without fuller consideration, because the question is perfectly novel, and I should like to have more time for weighing a proposition of so much importance. The question, my Lords, is, whether this House shall pass an Amendment on this Bill which will give the House of Commons the power of doing that by Resolution which confessedly they have had no power of doing hitherto. But it involves a still further question—it involves a question as to whether it may be expedient to leave to this or to the other House of Parliament this course of proceeding by Resolution, and which might terminate in their coming to two opposite conclusions as regards the admission of their Members. My Lords, there is something plausible in saying—and I do not say that there is not something sound, and I do not say it should not be the basis of some compromise between the two Houses—that, by regulations to be introduced into the Act of Parliament, each House may lay down, within certain limits, restrictions and regulations

upon the strength of which Members may be introduced into either House, each laying down a rule with regard to its own House, and the one not interfering with the other; but then, my Lords, I think that these limits must be very carefully and very closely defined; and however closely and however carefully defined, we cannot shut our eyes to the danger of the precedent that would be introduced by enabling each House to legislate for itself by Resolutions which it might one day pass, and which another day it might rescind, and which might consequently cause it to be constantly altering its policy, organization, and construction. My Lords, my noble and gallant Friend, in his Amendment, goes to a very great extent; because I could have understood far better my noble and gallant Friend's Amendment if he had proposed to provide that it shall be competent for either House, if they shall see fit in the case of any person—for I do not see how it can be fairly restricted to the Jews if you once adopt the principle—who has been duly elected, presenting himself at the table, professing himself willing to take the prescribed oaths, but declaring that the words "upon the true faith of a Christian" would not be binding upon his conscience—and that they should, on such a representation, be empowered to omit the words "on the true faith of a Christian," and to allow a substantive oath to be taken in the form which would be binding on the conscience of the parties. Though I do not pledge myself, my Lords, in support of that opinion, I think that there is much to be said in favour of it, and that it is a plausible and sound argument to be introduced; and if it were possible to come to a conclusion, it would at last, I hope, remove a very painful subject of difference and collision between the two Houses. But my noble and gallant Friend's Amendment goes much further with reference to the words "on the true faith of a Christian," and proposes to make it competent for either House to modify or alter such oath in such manner as may seem fit to either House. Now, my Lords, that is a much more extensive principle. I am not prepared hastily, and at this moment, to adopt even the modified proposition. While I shall undoubtedly vote against the latter part of my noble and learned Friend's Amendment, I shall be quite ready to support the first part of it if it be really thought necessary; but I desire to reserve to myself, and to those with whom I act, full leisure for mature consideration on a future occasion, and for the purpose of considering, deliberately and carefully, whether any compromise can be entered into, or such a principle adopted, as would have the effect of removing a most unfortunate and, I am afraid, a permanent difference of opinion between the two Houses of the Legislature. I regret that I am compelled now to vote against the latter portion of my noble and gallant Friend's Amendment; but, not having seen any reason to chage the views I expressed upon former occasions, and not feeling myself justified in calling upon your Lordships to sacrifice your deliberate convictions and to allow the constitution of this as well as the other House to be altered at will in this manner, I am with reluctance bound to take that course, and to ask your Lordships to insist upon the Amendment you have introduced into the Bill which was sent to us by the House of Commons.

The Earl of Derby

EARL STANHOPE explained that he had not stated, as attributed to him by the noble Earl, that there was only one subject of difference arising out of this question between the House of Lords and Commons.

EARL GREY said, he felt disappointed at the course which the noble Earl (the Earl of Derby) proposed to take; but at the same time he derived some consolation from one portion of his speech, in which he shadowed forth a mode of arriving at a compromise upon this long-vexed subject. For himself, he (Earl Grey) was so anxious that the question should be settled that he would concur in any compromise, and he would suggest to the noble Earl that, having adopted the views he had expressed, it would be very inconvenient to proceed to an immediate vote upon the Amendment of the noble and gallant Earl, or upon the question of insisting upon their Amendments. He conceived there would be manifest inconvenience in deciding upon those important points by a single vote. If they were to legislate in that manner, then it would, he concurred with the noble Earl, be better to proceed by means of a distinct and separate Bill, upon which they would have an opportunity of arriving at a deliberate judgment. It would, however, he thought, be highly inconvenient that their Lordships should in the meantime come to a premature decision upon the Amendment of the noble and gallant Earl opposite, or should send down the measure under discussion to the House of Commons

with any material alteration. That being the case, he would suggest that the best course for the adoption of the House would be that the consideration of the Reasons given by the other House of Parliament for disagreeing from their Lordships' Amendments in the Bill should be postponed for a fortnight, and that before the expiration of that time the expediency of introducing a Bill founded upon the principle of the Amendment of the noble Earl opposite should be duly weighed; and he should, in the hope that their Lordships would concur with him in approving that course, move that the further consideration of the Reasons of the House of Commons for disagreeing from their Lordships' Amendments be deferred for a fortnight.

THE EARL OF DERBY said, that while he was prepared to admit it was desirable that such a question as that which this House was engaged in discussing should, if brought forward at all, be introduced in the shape of a separate Bill, yet that he deemed the proper course for their Lordships to take upon the present occasion would be to insist on the Amendments which they had made in the measure under their notice, and to send it back again in that shape to the House of Commons, which would thus be afforded an opportunity of suspending its further progress until it had been ascertained what steps could be taken with reference to the introduction of that separate Bill to which the noble Earl opposite alluded. Although, therefore, he was perfectly ready to defer those minor considerations connected with the subject until their Lordships should have more leisure to discuss them, yet he was not prepared to waive their Lordships' right to insist on their Amendments, inasmuch as if they were not insisted upon the Bill admitting Jews to a seat in the Legislature would in effect have passed both Houses of Parliament, and subsequent proceedings in reference to the question would be rendered useless. If, upon the other hand, their Lordships were to insist upon the Amendments and the Bill were sent back to the House of Commons, they would then have an opportunity of judging whether that House looked upon the question of the admission of the Jews to Parliament to be so intimately bound up with the measure as to justify them in rejecting it altogether.

EARL GREY said, he thought the most conciliatory course to adopt, and that which was best calculated to effect the compromise which the noble Earl was anxious to see brought about, would be not to insist upon their Lordships' Amendments—but to allow them to lie over—not for three months, or for any period that would be tantamount to indicating an acquiescence in the Reasons of the House of Commons—but for a fortnight, at the end of which time their Lordships would be in a position to determine whether a separate Bill should or should not be introduced. If such a Bill should be brought in, then the right course to take with respect to the measure before them would, he thought, be to set it aside altogether, and not to send it back to the House of Commons in a shape which could not fail to be objectionable to them, and which could serve no purpose save that of creating a feeling of irritation which it was desirable as far as possible to avoid.

The noble EARL then moved "That the further Debate be adjourned to this Day Fortnight."

THE EARL OF ELLESMERE was understood to express his concurrence in the wish that the further consideration of the question should be postponed, and to suggest the introduction of a measure by which, in his opinion, a compromise on the point at issue might be effected. That measure would simply contain a clause enabling Jews to take a seat in the House of Commons, and another which should provide that no one but a person professing Christianity should be entitled to sit in their Lordships' House.

THE DUKE OF NEWCASTLE said, he merely rose to urge upon the Government to accept the course proposed by the noble Earl near him, but with this exception, that he would not contemplate the entire abandonment of the Bill. It should be recollected that it was not a Bill merely providing for the admission of Jews into Parliament, but one revising their whole system of oaths, respecting the revision of which there was a universal concurrence of opinion. Looking at the entire question and the spirit that had been evinced by both sides of the House, he thought the question was, whether some compromise would not be desirable, in order to avoid those serious collisions on the question that had occurred between both Houses, and the still more possibly serious danger of a collision between one House of the Legislature and the courts of law. Let the further consideration of the question be postponed for longer than a fortnight if

required, and he had no doubt that a Bill might be introduced, and the opinion of the House taken, that would lead to a satisfactory adjustment of existing differences of opinion.

LORD CAMPBELL said, he had in some measure a personal interest in preventing the probable collision between the House of Commons and the courts of law which it was contended was likely to result from the rejection of the measure before their Lordships; and that, although he should not under those circumstances shrink for a moment from the discharge of his duty, yet he could not help regarding, without the utmost apprehension, the consequences to the public peace which might flow from such a collision. He should, therefore, earnestly appeal to the noble Earl at the head of the Government to assent to the proposed postponement of the question. It had been said that this was a question to be considered with a view to peace and harmony, and if the present opportunity were neglected it might never arise again; and if the Bill was sent down as it was before to the Commons, and they refused to agree to their terms, and if their Lordships continued to insist, seeing the spirit and temper by which the Commons were actuated, there would be commenced a series of intemperate measures on their Amendments, and no one could tell what would be the consequences. He was not surprised at its being asserted that a Resolution of the Houses of Parliament against the law of the land would be a nullity, and that it would be disregarded; but if there should be a Resolution sanctioned by Act of Parliament it would be perfectly constitutional. He would give no opinion on the Amendment of the noble and gallant Earl, but would conclude by saying, in relation to the entire subject, "now is the time for salvation," and he hoped their Lordships would agree to some compromise.

LORD LYNDHURST entirely agreed with the proposal of the noble Earl opposite (Earl Grey). He begged leave to add, that upon so very difficult and, he would even say, dangerous a question, every step ought to be taken in a spirit of conciliation. He thought they ought to adjourn the discussion for a fortnight, in order to give a full opportunity to carry into effect the object of the noble Earl.

LORD BROUGHAM said, there was another reason why he joined heartily in the appeal of his noble Friend opposite, and that was the power which the House of Commons had, according to the constitution, without in the slightest degree coming into collision with this House or the courts of law, of regulating their own procedure respecting the right of persons to serve on Committees before taking the oaths at the table. Such a power had been exercised in this case, for Baron Rothschild had, by a large majority of the House, and upon the recommendation of a high law officer of the Crown, been appointed a member of the very Committee which had carried on the Conferences between the two Houses. If some solution of the question, therefore, were not now arrived at, the consequence would be, that not merely Jews, but all other persons against whose sitting in Parliament the Legislature had provided—the Catholics without taking the protective oaths—might sit and vote upon Committees of the House, how important soever. He hoped that, meeting the conciliatory disposition of their Lordships, the other House would do what it was his deliberate opinion they ought to do—render it impossible for any person who had not taken the oaths to serve on Committees. Such a conclusion would, he thought, be all the more facilitated by an adjournment.

THE DUKE OF RUTLAND denied that the Amendment of the noble Earl would produce harmony between the two branches of the Legislature. One of two things would ensue. Either the other House of Parliament would have the power to expunge the words "on the true faith of a Christian," or it would not. If it had that power, the Jews would be admitted to the House of Commons, while, if their Lordships retained their opinions, they would be excluded from this House. Would this be harmony? He implored their Lordships to consider that they were now asked to tamper with the constitution of this country. He implored the noble Earl at the head of the Government to stand firm in his resistance to the Amendment. Any such proposal ought to be brought forward in the shape of a Bill, so that there might be ample time to consider it; but at present the House had been taken completely by surprise by the Amendment.

THE EARL OF MALMESBURY: My Lords, I have never trespassed on your Lordships' time upon this question, although I have invariably given my vote in accordance with strong opinions which I still entertain. From the moment the

Government was formed, my noble Friend behind me gave his colleagues full permission to vote as they pleased upon this subject. It is therefore not a Cabinet question, and I am as entitled to give my free and honest opinion upon it as if I were an independent Member of this House. Now, I have just said, that I have not altered my opinion with respect to the main point at issue. I object, as I always have objected, to change the constitution and admit the Jews into Parliament. I will not trouble your Lordships with the reasons on which this opinion is grounded—they have been much better explained by others; but I am bound to confess that I have for some time thought we were approaching one of those important and solemn moments in our political history, when the principle for which we have so long battled is not all we must consider, but that we must look, however low that ground may be, to the facts of the case, and to the circumstances of the time. It is impossible not to feel persuaded that sooner or later—and rather soon than late—this question will be settled by the admission of Jews to Parliament. That is my conviction, although I have not changed my mind as to the principle involved and the merits of the discussion. What course, then, is it my duty as an independent Member of Parliament to take? I desire that the contest which has been carried on for so long a time between the two Houses should close in a manner satisfactory to both. I wish the noble Earl (the Earl of Lucan) had given us more time to consider the question he has raised; but I have heard his proposal to-night with anything but a feeling of opposition. I do not say that I am prepared to vote for it this evening, because I think it is placed before us in a very crude form; but I think his Amendment contains elements of a compromise between the two Houses. While, however, I entertain this view and feel that the circumstances of the time oblige us to look forward to a compromise as something almost inevitable, I cannot help saying, for the sake of my own opinions, and those of many noble Friends with whom I have heretofore had the honour of acting, that we ought to have some more security than appears to be given by the Amendment. I think it is the duty of the House of Lords, having lately so positively declared their opinions by the largest majority which, I believe, has ever been given here on this question, to maintain, and let the country understand plainly that they maintain, their opinions as to the principle at issue; while at the same time they are not unwilling to come to any reasonable compromise with the House of Commons which may not offend their conscientious convictions. I think I see the element of such a compromise in the Amendment—or in something like it—of my noble and gallant Friend. I think the most straightforward course to adopt, and that most consistent with the dignity and duty of this House, would be to proceed with the question as we at first expected to proceed with it, and that the House seould decide whether it will or will not adhere to the Amendments. When we have decided that point we, on this side of the House, are at least safe so far as our wishes and political intentions are concerned; but that does not prevent us from seeing a reasonable compromise proposed either from the opposite side or from this side of the House—I care not which—in the shape of a Bill which we may entertain as soon as it may suit your Lordships' convenience. For these reasons—believing the course I have suggested would be the most safe, most straightforward, and most honest we can follow—I hope the noble Earl opposite will not press his Motion for the adjournment, and that your Lordships will decide whether you will or will not adhere to the Amendments you sent down to the House of Commons. I only express my own individual opinion, but it is my hope and my earnest expectation that some noble Lord, when he has considered fully and maturely the best mode of compromise, may bring the subject before us in the shape of a Bill.

EARL GRANVILLE: My Lords, I have only to say that I have felt considerable gratification, in common, I believe, with a large majority of your Lordships, at the conciliatory tone of the two noble Earls opposite in treating this subject. All that now remains for the House to consider is, I think, whether it would be better to adjourn the debate until we have had an opportunity of coming to some arrangement with regard to this very important and critical question, or whether we should at once proceed to give a decided opinion upon the Bill, sending it back to the House of Commons in a shape in which they would not accede it. I must say I think the latter course would diminish all the grace of our proceeding, and at the same time might materially risk the object we desire to accomplish. I cordially concur with the noble Lord

opposite in his desire to effect some satisfactory arrangement on this subject; and if you send back two Bills to the House of Commons—negativing that which you disapprove in the present measure, but along with it a Bill embodying the views which you support—you will then pursue a course that will strengthen your position. If, however, you strike a hostile blow now, be assured that the House of Commons will, in their turn, think they strengthen their position, not by compromise, but by pursuing a similarly hostile course. With the view of merely coming to a conclusion satisfactory to the House as well as to the public I appeal to the noble Earl not to force us to a division on this occasion.

THE EARL OF POWIS also recommended an adjournment of the debate. It was of the greatest importance that nothing should occur to mar the compromise at which he hoped they might arrive. It was of the greatest importance that they should, if possible, be unanimous, and that on a religious question of this kind, any measure to which they might agree should have the assent of the right rev. Bench. If the debate was adjourned for a fortnight they would see in what mode the proposed enactments with respect to the Jews were to be carried out; while if they had a division on the question of the adjournment, it would tend very much to embarrass the question and to prevent their coming to an harmonious discussion.

THE EARL OF LUCAN was understood to express his readiness to withdraw his Amendment, and his hope that a Bill embodying its objects would be introduced by some noble Lord.

THE EARL OF DERBY: I wish I could altogether acquiesce in the proposition of the noble Earl (Earl Grey) for the adjournment of this question for a fortnight. I think, however, that an acquiescence in such adjournment might be liable to great misconstruction and misconception. My opinion is that, in the first instance, we ought, as Members of this House, to declare our adherence to our own views with regard to the merits of the proposition before us, leaving it subsequently to this and the other House of Parliament to consider whether, consistently with the maintenance of those opinions and principles, it would be possible to introduce any other measure. I think if we were to postpone the consideration of the whole question for a fortnight we should leave it in much more difficulty and embarrassment than that in which it is at present involved; whereas, if me now insist upon our Amendments, striking out of the Bill all that relates to the oath proposed to be taken by the Jews, and then leave either House of Parliament perfectly free to introduce a separate measure with regard to the Jews, or to non-Christians—which would extend beyond the Jews—we should entirely separate the two qustions and adhere to our own opinions with respect to the present Bill. If we send the present Bill down to the House of Commons it will be perfectly competent to them to hang it up until they see what further measures may be taken, and what is the result of any Bill that may be—I do not say will be—introduced in this or the other House. On the best consideration I have been able to give to the question—one which has come upon us rather by surprise—I think we should be sacrificing the principles and opinions of this House if we did not insist upon the Amendments we have made, at the same time intimating that we shall be ready to give attentive and dispassionate consideration to any Bill which may hereafter be introduced on the subject.

On Question, their Lordships divided:—Contents 68; Not-Contents 80: Majority 12.

Resolved in the *Negative.*

THE EARL OF LUCAN said, that as it appeared to be the general feeling of the House that it would be better, in reference to the object of his Amendment, to proceed by way of specific Bill, he begged to withdraw the Amendment.

Amendment (by leave of the House) *withdrawn.*

CONTENTS.

Cleveland, D.	Powis, E.
Devonshire, D.	Saint Germans, E.
Newcastle, D.	Spencer, E.
Norfolk, D.	Stanhope, E.
Somerset, D.	Wicklow, E.
	Zetland, E.
Ailesbury, M.	
Camden, M.	Gordon, V. (*E. Aberdeen*)
Lansdowne, M.	Hutchinson, V. (*E. Donoughmore.*)
Townshend, M.	Sydney, V.
Airlie, E.	Torrington, V.
Albemarle, E.	
Belmore, E.	Derry and Raphoe, Bp.
Carnarvon, E.	London, Bp.
Chichester, E.	
Clarendon, E.	Arundell of Wardour, L.
Essex, E.	Audley, L.
Fitzwilliam, E.	Belper, L.
Fortescue, E.	Bolton, L.
Granville, E.	Boyle, L. (*E. Cork and Orrery.*)
Grey, E.	Brougham and Vaux, L.
Lucan, E.	
Munster, E.	

Calthorpe, L.
Camoys, L.
Campbell, L.
Chesham, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Cranworth, L.
Dartrey, L. (*L. Cremorne*
De Tabley, L.
Ebury, L.
Foley, L. [*Teller.*]
Leigh, L.
Lyndhurst, L.
Macaulay, L.
Mont Eagle, L. (*M. Sligo*)
Montcagle of Brandon, L.
Overstone, L.
Panmure, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Ravensworth, L.
Saye and Sele, L.
Skene, L. (*E. Fife.*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Sudeley, L.
Suffield, L.
Truro, L.
Vivian, L.
Wrottesley, L.

NOT-CONTENTS.

Canterbury, Achbp.
Chelmsford, L. (*L. Chancellor.*)

Buckingham and Chandos, D.
Manchester, D. [*Teller.*]
Marlborough, D.
Northumberland, D.
Rutland, D.

Abercorn, M.
Cholmondeley, M.
Exeter, M.
Salisbury, M.
Winchester, M.

Amherst, E.
Bantry, E.
Beauchamp, E.
Cadogan, E.
Cardigan, E.
Dartmouth, E.
De La Warr, E.
Derby, E.
Desart, E.
Doncaster, E. (*D. of Buccleuch and Queensberry.*)
Effingham, E.
Erne, E.
Graham, E. (*D. Montrose.*)
Harrington, E.
Ilchester, E.
Malmesbury, E.
Mayo, E.
Nelson, E.
Orkney, E.
Romney, E.
Talbot, E.
Verulam, E.
Wilton, E.

Clancarty, V. (*E. Clancarty.*)
De Vesci, V.
Dungannon, V.
Hardinge, V.
Hill, V.
Lifford, V.

Bangor, Rp.
Cashel, &c., Bp.
Chichester, Bp.
Llandaff, Bp.
Ripon, Bp.
Rochester, Bp.

Abinger, L.
Bagot, L.
Bateman, L.
Berners, L.
Boston, L.
Braybrooke, L.
Brodrick, L. (*V. Middleton*).
Clements, L. (*E. Leitrim.*
Clifton, L. (*E. Darnley.*)
Clonbrock, L.
Colchester, L.
Colville of Culross, L. [*Teller.*]
Crewe, L.
Crofton, L.
De Ros, L.
Dinevor, L.
Feversham, L.
Grantley, L.
Kilmaine, L.
Lovel and Holland, L. (*E. Egmont.*)
Moore, L. (*M. Drogheda.*)
Raglan, L.
Rayleigh, L.
Redesdale, L.
Scarsdale, L.
Sheffield, L. (*E. Sheffield.*)
Sondes, L.
Southampton, L.
Stewart of Garlies, L. (*E. Galloway.*)
Templemore, L.
Tenterden, L.
Walsingham, L.
Wynford, L.

LORD LYNDHURST: My Lords, I rise to move that your Lordships do not insist on your Amendments to the Oaths Bill, and I will state very shortly the reasons on which I rest that Motion. It must be quite obvious to any noble Lord who adverts to the course which has been taken on this Bill, that the House of Commons never could, consistently with its own conduct, adopt your Lordships' Amendment omitting the fifth clause of the Bill; because the effect of that Amendment is to place the Jews in a situation much more unfavourable than that in which they stand at present. If this fifth clause be struck out of the Bill, and the Bill should so pass into law, that would be effected which never hitherto has been done and has never been attempted to be done—namely, the exclusion of persons of the Jewish religion by a direct act of legislation, intentionally directed against them, from the right to sit and vote in Parliament; whereas at present they are supposed to be excluded—I say, deliberately, supposed to be excluded, for the question has never been finally decided, but is still depending before your Lordships' House as a court of appeal,—by a misapplication, as the other House contends, and I also contend, of an enactment which was never intended to be directed against persons of the Jewish religion, but which was intended for a different purpose, and directed against a different class of persons. It is quite obvious, therefore, that the House of Commons never could assent to your Lordships' Amendments. The question that it is by a misapplication of an enactment that persons of the Jewish religion are excluded from Parliament has been repeatedly discussed, and I do not now intend to revive the discussion; but I cannot forbear adverting to the very terms of the Act of Parliament which is made use of for the purpose of excluding those persons from Parliament. The Act is the 1st of George I., c. 13; and by that Act and by the oaths therein set forth the Jews are excluded from the right to sit and vote in either House of Parliament. But your Lordships will find in that very Act a most extraordinary clause, which is to this effect,—that any two justices of the peace may summon any persons they think proper before them for the purpose of administering the Oath of Abjuration; and if the person so summoned neglect or refuse to attend, then a return is to be made to quarter sessions, and judgment will be pronounced on the person so refusing or neglecting to attend. But what is that judgment? They are to be adjudged as "Popish recusants convict;" so that a

person of the Jewish religion might under that Act be adjudged to be a Christian of the Roman Catholic persuasion, and a bigoted Christian of that persuasion. Can it be contended for a moment that the Act of Parliament was intended to apply to persons of the Jewish persuasion? It is a monstrous and absurd position. Let me go further, and direct your Lordships' attention to the manner in which this Jew, who is converted into a Christian and a Catholic of the most obstinate character, is to be relieved from the penalties to which he is subject. He is to be relieved by attending regularly divine service in the church of the parish in which he lives. So that this Jew is in the first instance converted into a Christian, then into a Roman Catholic of the most obstinate character, and then into a Protestant. Is it possible that any reasonable man can contend that the Act was intended to apply to persons of the Jewish religion? The proposition is too monstrous. I will now make a few observations for the purpose of showing that members of the Jewish religion will, if this Bill passes into law without the fifth clause, be placed in a worse position than that in which they now stand. The construction put by many persons on the first clause (I am not now saying whether it is the right construction or not) is this, that if the new oath, as stated in the first clause, is to be substituted for the oaths of allegiance, supremacy, and abjuration, which are now "respectively required to be taken and subscribed," the effect of the word "respectively," used in the clause and repeated in the third clause, would be that the new oath is not only to be substituted for the old oaths when they are required to be taken conjointly, but is to be substituted for the oaths on occasions when they are separately administered. So that the oath in this Bill must be substituted for the Oath of Allegiance and also for the Oath of Supremacy; and where a party was formerly bound to take only the Oath of Allegiance he will now be bound to take the oath set forth in this Bill. What will be the consequence of such a construction of the Bill? There are many persons holding offices for which they are required only to take the Oath of Allegiance. In order to be admitted to practise as a solicitor or attorney a person need take the Oath of Allegiance only; and many Jews, having no objection to take the Oath of Allegiance, practise as solicitors and attorneys. But if this new oath is to be substituted for the

Lord Lyndhurst

Oath of Allegiance, Jews would be debarred from practising in those capacities. I do not say myself that this is a certain construction of the Bill; but it is a construction concurred in by many grave and learned persons; and what injury would be inflicted on persons of the Jewish persuasion by making it doubtful whether they could practise as solicitors and attorneys, or hold offices for which the taking the Oath of Allegiance is alone necessary? Your Lordships will therefore see how impossible it is for the House of Commons to agree to your Lordships' Amendment omitting the fifth clause, if the effect of it is to render the situation of the Jewish people much worse than it is at present. The House of Commons would stultify itself by adopting an Amendment of such a nature. If this Bill is not passed into a law—for it must inevitably be lost if we insist upon our Amendments—where shall we stand? We must revert to the present Oath of Abjuration. Who is there that does not feel the strongest repugnance to taking that oath? Every Member of this and of the other House of Parliament, every candidate for public office, must take this oath. Invoking the Deity in the most solemn manner—speaking in the presence of Almighty God—I declare upon my conscience that no descendant of the Pretender—knowing that there is no such person in existence, or by possibility can ever come into existence—has any right or title to the Crown of these realms. What a solemn mockery! Under the same sanction I abjure and renounce the opinions of non-existing persons; and, thirdly, I declare this according to the ordinary meaning of the words, without qualification or mental reservation, invoking my character as a Christian to the truth of what I have said. What a scandalous proceeding is this! and we are told by the third Commandment not to take unnecessary oaths! I do not say that the party who is compelled by the Legislature to take such an oath is guilty of a sin, but I do say that your Lordships in maintaining the oath when you have the power to abolish it place yourselves in a very grave position. Let us consider the state of this question at the present moment. A gentleman of the Jewish religion is capable of being elected to the House of Commons, and in fact Baron Rothschild has been returned to three successive Parliaments. He is a Member of the House, he has a right to vote in the choice of a Speaker, and he has, I believe,

exercised that right. He is capable of sitting on Committees of the House of Commons; nay, even of acting as chairman. The most important questions of a constitutional and administrative nature may come before such Committees. Baron Rothschild may decide those questions by his casting vote as chairman, and thus exercise great influence upon the Government of the country. But the important functions which he has a right to discharge do not end here. He may come up to this House for the purpose of managing a Conference, and may argue the most important questions with the Members of your Lordships' House; and he may present petitions from his constituents and others. All these important duties may now be performed by a Member of the Jewish persuasion. Well, Baron Rothschild says he is willing to take the oaths of allegiance, supremacy, and abjuration, either separately or conjointly, in the manner most binding upon his conscience. "No," we say, "you shall not do that; we insist upon your taking the oaths in a form that is not binding upon your conscience—in a form that you cannot accept, because it is inconsistent with the principles of your religion." How is it possible for us to persevere in such a monstrous absurdity? For twenty years and in five different Parliaments the House of Commons has pressed upon us a change of the oaths; but we have invariably rejected the Bills sent up to us for that purpose. How long is this state of things to continue? Where is it to terminate? I feel much anxiety upon that point, and many noble Lords have communicated to me, what has been confirmed to-night, that there is a general desire among your Lordships to put an end to the existing state of things. I beg to state with all submission, deference, and respect to your Lordships, that when you differ continuously from the other House of Parliament with respect to any great measure—particularly where that measure affects the constituencies of the country, where it relates to popular rights, where it is connected with the principles of religious liberty—you must take care that you rest your opposition upon solid grounds, upon grounds which are impregnable, and that reason, argument, and justice are strongly with you. Can your Lordships say as much on the present occasion? Do you think the arguments against the Jews are so strong and overwhelming, and the justice of the case so manifestly in your favour, that you are safe in persevering in the course you have adopted? Something has been said as to popular opinion. In dealing with a question of this kind we ought not only to be satisfied that reason and authority are with us, but to feel that we are backed by public opinion—meaning not the opinion of the rabble, but the sound understanding and intellect of informed persons, and how are we to ascertain this state of public opinion? The only constitutional mode of ascertaining the state of public opinion is to look at the representatives of the people in the other House of Parliament. The Members of the House of Commons speak the voice of their constituencies, and the constituencies sympathize with the rest of their neighbours. I do not rely upon a single Parliament, which may have been elected under some particular excitement, but when I find Parliament after Parliament, and in this case five successive Parliaments, pushing forward measures of this kind by increasing majorities, I say that you could not have a better test of what public opinion is than what I have now stated. But it may be said that we cannot depart from our course without compromising our dignity. If we are to stickle upon our dignity, and the other House is to do the same, legislation must come to a standstill. True dignity must have as its companions reason and prudence—above all, prudence. What is the view foreigners sometimes take of our legislative body? They say we are three independent Powers, and must be in continual conflict with each other, all our proceedings ending in confusion. The argument is fair and plausible; but how are these evils obviated? Why, by our training. We are trained to conciliation, to the necessity of forbearance, to entertain mutual respect for each other; and it is in consequence of acting upon these principles that the machinery works well to a beneficial and happy result. I beg to impress these principles and opinions strongly upon your Lordships. I will not, because it has already been done, direct your Lordships' attention to the particular Reasons assigned by the other House of Parliament for disagreeing with our Amendments. Two of those Reasons have already received considerable discussion. Of the seven remaining Reasons five are statements of facts—facts of the utmost importance, of a very grave character, bearing strongly upon this question, and forcibly pressing

the adoption of this measure. None of these facts can by possibility be disputed; they are decisive in their effect, and in their result. But, my Lords, there are two of these Reasons in point of principle to which my noble Friend near me has adverted. The second Reason is, that to exclude persons from seats in the Legislature, and from offices, on account of their religious opinions, is contrary to the great principles of freedom of conscience. I think "freedom of conscience" are the words used. At all events, that is the substance of the Reason. Now, there are some persons who seem to think that if you tolerate those who differ from you in religion, you do all that can be required. But that is a very narrow view of the subject. It is not the view which I have ever taken, or to which the persons who have advocated the great principles of religious liberty have ever acceded. What I said on a former evening, and what I now repeat, is, that you ought not to exclude persons from offices or from seats in the Legislature on account of their religious opinions, unless those opinions are such as to render them incapable of properly performing the duties incident to the positions to which they aspire. That is the great principle to which I adhere, and the truth which I am persuaded cannot be questioned. The fifth of the Commons' Reasons is, to the effect that to exclude persons from seats in the Legislature or from office, on account of their religious opinions, savours of persecution. My Lords, I adopt that statement. Try it by this test:—If you impose a pecuniary fine on account of religious opinions, every man allows that that is religious persecution; but what is the imposition of a fine in comparison with excluding a man from all the advantages of high position, of office, of opportunities of distinguishing himself, and of pursuing the great objects of lawful ambition? and if a pecuniary fine is to be considered, and fairly considered, a breach of religious freedom, and an instance of religious persecution, far more so are those exclusions to which I have just adverted. I read a few years ago a speech delivered in the other House of Parliament twenty years ago by a learned Friend of mine, in which this argument is stated with a felicity of illustration and a force of argument characteristic of his great genius. He (Lord Macaulay) is now a Member of your Lordships' House, and has been present during this debate. Whether he is now in the House I cannot say, but if he is I am sure that we should all rejoice to receive on this occasion the first fruits of his advancement, founded on such great, such extraordinary talents. I will not go into the general argument; but when I hear it said, as I have done lately, that those who support this measure are persons of revolutionary principles and character—French revolutionists, as it is called—my answer is simply this—"Look at the list of eminent individuals, distinguished statesmen, men of high character and great constitutional principles, who have for twenty years advocated this cause;" and when I further hear it stated, as it was upon the same occasion and by the same individual, that those who supported this measure must be considered as destitute of religious principle, as persons indifferent to religion, I make precisely the same answer, and appeal, in answer to these allegations, to those pious, religious, and highly moral individuals; and I may add also, to those most Christian members of the right rev. Bench by whom this Bill has been supported. My Lords, I do not regret these charges. They appear to be the last struggles of a desperate and expiring cause, and as such I hail them with pleasure. For these reasons, which I have perhaps stated at too much length, I shall move that we do not insist upon our Amendments. I must, however, observe, which I have omitted to do, that the Amendments to which my Motion refers are twofold—the Amendment which strikes out the fifth, and that which strikes out the eighth and last clause. Now, the latter of these Amendments is of a singular character, because, owing to the clause, no person of the Jewish religion could hold any of the high offices which are mentioned in it; that section is now struck out by my noble Friend; and what is the result? That members of the Jewish persuasion may be lawfully and constitutionally placed in almost every one of those high offices. One of them is that of Commissioner of the Great Seal. A Commissioner of the Great Seal may sit upon the woolsack where my noble and learned Friend (the Lord Chancellor) is now sitting; and thus an eminent lawyer may, as such a Commissioner, occupy that seat. So inconsistent is the course of the Amendments which have been adopted by your Lordships. Another extraordinary fact is, that although by these Amendments you place the members of the Jewish persuasion in a worse situation than

that in which they now stand, you have declared this to be "a Bill for the relief of persons professing the Jewish religion," not condescending to go through the Bill for the purpose of rendering all its parts reconcilable. For these reasons, therefore, I move that this House do not insist upon the Amendments to the Bill which has been sent up by the Commons.

Moved, Not to insist on the Amendments made by this House to which the Commons disagree.

LORD DE ROS asked whether on any great emergencies the Jews had ever appeared in arms for the defence of this country? Why, when England was menaced with invasion, did not the Jews imitate the example of the lawyers and other professions and establish volunteer or fencible corps among themselves? Why were they not to be found in Her Majesty's ships and in her army? The fact was that the Jew always looked upon himself as an alien in the country in which he dwelt, and that was a good reason why he should not be admitted to Parliament.

THE LORD CHANCELLOR: My Lords, having proposed the Amendments with which the Commons have disagreed, your Lordships will naturally expect that I should offer a few observations in answer to the Reasons advanced by that House to induce your Lordships not to insist upon them. I most deeply regret that I am directly opposed to my noble and learned Friend who has supported the Reasons of the Commons with that weight and eloquence with which he always commands the attention of your Lordships, and I certainly must join to that of my noble Friend at the head of the Government my praise of the wonderful intellect the exhibition of which your Lordships have heard with so much admiration and delight, and which is now setting in unclouded brightness, almost excelling the splendour of its noontide. When I heard that the Commons had appointed managers to confer with your Lordships upon the Amendments which you have made in the Bill, I certainly entertained very considerable apprehension that the Reasons which would be assigned by them, being the result of political tact, of professional acuteness, and of personal interest, would be so forcible that it would be quite impossible for your Lordships to resist them. I speak of "personal interest" having been concerned in framing these Reasons, because, as has been already communicated to your Lordships, the Commons thought proper to appoint as one of the managers of the Conference with your Lordships the gentleman who is most immediately interested in the result of these discussions. If the Commons meant this as a piece of practical pleasantry, I am sure your Lordships will not grudge them any harmless amusement they may have derived from it; but if they intended to make an impression on your Lordships, and produce a startling effect, I must say that your Lordships have received it with provoking composure. When I heard of the united wisdom of those who had been selected by a majority of the House of Commons to manage this Conference having been deliberately preparing Reasons why they should not agree to your Lordships' Amendments, I anticipated that they would have ascended to the height of this great argument, and I hardly expected that the Reasons they would put forward would have been so deficient both in grammatical accuracy and in logical sequence. The Commons begin by stating that they "disagree to the Amendments made by the Lords to the Oaths Bill (those Amendments being the omission of Clauses 5 and 8) for the following reasons;" but they don't begin with any reason at all. On the contrary, they commence with a fact. They say,

> "Because the words 'on the true faith of a Christian,' were originally introduced into the oaths to be taken by Members of Parliament with a view to bind certain Roman Catholics, and were not intended for the purpose of excluding persons of the Jewish persuasion."

We have conceded that over and over again: we admit there was no intention whatever of excluding the Jew from Parliament by the use of these words in the oath. But while that concession is accepted by the advocates of the Jews, they do not take the consequence with it,—that by the insertion of these words in the oath which all Members of Parliament are compelled to take there was a legislative declaration that every Member of Parliament should be a Christian. When that fact is stated, and put forth as a reason, the Commons can hardly mean to say that because the Act was not originally intended to exclude the Jews, therefore, the Jews ought to be admitted. Then we come to the second reason, namely:—

> "Because the exclusion of British subjects from seats in Parliament and officers of the State, on the ground of their religious opinions, is contrary to the general maxims of freedom of conscience,"

Now, with great deference to the Commons, I do not quite understand that paragraph. I cannot understand what is meant by the expression "contrary to the general maxims of freedom of conscience." How, I would ask, does the exclusion of persons from Parliament or from office violate conscience? It may hold out temptations to persons to conceal their religious opinions or profess those which they do not entertain; but that is not a violation of "freedom of conscience." I apprehend your Lordships will not feel any great sympathy with persons who entertained such ideas respecting "freedom of conscience," and it is really extraordinary that after careful deliberation the managers of this Conference should have fallen into the inconsistency pointed out by my noble Friend (the Earl of Derby), and that they should actually have sent you up a Bill in which they have excluded the Jews from certain offices, that exclusion entirely resting on the ground of their religious opinions. As to the omissions of the 8th clause, my noble and learned Friend (Lord Lyndhurst) says, the consequence of that will be that gentlemen of the Jewish persuasion might hold high offices and even sit on the woolsack as Lord Chancellor or Commissioner of the Great Seal—my noble and learned Friend being aware that those offices necessarily involved the taking the Oath of Abjuration, which Oath of Abjuration excludes the Jews from Parliament as well as from these offices. Well, then, the Commons go on to say:—

"3. Because no charge of disloyalty or unfitness for public employment and a fair share of legislative power has been alleged, or can be alleged, against the Jewish community."

I don't know what hidden mystery there may be in the word "fair." No one has ever supposed that the advocates of the Jews wished them to have an unfair share of legislative power. The argument involved in this Reason is, that any person who is not disloyal or unfit—I suppose meaning mentally unfit—for public employment is entitled to what is called "a fair share of legislative power." That has been already answered by my noble Friend at the head of the Government. All persons in a free country are entitled to all civil rights, but they are not entitled to a share of political rights, except on such conditions as the Legislature which confers that power may attach to its exercise; and therefore, the argument is illogical and ill-founded that because the Jews are loyal and not unfit for employment they are therefore entitled to it. The fourth Reason, as has been well remarked by my noble Friend, might very well form part of the second and the two be read together; but the expression is a little singular.

"Because the infliction of disabilities upon any class of her Majesty's subjects solely on the ground of their conscientious adherence to their faith savours of persecution, and is totally inconsistent with those principles of religious liberty which, in the case of more powerful communities, have been applied by Parliament with such happy effects."

I am prepared to go a little further, and will say that the infliction of disabilities upon any class of Her Majesty's subjects solely on the ground of their conscientious adherence to their faith is persecution. But the word "solely" in that clause is a somewhat emphatic word. If I were to say to a Jew, "in consequence of my abhorrence of your religion, I will exclude you from all civil and religious rights," that would most undoubtedly be persecution, because it would be "solely" on the ground of his adherence to his faith. But if I were to say to a Jew, "Your religious opinions are hostile to the constitution—the Parliament is a Christian Parliament—the admission of a person of the Jewish persuasion would be an invasion of the principle," that would not be an exclusion of Jews "solely" upon the ground of his adherence to his faith; it would be an exclusion on the ground of self-protection and self-defence; and there is no reason that can be urged, or has ever been heard, why Parliament should not protect itself in that way against the intrusion of persons hostile to the principles on which it is founded. The clause states that it "is totally inconsistent with those principles of religious liberty which in the case of more powerful communities have been applied by Parliament with such happy effects." I know only one instance in which Parliament has interfered with a powerful community with reference to its power to sit in Parliament, and that is in the case of the Roman Catholics. What is the meaning of the words "more powerful communities," I am therefore unable to say. I now come to the ground on which the Commons place the most reliance.

"Because the Commons having already on ten previous occasions and in five Parliaments passed Bills for removing the civil disabilities of the Jews, and having of late years agreed to such Bills by constantly increasing majorities, are

convinced that the opinion of their constituents and of the country at large has been irrevocably pronounced in favour of the removal of such disabilities."

I think there is a considerable amount of fallacy lurking in that argument. Let us bring the question to the test and see whether it is a fair conclusion from the nature of the proposition, that because the Commons "have already on ten previous occasions passed Bills for removing the civil disabilities of the Jews," therefore "the opinion of their constituents and of the country at large has been irrevocably pronounced in favour of the removal of such disabilities." I am afraid that if this test is always to be applied when a Bill of the Commons is rejected by your Lordships, it will become a precedent which will be very much followed and abused. Take for instance the case of church rates. I know perfectly well that in many large towns the public feeling is in favour of the abolition of church rates; but I also know that the great majority of the country is against that abolition. Bills on that subject have been sent up over and over again by the Commons. Probably they passed that House by increasing majorities, and the Commons might say that was a convincing proof that the "irrevocable" judgment of the country is in favour of the measure; and if your Lordships give way on the present occasion, that argument may be urged with still greater force than it now possesses. I will take another question on which your Lordships will soon hear—the painful and distressing question of legalising marriage with a deceased wife's sister. That measure has passed the Commons by considerable majorities, and may it not be argued, if this precedent should be established, that public opinion is "irrevocably" in its favour. I consider the conclusion of the Commons a most illogical one. I can understand perfectly well how a majority of the House believing that the principles of civil and religious liberty are involved in the question, without very nicely defining the term, might be disposed to give in their adhesion. But I do not believe there is any opinion in the country in favour of the measure. On the contrary, I believe that a feeling of great apathy and indifference exists, and that if there is any repugnance it is one of an inert and languid kind. The question has never been submitted to the constituencies, and I believe that if it were brought under their consideration, it would be found that the great majority of the country are against the admission of the Jews to Parliament. If we are to judge by the petitions which are sometimes accepted as an indication of public feeling, we find that one side may be counted by hundreds and the other by thousands. The next argument urged by the House of Commons, is—

"Because such Bills have been supported by many of the most eminent Members of both Houses of Parliament, who while differing upon other political questions, have concurred in the justice and expediency of measures for the relief of the Jews."

The argument was a most extraordinary one. If the House is to be pressed by the weight of authority, I may venture to call your Lordships' attention to a great number of eminent men who have been consistent in their opposition to the Jewish claims, and who have not heard anything to induce them to change their opinions. But surely the House ought not to be pressed with the authority of great names. It ought to deal with arguments; and I am astonished that the Commons should have thought proper deliberately to place this amongst their Reasons and present it as ground for inducing their Lordships to give way. The seventh Reason assigned by the Commons is—

"Because the rights of the electors of the United Kingdom have been peculiarly affected by a law which has been construed to prevent the admission to the House of Commons of persons who have been lawfully returned as Members of that House."

I have read that Reason over and over again, and cannot understand whether the objection is to the law or to the construction of the law. If to the latter, I may appeal to a noble and learned Friend near me, one of the Judges, who decided that the words, "upon the true faith of a Christian" are a substantial and essential part of the oath, and cannot be dispensed with. If they mean to object to the law, they admit the law to exist; and then I want to know what they mean by talking about "the rights of the electors;" because electors can have no rights which are in contravention of the law. They may, perhaps, say that electors are restricted in their rights; but to speak of the rights of electors in a Reason in which they point out the law as the ground of exclusion, is an inconsistency which I could hardly have expected from a grave body selected to represent the wisdom of the House of Commons. I now come to the eighth and ninth Reasons, and here I will encounter

my noble and learned Friend on his own ground. It is true we agree entirely on the ninth Reason, supposing the effect of the omission of the two clauses should be to prevent the Jews from holding those offices to which they might otherwise be entitled. My noble and learned Friend has directed your Lordships' attention to the 1st *Geo.* III., c. 13, stating that it was absurd to suppose that it would apply to the Jews, because the oath was to be administered by two justices of the peace; and persons who refused to take the oath were to be treated as Popish recusants. I am not going to justify all the provisions of an old Act of Parliament, but if the Jew is required to take the Oath of Abjuration, which he clearly is, before he can be admitted to Parliament or be qualified for certain offices, undoubtedly that Act of Parliament applies to the Jew as to every other person who desires to sit in Parliament or to hold those offices. My noble and learned Friend adopts the Reasons of the Commons:—

"Because the first and third clauses of the Bill are open to the construction that the new oath which the former of them contains should be taken, not only in all cases where the oaths of allegiance, supremacy, and abjuration are now required, but also where the oaths of allegiance and supremacy are at present required, though without the oath of abjuration; the result of which construction, if the Bill should pass into law without the fifth clause, would be to exclude the Jews from practising as solicitors and barristers, and from offices under the Crown, to which employments and offices they are now admitted. Because such result would be contrary to the intention of the two Houses of Parliament, appearing from the sixth clause and from the title of the Bill under consideration."

I am anxious to hear from my noble and learned Friend what are the offices under the Crown which required only the Oath of Allegiance and Supremacy to be taken, and not the Oath of Abjuration.

Lord LYNDHURST: The Oath of Allegiance only is required to be taken under the 6 & 7 *Vict.* by parties accepting office, but they are afterwards obliged to take all the oaths, including the Oath of Abjuration. They are exempt from the penalty of taking the three oaths by the operation of the Act of Indemnity. A magistrate of the Jewish persuasion does not take the oaths at all.

The LORD CHANCELLOR observed, that by the Act of George I., attorneys, solicitors, and barristers were compelled to take the three oaths of Allegiance, Supremacy, and Abjuration, before they were entitled to practice.

The Lord Chancellor

Lord LYNDHURST said, they were compelled to take the Oath of Allegiance on accepting office, but it was not necessary for them to take the other oaths until three months afterwards.

The LORD CHANCELLOR: They are only required to take the Oath of Allegiance, and it is only when they are required to take the Oath of Abjuration that they need the protection of the new oath which is sought to be provided, and he must say —with all deference to my noble and learned Friend—that the House of Commons was a little careless in saying in their eighth Reason that the passing of the Bill without the fifth clause would prevent a Jew from practising as a barrister or solicitor. The Reasons are not founded on fact; and although I have endeavoured to ascertain whether there are any offices under the Crown which require the Oath of Allegiance without the Oath of Abjuration, I have not been able to find any such. In deference to my noble and learned Friend and the managers of the Conference on the part of the House of Commons I have thought it my duty to go *seriatim* through the various Reasons which they have assigned for disagreeing to your Lordships' Amendments; and I must say I felt considerably relieved when I found that those which they have brought forward are the best which after careful deliberation their united wisdom could adduce. It is evident that no stronger arguments can be urged in support of their views, and I now very confidently submit that the arguments which have been laid before you furnish no good grounds why you should depart from that conclusion at which you but the other night arrived by a large majority.

Earl GRANVILLE said, he should not enter into the various arguments which had been addressed to their Lordships by the noble and learned Lord who had just spoken; but in abstaining from doing so, he must not be supposed to be of opinion that those arguments might not be easily answered. His object in rising was simply to appeal to his noble and learned Friend opposite (Lord Lyndhurst) to consider whether it was desirable that he should put their Lordships to the trouble of dividing upon the present occasion. The question of Jewish emancipation had that evening made an immense advance in their Lordships' House, and he for one was sufficiently sanguine to think that it was virtually settled. It was nevertheless clear, notwith-

standing that such a satisfactory state of things had been brought about, that the advocates of the cause of the Jews were not so strong as to be in a position to carry that evening the proposition of his noble and learned Friend. He trusted, however, that, taking into account the very conciliatory declaration which had been made by two leading members of the Government in that House, his noble and learned Friend would perceive the expediency—particularly if he himself would undertake to use the weight of his authority in endeavouring to frame some such measure, in conjunction with the noble Earl opposite, as had been hinted at in the course of the discussion, and which would settle for ever the embarrassing question with which they were dealing—of not proceeding to a division. Should the noble and learned Lord not assent to the adoption of that course, he should certainly vote with him.

LORD BROUGHAM made a similar appeal to the noble and learned Lord, and expressed a hope that everything in the proceedings of that evening should be forgotten, except that which was favourable to conciliation.

LORD LYNDHURST said, he had no hesitation in at once adopting the suggestion which had been thrown out by the noble Earl opposite. He had no wish to put the House to the trouble of dividing, and was equally anxious, with his noble and learned Friend, that the spirit of conciliation should survive these proceedings, and that everything should pass off as smoothly as possible, thus affording the best introduction to that future measure to which allusion had been made.

On Question, whether to insist?

Resolved in the *affirmative*; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords insisting on their Amendments to the said Bill, to which the Commons disagree.

THE CHANCELLOR OF THE EXCHEQUER'S SPEECH AT SLOUGH.

THE EARL OF CLARENDON: I beg leave to give notice that I propose to call your Lordships' attention to-morrow to a speech which was recently delivered elsewhere by the right hon. Gentleman the Chancellor of the Exchequer, and especially to certain statements made by that right hon. Gentleman affecting the department over which I had the honour to preside, and impugning a statement of mine which was quoted by a noble Friend of mine in "another place." I intended to have brought the subject under your Lordships' notice this evening, but in the present state of the House I think it better to defer doing so until to-morrow.

THE EARL OF DERBY: I am much obliged to my noble Friend for having given us due notice of his intention, for I shall have an opportunity of reading before to-morrow evening my right hon. Friend's speech.

House adjourned at a Quarter to Ten o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 31, 1858.

MINUTES.] NEW MEMBER SWORN—for Limerick City, James Spaight, Esq.

NEW WRITS.—For King's Lynn, *v.* Lord Stanley, President of Board of Control; for Hertford County, *v.* Sir Edward George Earle Lytton Bulwer Lytton, Bart., Secretary of State.

PUBLIC BILLS.—1° Bishops' Trusts Substitution (No. 3).

2° Markets and Fairs (Ireland); Public Health.

MANCHESTER, SHEFFIELD, AND LINCOLNSHIRE, AND GREAT NORTHERN RAILWAY COMPANIES BILL.

CONSIDERATION.

Order for Consideration, as amended read—:

MR. HENLEY moved the further consideration of this Bill be postponed for ten days. The Bill did not comply with the Resolutions proposed by the right hon. Gentleman opposite (Mr. Cardwell) several years ago. The promoters, however, were willing that an Amendment should be inserted by which those Resolutions would in effect be complied with; and in order that this might be done and the evidence on the Bill placed in the hands of hon. Members, he moved this postponement.

MR. ROEBUCK asked whether this was with the consent of the promoters?

MR. HENLEY replied, that his attention was called to the provisions of the Bill, and he took objection to them. Mr. Baxter called on him on behalf of the promoters and said he had not the least objection to an Amendment being introduced. It had since been suggested to him that the alteration might be made elsewhere, but he said it was an important matter and had better be done in the House.

Motion made and Question proposed, "That the Bill be taken into consideration upon Thursday, the 10th day of June next."

SIR JOHN HANMER said, he was personally responsible for the part of the Bill which the right hon. Gentleman objected to. It seemed to him desirable that the obstructions to the traffic should be removed for ever, and that they should not have the matter brought up again in ten years.

MR. CARDWELL said, he concurred with the right hon. Gentleman (Mr. Henley) in thinking that a postponement should take place, to give the House an opportunity of reading the evidence taken by the Committee.

COLONEL FRENCH was of opinion that a ten days' postponement was too long a one. He thought three days would be amply sufficient.

MR. SPOONER said, he fully concurred in the course proposed by his right hon. Friend (Mr. Henley), and could assure the House that there were other objections to the clause besides that mentioned by his right hon. Friend. He (Mr. Spooner) thought it would be most improper to allow such a departure from the general rule as that proposed by the clause in question, without the matter first receiving the careful consideration of the House. He avowed that he was a shareholder in the London and North Western Railway so that the House would take his opinion for what they might think it worth.

MR. ROEBUCK moved as an Amendment that the consideration of the Bill be postponed till Friday next.

Amendment proposed, to leave out the words "Thursday, the 10th day of June," in order to insert the word "Friday," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Amendment and Motion, by leave, *withdrawn.*

Consideration of Bill, as amended, *deferred* till *Monday* next.

THE "CAGLIARI."—QUESTION.

MR. HEADLAM said, he would beg to ask the Chancellor of the Exchequer whether the demand for compensation made on behalf of the British Engineers, Park and Watt, has been conceded by the Neapolitan Government, and whether they have been released unconditionally? Also, whether the Sardinian subjects who constituted part of the crew of the Cagliari are still detained by the Neapolitan Government?

THE CHANCELLOR OF THE EXCHEQUER said, the British Engineers, Park and Watt, were released unconditionally. No compensation had yet been made on their behalf. The Sardinian subjects who constituted part of the crew of the Cagliari were still detained by the Neapolitan Government.

MR. ROEBUCK said, he wished to ask the question which the right hon. Gentleman had not answered; namely, whether compensation has been refused by the Neapolitan Government.

THE CHANCELLOR OF THE EXCHEQUER said, it was very inconvenient to have questions on such matters put without notice. Questions of compensation or indemnity were not matters which ought to be settled off hand. The Government believed that the compensation which they had demanded for the British Engineers was a just claim, and therefore they thought they should succeed in obtaining it.

MR. ROEBUCK said, the question whether the demand had been conceded involved the question whether it had been refused, and therefore the right hon. Gentleman had full notice of the question which had been put to him.

SMALLPOX.—QUESTION.

MR. MONSELL said, he wished to ask the Vice President of the Privy Council Committee whether his attention has been called to the fact that, out of 1,636 deaths reported to have taken place from all causes in the quarter ending the 31st March, 1858, at Burton-on-Trent, Sheffield, and Merthyr Tydfil, 419 are reported to have been caused by Smallpox, and whether he proposes to introduce any Amendment of the Vaccination Act?

MR. ADDERLEY said, it was unfortunately but too true that the number of deaths which the right hon. Gentleman stated had taken place, and there were other places in the United Kingdom where a similar proportion of deaths had taken place from Smallpox. In several places not less than one-third of all the deaths during the quarter had taken place from Smallpox. He believed that the cause was owing both to bad vaccination and to neglect of vaccination. With regard to the last part of the question of the right hon. Gentleman, whether he intended to introduce any Amendment of the Vaccination Act, there were only two modes by which the object could be attained. One

was to render more stringent the penalties, and the other was to make provision for carrying out more effectually the provisions with regard to vaccination. He was not prepared to introduce any measure for making the penalties more stringent, but he thought that a clause in the Public Health Bill which enabled the Board to issue regulations on the subject, might effect the desired object.

MEDICAL STAFF OF THE BOARD OF HEALTH.—QUESTION.

MR. PALK said, he would beg to ask the Vice President of the Privy Council Committee whether it is the intention of the Government to continue the chief Medical Officer of the General Board of Health at the present salary of £1,800 a year, and also whether it is their intention to continue the medical staff of the present Board?

MR. ADDERLEY said, the General Board of Health Act would expire in September next, but he understood that that would not affect the position of the chief Medical Officer in his present salary. In reply to the second question of the hon. Member, he begged to state that if the Bill passed, the whole duties of the Medical Board would not cease. The Bill would continue certain duties which would require the services of an officer, but he hoped that one officer would be sufficient for the purpose.

THE EDUCATIONAL ESTIMATES. QUESTION.

MR. MILNER GIBSON said, he had given notice to the Vice President of the Committee of Privy Council for Education of his intention to ask when the Education Estimates would be prepared. It was understood, he (Mr. M. Gibson) believed, that when those Estimates were presented to the House they would be prefaced by a general statement on the part of the Minister for Education, and that public notice would be given when they would be brought forward. He therefore begged to ask the right hon. Gentleman the Chancellor of the Exchequer whether that course would be pursued, and when the Education Estimates would be taken?

THE CHANCELLOR OF THE EXCHEQUER said, the Government wished to give the House an opportunity of raising a discussion upon the subject. The Votes for Education were at the commencement of the Estimates (No. 4), and he should therefore propose that when they reached them they should be postponed to some day of which fair notice should be given. He would, if possible, fix the question for the commencement of some evening.

CASE OF MR. WASHINGTON WILKS. PETITION.

MR. MILNER GIBSON said, he rose to present a Petition to the House from Mr. Washington Wilks, who was now in the custody of the Sergeant-at-Arms. The petitioner submitted to the House that he was not the author of the article which had been contradicted and which had caused the complaint to be made by the hon. Member for Hereford (Mr. Clive). He said that the author of the statements contained in that article had misunderstood the information which had been conveyed to him, but that he, Washington Wilks, being the responsible publisher of the paper, and having permitted these sentiments to appear in his newspaper on his own behalf, now stated he unreservedly retracted that passage of the article which imputed to the hon. Member a partial or corrupt motive—namely, the passage to this effect: "Does he stand quite clear of any transactions in Caledonian stock whilst this investigation was pending?"—that imputation having been solemnly denied by the hon. Member, and the information on which it was founded having been misunderstood by the author of the article. Having made this retractation, and having withdrawn a charge which he was not able to substantiate, he further expressed his regret that it had ever been made. The usual course in a case of this kind was, that the petition should be presented, and notice should be given of any Motion which was intended to be made upon the petition. He (Mr. M. Gibson's) first desire was, as this petition of Mr. W. Wilks contained an unreserved retractation of the imputations and allegations contained in the article, to move at once that he be discharged. But of course he (Mr. M. Gibson) should be sorry to propose anything which might appear to be a departure from the rules and precedents which applied to the case. He was, therefore, entirely in the hands of the House, and if they objected to the Motion for Mr. W. Wilks' discharge being entered upon immediately, he would move that the petition be printed with the Votes, and give notice that he should move his discharge to-morrow. He further begged to say he had been informed that the rea-

son why the retractation of the obnoxious insinuation was not made at the bar was that, when Mr. Washington Wilks appeared at the Bar, he did not quite understand what was the requirements made of him. He understood that he was required to withdraw the whole of the article; and inasmuch as the greater part of the article consisted of comments and criticisms upon the proceedings of the Committee founded upon general public grounds, and contained arguments for the recommittal of the North British scheme—over which Committee the hon. Member for Hereford presided—Mr. Wilks was not prepared to withdraw the whole article, but he drew a distinction between fairly criticising the public conduct of a Member of the House, as is usually done in the press, and imputing to a Member of Parliament that he was influenced by interested and corrupt motives.

MR. FITZROY rose to order. He imagined that it was not competent to them to discuss the whole subject and the merits of the petition then, the right hon. Gentleman having already stated that he intended to move that the petition be printed.

MR. MILNER GIBSON granted that he might be in error, but he felt it due to Mr. Washington Wilks to explain why he had not made the retractation before. He begged to move that the petition be printed.

Motion *agreed to.*

Petition of Washington Wilks, retracting the imputation of corrupt motives against the honourable Member for Hereford, which he regrets had been made, and praying that he may forthwith be discharged; to be taken into consideration *To-morrow,* and to be *printed.*

BUSINESS OF THE HOUSE.

THE CHANCELLOR OF THE EXCHEQUER said, that although in strictness he should have made the Motion he was about to submit at half-past four, he would ask the indulgence of the House to allow him to make it then, as he knew it would be the wish of the House that it should be made at an early hour. It was to the effect that Government Orders of the day should have precedence on Thursdays over the other Orders of the day during the remainder of the Session. He hoped that the House, having consideration to the lateness of the Session, and also to the fact that the business of Her Majesty's Government did not commence until the 12th of March, would consent to this Motion. With regard to the Order of the Day for Thursday the 10th June, of which notice had been given by the hon. Member for East Surrey (Mr. Locke King), he (the Chancellor of the Exchequer) had intimated to the hon. Member that he would be willing to make an arrangement with him, so that his Motion might come on some other day.

VISCOUNT PALMERSTON begged to express his full concurrence in the Motion of the right hon. Gentleman, which was in accordance with the course that had always been taken at this period in former Sessions. But perhaps the right hon. Gentleman would have the goodness to inform the House what was the nature of the business which it was the intention of the Government to introduce besides the Estimates.

THE CHANCELLOR OF THE EXCHEQUER observed that the Estimates would not come on on Thursdays. He would add, that the measure which the Government proposed to take on Thursday next would be, amongst others, the measure of his learned Friend the Attorney General for Ireland with respect to the sale of land.

LORD JOHN RUSSELL said, he presumed that the hon. Member for Surrey was a consenting party to the proposed arrangement; but having given up a day on which he had precedence at the request of the right hon. Gentleman, he (Lord John Russell) thought the hon. Member would be entitled to Thursday next instead of Thursday the 10th.

THE CHANCELLOR OF THE EXCHEQUER said, he had communicated with the hon. Member for Surrey, but unfortunately had not yet received his answer. He had reason, however, to believe, that the proposition would be agreeable to the hon. Member.

MR. ROEBUCK said, he wished to know if the Indian Resolutions were to come forward on Friday next?

THE CHANCELLOR OF THE EXCHEQUER said, he would prefer that they should be postponed until the reappearance of the President of the Board of Control in his place.

MR. HEADLAM said, that the Bill he had introduced relative to joint-stock banks had been postponed in deference to the wishes of the Chancellor of the Exchequer, and now stood for Thursday. He hoped the right hon. Gentleman would allow it to come on then.

THE CHANCELLOR OF THE EXCHE-

QUER: I supported the hon. Gentleman's Bill and voted for it, but I cannot do any more at present. I can only say that I shall feel very glad if he finds an opportunity of bringing it forward and passing it.

Motion *agreed to.*

Resolved, That Government Orders of the Day shall have precedence upon Thursdays during the remainder of the Session.

SUPPLY.—REPORT.

Resolution 13 (Royal Parks, &c.)

SIR JOHN SHELLEY said, he must express his regret at finding that no Vote was proposed to be taken for clearing out the Serpentine. After the success which had attended the experiment with the ornamental water in St. James's Park, and the pumping power that was at his command, he hoped the noble Lord at the head of the Board of Works would take this subject also into his consideration, and, seeing what a nuisance the Serpentine had become, owing to its filthy state, propose a vote of public money for the purpose of cleansing it out and rendering it more suitable as a bathing place for the numerous inhabitants of the metropolis who now resorted to its banks with that object in view.

Resolution 14 (New Houses of Parliament),

SIR HENRY WILLOUGHBY said, that as the House was aware, the original Estimate for building the new Houses of Parliament was £704,000, and that the sum actually expended had now reached the enormous sum of £2,250,000. It was only by dint of constantly calling for information upon the subject that the House had been enabled to get at anything like a proximate idea of what the entire expenditure was likely to be. It was due to the late Sir W. Molesworth to state that he was the first who had endeavoured to place some check on this excessive outlay by putting an end to the old system, and in March, 1855, he contrived to make an Estimate of what was the total amount then demanded for the completion of the works. That amount was calculated at £280,000. It was also true that that Right hon. Gentleman's successor (Sir B. Hall) had done his best to keep within that Estimate; and on the 30th of March, 1856, in answer to a question which he (Sir H. Willoughby) put to him, the Right hon. Baronet stated that the £280,000 would complete the expenditure. It now turned out, however, that the arrangement had been entirely departed from, and that the sums which had been voted far exceeded that amount; in fact, were nearly double £280,000. In the years 1855, 1856, and 1857, the sums of £112,000, £93,000, and £162,000, had been voted for the new Houses of Parliament, and finally there was the Vote before the House of £160,000, making altogether upwards of half a million of money. Thus, the understanding come to with the late Sir William Molesworth, and which the right hon. Member for Marylebone had done his best to carry out, had been completely defeated. He now wished to elicit from the noble Lord at the head of the Board of Works a distinct promise that the Vote of £160,000 should complete the matter. At any rate he begged to give notice that if hereafter any Vote whatever was asked for in addition to the £160,000, and he had the honour of continuing to sit in that House, he would take the sense of the House upon the subject. For of this he was fully persuaded in his own mind, that unless the House had the courage and pluck to take that course, they would never hear the last of these expenses. Indeed, when the question was examined by a Committee of the House, the only consolation they received was a sort of joke from Sir C. Barry, that the naked Estimate of £700,000 would be clothed in two millions and a quarter. Well, it had since been clothed in two millions and a quarter, and they were going on even in advance of that, say what they would, he contended, that the manner in which the expenditure for the new Houses had been conducted reflected no credit upon the House of Commons as controllers of the expenditure of the public money; but he trusted that the noble Lord at the head of the Board of Works would give them an assurance that no more money should be asked for on account of the new Houses. If it should be, he sincerely hoped the House would take the matter into its own hands, and refuse the money.

LORD JOHN MANNERS said, he could assure the House that the Vote he had now taken would really complete the Palace, as he had explained to the Committee on Friday last. Whatever further operations the House might afterwards think fit to undertake would be for new buildings. Indeed the £160,000 mentioned in the Resolution was not all required by Sir Charles

Barry, whose Estimates for completing the new palace amounted to £68,000, in addition to which there were £4,000 for the completion of the clock tower, and £4,000 for other purposes, which raised the total to £76,000.

MAJOR EDWARDS: After what has fallen from the hon. Baronet the Member for Evesham (Sir H. Willoughby) I fear no Motion for increase of expenditure upon the present Vote will be permitted. At the same time, having heard bitter complaints from many of the ladies of my own constituents and others, as no doubt most other hon. Members have, of the want of access to this House, owing to insufficient accommodation in the ladies' gallery, I would suggest to the noble Lord the Chief Commissioner of Woods and Forests, that by removing the screen which separates the gallery from the anteroom twelve or eighteen inches further back, at a cost, as I have ascertained, of about £200, double the number of ladies might be accommodated, namely, forty-two, instead of twenty-one as it is at present. Sincerely trusting the noble Lord will take the matter into his immediate consideration, I will not further urge the matter upon the attention of the House.

MR. BERESFORD HOPE said, that much as their gallantry might lead them to study the convenience of the ladies, he thought that when they came to expend money for increasing the accommodation in the House, Members themselves ought to have the priority. Pretty as that House might be—he had heard it compared to a Swiss Cottage—no one who had had a seat in the old temporary House could fail to see that the accommodation now provided for hon. Members was scanty in comparison with that. In the old House there was a number of raised seats under the Speaker's gallery in full sight and hearing of all that was going on. The Members' gallery, too, was admirable, and there was access to it from within the House. Here, however, hon. Members must quit the House, go round a corner, and up a dark staircase, to get to the gallery. At the bar, too, there was much more accommodation provided; and he trusted that when his noble Friend took into consideration the subject of providing more accommodation he would, with all respect and deference for the ladies, think first of hon. Members.

MR. BENTINCK said, he thought the House and the country ought to feel deeply indebted to his hon. Friend (Sir H. Willoughby) for calling attention to the important subject of the expenditure for the new Houses of Parliament, and he would follow up what had been stated by his hon. Friend by reminding the House of what it had been frequently reminded before, but in vain—namely, that whilst it was always ready to vote large sums of money for purposes which were comparatively trivial and frivolous it grudged those sums which were necessary for purposes of the most important national character. Without going into details, he thought it would be well for the House to remember that they were spending hundreds and thousands of pounds for buildings of a merely ornamental character; and that at a moment when it had been made known to them, through official channels, that the actual defences of the country were in a very incomplete state. For his part, he was of opinion that they ought to put a stop to such a comparatively useless expenditure, and lay out the public money upon objects which were more essential and important in a national point of view.

On the Motion that the House resolve itself into Committee of Supply,

THE CHANCELLOR OF THE EXCHEQUER'S SPEECH AT SLOUGH.

VISCOUNT PALMERSTON rose and said: Sir, the right hon. Gentleman the Chancellor of the Exchequer on Friday last, when I, perhaps through negligence, was not present in the House, made an appeal to me upon a matter of very great national importance, and I therefore feel it my duty to take the earliest opportunity upon coming to town to answer his appeal. The right hon. Gentleman on Wednesday last—I think it was on the 26th instant,—before a large assembly of his constituents at Slough, made a speech which he will forgive me for saying has, I believe, excited the astonishment of most of those who have read it. It was natural that the right hon. Gentleman should feel elated at the position in which he then stood. For the first time he found himself in a large assembly, not only in a majority, but actually supported unanimously by those who were present. That was a position entirely new to the right hon. Gentleman. It was not surprising that he should be elated by the spontaneous cheers of 500 or 600 honest but deluded farmers—he who had been accustomed of late merely to the cheers of a small band of well-drilled supporters in this House,

who cheered him as well-drilled soldiers act at the call of the fugleman. It was natural that when the right hon. Gentleman heard the heartfelt acclamations of these honest but misguided farmers, who thought they had before them the unflinching champion of Protection, the uncompromising antagonist to Free Trade, he should be elated; and, therefore, if he had made a speech suitable to his position as a Minister of the Crown going down to meet his constituents nobody could have found fault with the manner in which he availed himself of that occasion. But I must say that the speech which he made was of that character, that if it had been made by a man of humbler condition, ignorant of national affairs, unaccustomed to the arts of government, knowing not the duties which belong to a responsible Government, we might have treated what he said with indulgence, and perhaps with compassion.

"Non Massica Bacchi
Munera, non illis epulæ nocuere repôstæ."

But it was not so with the right hon. Gentleman. He came with a speech which bears much evidence of deliberate and studious preparation. He announced himself as speaking there as the representative of Her Majesty's Government. Therefore that which fell from his lips acquires additional importance, not only from the matter but from the person by whom it was pronounced. The right hon. Gentleman began by stating that the Earl of Derby, when he came into office, succeeded to a heritage of innumerable difficulties. I remember to have heard with my own ears from the lips of the Earl of Derby, that when he came into office he found the country in every respect in a satisfactory condition, and that his only ambition was that when he left office, were that time remote or near, he might leave the country in as good a position as that in which he found it. Now, the Earl of Derby is a man who, with his wonderful powers of mind, might have made the best speech that ever issued from his lips upon a sudden as well as after a fortnight's preparation, so far as composition is concerned; but the Earl of Derby upon that occasion said that he required a few days to prepare himself for that speech,—not to prepare for the periods of that eloquence which was to delight an audience, which represents almost every class in the community, but to inform himself of all the matters connected with his Government, in order that he might be able to speak with knowledge and authority upon the state in which he found the country at the time he entered upon office. Therefore I say that the assertion made by the Earl of Derby when he said the country was in a satisfactory condition is a refutation of the assertion that his heritage was encompassed by innumerable difficulties. But the right hon. Gentleman went on to enumerate what those difficulties were, and he placed in the first rank that with respect to which I am about to make a statement, in answer to the appeal made to me by him. The right hon. Gentleman stated, that when the present Government came into office they found the country upon the verge of war, and that the question of peace or war was hanging, not upon weeks, nor upon days, but actually upon hours. Now, Sir, all I can say is, that, so far as I am informed —so far as I know anything with regard to our relations with France at that period, that statement is utterly and entirely groundless. It is not only groundless, but it is actually the opposite of the truth. I cannot but express my surprise that the right hon. Gentleman should have made such an assertion anywhere, but more especially that he should have made it in the place and at the time that he did. Did not the right hon. Gentleman know the gravity of the statement which he made? But, assuming it to be a true statement, such a statement ought not to have been made in such an assembly. It ought not to have been made in a booth at Slough, to a parcel of carousing electors. If that statement had been true—if the right hon. Gentleman thought that the public interests required that it should be made known—if he believed that the country was apathetic with regard to the national defences, as has been stated just now by the hon. Member for Norfolk (Mr. Bentinck)—if he thought it was necessary to awaken the country to the chances of danger which from time to time hang over our heads, in order that not a moment might be lost to prepare the necessary defences, it is in this House, upon the Army and Navy Estimates, that an assertion of that sort should have been made. He should have made it upon the responsibility of a Minister speaking from the Treasury bench in a Committee of Supply, and it should have been made in such a manner as might not give offence to the country against which it was levelled. Again, I say that I deny that statement utterly and entirely. When

upon Friday last my noble Friend the Member for London alluded to the subject, the right hon. Gentleman, with an air of triumph, got up and quoted something which I said in this House as a proof of his assertion, and he also mentioned as another proof, a circumstance connected with the French Ambassador. Now, as regards the two observations of mine which the right hon. Gentleman quoted, I say that those observations themselves entirely disprove and repudiate the assertion which he has made. The right hon. Gentleman quoted an answer which I gave to a question which was put to me by an hon. Gentleman on the other side of the House, and which I thought was a question calculated to give offence to the Government of France. My reply was, "Before I answer the question I should like to ask the House whether it was their wish and intention that those confidential and intimate relations which then existed between the Government of England and the Government of France should be maintained, or whether it was their wish to infuse into those relations a spirit of bitterness, irritation, and animosity?" I said nothing about war. What I said was, that there then existed the most intimate and confidential relations between the two Governments, into which I thought the repetition of questions such as that to which my answer alluded, questions aimed in a personal and offensive manner at the Sovereign of the French, would be likely to introduce a different spirit from that which then existed. My assertion then was, that our relations with France were of a most intimate and confidential nature, and I beg the House to remember when it was that that answer was made. The right hon. Gentleman has told us, that I made that statement only forty-eight hours before the fall of the late Government, so that it is clear, according to what I then said, that within forty-eight hours of our leaving office the relations between this country and France were of a most intimate and confidential character, instead of being such as were at all likely to lead to war. Then, said the right hon. Gentleman, the French Ambassador suddenly quitted England, and it is well known that an Ambassador does not suddenly leave the Court to which he is accredited without his departure meaning something very like a rupture. Now, what is the fact? Why, Count de Persigny—of whom I may say that there is not a more honest or plain-dealing man in England—he is a man thoroughly imbued with a patriotic love of his own country, and is proud of being a Frenchman, but at the same time he is deeply convinced that a cordial alliance between England and France is of the utmost advantage to both countries and to the world at large. Well, Sir, I say what were the facts? Why, they were these:—Count de Persigny went for a fortnight to France upon his own private affairs, and I believe that he was in Paris when the change of Government took place, so that instead of his departure from this country being coincident with that change, he returned to it about that time. Instead of a sudden departure of the French Ambassador happening closely with the advent of the present Government—I speak from recollection—I believe that he returned two days after they came into office; therefore, if anything is to be drawn from the departure of the French Ambassador it is valueless for the right hon. Gentleman's purpose. There was no ground for concluding that there was any imminent prospect of war from the departure of the French Ambassador. The right hon. Gentleman will, no doubt, explain the grounds upon which he made that most injudicious and improper statement—a statement calculated to affect the public credit of the country, and to throw distrust upon all our commercial transactions. I say, to throw distrust upon all our commercial transactions, because, when men are told that, at a moment, when they are quite ignorant of their position, their country is within hours of a war with France, how can you expect confidence to exist in the commercial relations between the two countries? And is it not an indiscretion on the part of a Minister of the Crown to sow broadcast over all our commercial transactions the seed of distrust and want of confidence? Well, then, I say that if the statement of the right hon. Gentleman were well founded, and in accordance with the facts, it was a most improper statement to make at the time and place when it was made. But if it was not well founded, if the right hon. Gentleman cannot state reasons which justify him in entertaining that belief, I shall be lost in amazement at the operation of the mind which would lead him to attempt to gain a little false glory for the Government to which he belongs, by the boast that they have accommodated a matter which was likely to produce actual war in a few hours. "War" and "hours" were the terms used by the right hon.

Viscount Palmerston

Gentleman. He did not talk of an interruption of the friendly relations existing between the two countries, but he spoke of actual war—war with our ally—and that within a space to be counted, not by days or weeks, but by hours. If such a statement was injurious and injudicious as regards the affairs of this country, how injurious and injudicious was it as regarded our relations with France? The statement of the right hon. Gentleman accused the Government and Sovereign of France of a covert intention to attack this country without any previous announcement or previously declared quarrel; and in imputing such an intention to the Government of France it appears to me that the right hon. Gentleman imputes something very like a disloyal and treacherous proceeding. I say, therefore, that I call upon the right hon. Gentleman to explain or to retract the assertion which he then made. I again affirm—speaking from the knowledge of the state of affairs which I possessed as being then the First Lord of the Treasury, that when we went out of office there was nothing that indicated, in our opinion, any probability of any serious dispute, much less any probability of being, as described by the right hon. Gentleman, on the very verge of war. There may have been differences between the two Governments after the present Government acceded to office; there may have been possibly charges, and complaints on the part of the French Government of engagements evaded and of promises broken. That I know nothing about. It may be so, and, for all I know, the imminence of war pointed out by the right hon. Gentleman, and which he sought to charge on our administration, may have arisen from circumstances which have occurred since the present Government came into office. Well, then, the right hon. Gentleman went on in that boasting speech to allude to the case of the *Cagliari*, and he took credit to the present Government for having rescued two fellow-countrymen from the dungeons in which they were immured, and for having brought them in triumph to this country. Now, as regards one of those men, he had been set free and handed over to the custody and care of the British Consul at Naples before the change of Ministry took place, and both had been rescued from the dungeons which they previously occupied, and placed in a comparatively light place of confinement before the present Government came into office; and, so far from the late Government having neglected the two English engineers, the papers which have been laid upon the table will show that there was upon the part of the late Government, for a considerable period, incessant attention bestowed upon the subject. If the two engineers were brought back in the triumphant manner described by the right hon. Gentleman, I should have expected him, in reply to the question which was put to him a short time ago, to state that those two men had been injuriously and unjustly treated, and that in the opinion of the law officers of the Crown compensation might be claimed—that a claim had been made for compensation, and that compensation had been triumphantly obtained. Well, then, the right hon. Gentleman went on to say—and the greater part of his speech was an attack upon the late Government—that there was an intrigue carried on—I presume he meant by us—to bring about a war between Naples and Sardinia, which, he said, would light a flame of war over Europe. Now, I utterly deny that there is any truth in that assertion, and no doubt the right hon. Gentleman will state the grounds upon which it was made. The right hon. Gentleman boasted, also, that he has performed wonders in finance, that there was an immense deficit—millions of deficit, and that he has got rid of that immense deficit simply by placing a small tax upon Irish spirits and a penny stamp upon bankers' cheques. Why, Sir, if an immense deficit can be got rid of by such means the office of Chancellor of the Exchequer must be a much easier one than is generally supposed. Sir, for my own part, I am afraid that the Government have only postponed the evil day. They have only postponed the consideration of that which they were afraid to meet, and have thrown upon other years those difficulties which they themselves shrank from encountering; and, so far from that being a subject for boasting, I believe that if it be the lot of the present Government to bring forward a Budget next year—as they appear to anticipate will be the case—the crime will bear its own punishment with it and they will rue the day when they adopted so easy an adjustment of a difficult financial question. The next point upon which the right hon. Gentleman applauded himself and his colleagues and cast contumely upon us, was India. The right hon. Gentleman said that our policy was one of unmitigated

vengeance and general massacre—not one of mitigated punishment and discriminating amnesty. I may appeal to the words which I myself uttered many months ago as indicating the policy which we had recommended to Viscount Canning, and which I had no doubt he was about to follow. I stated in November, at a public meeting, not of the same description as that of Wednesday, but at which I trust I was more guarded than the right hon. Gentleman—I stated that the policy of Viscount Canning would be to punish the guilty, to spare the innocent, and reward the deserving. Now, that is the policy by which we stand—not a policy of general massacre or unmitigated vengeance. It is, therefore, Sir, a libel on the last Government, and also on Viscount Canning, to accuse either us or him of having intended to act on the principle of unmitigated vengeance and general massacre. But the right hon. Gentleman said that they were going to rebuild and reconstruct our Indian empire on a sure foundation; and the method by which that end was to be pursued was by the sending forth of a missive, to be published to the world, here and to all the nations of India, proclaiming principles which tend to the dismemberment of that empire—principles which, if acted upon as indicated by the right hon. Gentleman's speech, would necessarily lead to that disastrous result, and the first object aimed at in the enunciation of which was to degrade the Governor General and deprive him of the power to exercise his high functions. And this is what the right hon. Gentleman calls the reconstruction of our Indian empire! Why, this would be as if a man called upon to reconstruct a spacious mansion were to commence by pulling it down in order to build a bridge. The principles of the right hon. Gentleman would drive us back to Calcutta, and the days when we had but a few small factories on the banks of the Hooghly. And this, he says, would increase our power and our greatness in India. But the right hon. Gentleman, being in a mood to spare nobody, was, I think, also somewhat severe upon his own colleagues. He boasted of the manner in which the late debate had been conducted. He said, in fact, that the only speeches which he deemed worth mentioning were those made by persons unconnected with the Government. Anybody who heard that statement, and was unaware of what had taken place in our recent debates on Indian affairs, must have inferred that no Member of the Government had said a word, that their whole defence had been left to independent Members of the Government having been afraid to say anything for themselves. Did the right hon. Gentleman forget that there were four speeches—five, indeed—made from the Treasury bench, and all of them remarkable? Did he forget the speech of the Solicitor General, which certainly I shall not easily forget—a speech of great ability and great promise—one that, even though made against us, I was glad to hear delivered by any Member of this House, and which proves the hon. and learned Gentleman to be a distinguished ornament of Parliament. It was, indeed, as my noble Friend observed, a speech somewhat forensic in character—that is to say, it was the speech of an advocate speaking from his brief, and who would have been able to make out as good a case on the other side if a brief of an opposite kind had been given to him. But it was an admirable speech, nevertheless, and did not deserve to be passed over in the manner it was by the right hon. Gentleman. We had also a speech from the Attorney General for Ireland, marked by the impassioned eloquence and declamatory power with which that right hon. Gentleman always addresses us, and though, indeed, it was not quite so elaborate in argument as that of the Solicitor General, it was still a speech, made as it was in defence of the Government, which was entitled to some notice on the part of the right hon. Gentleman. Next, we had a speech of considerable ability from the Under Secretary for the Home Department, and then another from Lord Stanley, a Cabinet Minister, who has now been appointed as head of the India Board. The address delivered by that noble Lord was a calm, sober argument, and one which I think ought not to have been overlooked as if it were nothing at all. It is true that the other Members of the Cabinet—the right hon. Baronet the First Lord of the Admiralty, the right hon. Gentleman the President of the Board of Trade, and their other colleagues—very prudently held their tongues, probably feeling that "the least said the soonest mended." They accordingly left their defence to those who could know little about the matter, who were not in the secrets of the Government, who were not responsible, and might therefore assert anything that came into their heads. The speech of the Chancellor of the Exchequer, then, as far as regards the Indian

question, accused us of that of which we were not guilty, and was a speech of which not only we have a right to complain, but which, I think, entitles his colleagues in and out of the Cabinet to protest against the slight thus put upon them. The right hon. Gentleman then takes a review of the relative position of parties on both sides of this House, and he makes what he supposes to be a most overpowering charge. He says there now exists in this country that which has not been witnessed since the days of Charles II.—namely, a cabal—a cabal sitting on the Opposition benches of this House, which has conceived the most extraordinary, the most unjustifiable, and most unheard-of intention to dispossess the present Government and take their places. Well, the word cabal only means a body consisting of a small number, and I believe the grammatical distinction between a cabal and a party is merely the distinction between a few and many. Of course, if the right hon. Gentleman says we are "a cabal" he thinks we are the few, and he calls himself, I presume, the head of "a party" because they have the majority in this House. But, surely, if we on this side are deserving of the epithet "cabal" because we are few, the right hon. Gentleman might be sparing in his invectives, inasmuch as the few cannot overpower the many, and their designs, however unheard-of, alarming, or mischievous, must, by reason of their numerical inferiority, be most difficult to carry into execution. But when he complains that his Government has, ever since it was established, been the object of incessant attacks and intrigues, I should like to know to whom he alludes. He cannot make this charge against us who sit on these benches. Why, Sir, we have acted with uncommon forbearance. And it has come to my ear that many of those who wish us well have thought that we were neglecting and shrinking from the discharge of our duty in allowing the Government to go on from blunder to blunder, proving every day their incapacity to govern; and we have been supposed to be backward in the exercise of our constitutional functions in not calling the House to affirm that the present Government are not deserving of the confidence of the country. Sir, we did not pursue any such course. But when a case arose which appeared to us to involve principles of the utmost danger to the dominions of the Crown, and to imply an offence on the part of the Ministers of the Queen, which, as was well stated by my hon. and learned Friend the Member for Aylesbury (Sir R. Bethell), might in former times have subjected a Government to impeachment—principles, I say, which tended to disturb our possessions in India, to encourage the revolters, and to throw dismay and discouragement among the ranks of our troops, then we thought the moment had come—and I should have been ashamed of myself if I had not stepped forward on such an occasion—to endeavour to elicit the opinion of this House on conduct so discreditable to a Government, and so perilous to the empire which it was their duty to uphold. But is it, then, so factious a proceeding within three months after the accession of a Ministry to propose a vote of censure against them? If the right hon. Gentleman had consulted the records of a former Session he would have found that others have been guilty of the same "factious" conduct; for within three months of the formation of the last Government votes of censure upon them were proposed, and those votes were repeatedly introduced by what, if paucity of numbers constitutes a cabal, I may fairly call a cabal of that day, whose obvious purpose was to turn out the Government of the Queen. But we are told that this cabal is uncommonly well informed, especially in regard to foreign affairs. Now, I cannot retort that charge upon the present Ministry. I acquit them entirely of any such imputation. But when the right hon. Gentleman talks of the cabal having abundant resources at their command, which they apply in an unscrupulous manner, and says that they obtain information by unconstitutional means, I should like him to have the goodness to specify the grounds on which he makes this assertion. No doubt we do know a good deal about foreign affairs, and we should be highly reprehensible if we did not. Having been in office for a considerable time, and having had to deal with foreign affairs of great importance, we necessarily know a good deal of those foreign affairs; and, let me add, we know a little about domestic matters too. Now, Sir, I should like to know who those foreign intriguers are who are conspiring with us for the purpose of dispossessing hon. Gentlemen opposite from their seats. I think I am entitled to say, that had we brought the country to the verge of war it is not likely that the representatives of any foreign Government would be so anxious to restore us to power; they

would be more likely to wish to continue the more peaceful Administration—as the right hon. Gentleman represents it—which now holds the reins of office. Then, Sir, I entirely repudiate the charge of the right hon. Gentleman, that we are conspiring to obtain information on foreign affairs by unconstitutional means, and that we are conducting ourselves in a manner different from that which should actuate the movements of public men. The right hon. Gentleman goes on to attack the press. I will leave the press to defend itself—it is quite able to do so; but when the right hon. Gentleman implies that some candidates for office are contributors to the press, I should like to know whether there are not hon. Gentlemen on the other side of the House who have contributed to "the Press," and that for the purpose of bringing themselves into office. These, Sir, are the grounds on which I object to the speech of the right hon. Gentleman. I deny altogether, so far as my knowledge goes, the assertion that there was any imminent probability of war between England and France at the time we quitted office. I repeat that the relations between the two countries were most friendly, intimate, and confidential, and that so far as we are concerned the assertion of the right hon. Gentleman is entirely without foundation. Then, Sir, with reference to the assertion that we are a cabal, if the use of that term implies that we are few in number, I have only to say that the result will yet show which of the two sides has the greater number of supporters in the House. But I deny entirely, if we are a cabal in the sense of a party aiming at upsetting the Government, that that is a novel proceeding. To say that there has never been a cabal since the days of Charles II., having for its object to upset a Government, is an assertion I did not expect to hear from a quarter so enlightened. Such a thing is no novelty; but I will tell the right hon. Gentleman that which is a novelty. It is not that there should be a cabal in Opposition, but that there should be a factious Government—that there should be a Government carrying into office all the factious feelings by which they were actuated in Opposition—a Government which publishes libels on the former advisers of the Crown, and on acts of the Crown carried out on the advice of those former Ministers—a factious Government that sends forth and publishes not only to Europe, but to India, principles which, if carried into execution, would lead to the dismemberment of our Indian empire—a Government which, whatever motives it may have been actuated by, publishes to the world a most affronting insult to the highest officer of the Crown in any of Her Majesty's dominions.

THE CHANCELLOR OF THE EXCHEQUER: What has taken place on this subject reminds me of an unfortunate circumstance that has recently happened in that country which has been so much the subject of the remarks of the noble Lord. A gentleman of letters, having done, or said, or written, something that offended a very powerful body, was called to account by a member of it. He met his opponent without any hesitation, and in the first encounter conducted himself with fair repute and success. But no sooner was this affair over than another gentleman was sent for—one whose fierce mien and formidable reputation were such that his friends thought he would put the matter right. He, too, demands satisfaction, and is accompanied by a considerable body of other gentlemen who seem by their appearance to signify that if the second assailant is not more successful than the first, then they will find others to succeed him. In short, having some how or other got into a scrape, they mean if they cannot fight it out to bully out of it by numbers. I am sure the House will understand that I use the word "bully" only with reference to the illustrative instance. I cannot from all this discussion believe that my fate in this second encounter will be as unfortunate as that of the gentleman to whom I have referred, because the noble Lord, although he has come up from the country to make his assault has in no degree strengthened the cause that was more temperately urged on Friday by the noble Lord the Member for the City of London. In the first place, let me remove the misconception on which the principal argument of the noble Lord rests. The noble Lord has based his argument on an entire misquotation of what I said in Buckinghamshire—though, of course, I acquit the noble Lord of any intentional unfairness, — for I never said that when we came into office this country was on the verge of war. What I did say was, that war might have taken place at the end, not of weeks or days, but of hours. The inference of the noble Lord that by that statement I meant to convey the impression that the late Government had left the

affairs of the nation in such a state that war was inevitable, is a fallacious one. I freely admit all that the noble Lord says when he states that on the retirement of the late Government there was no prospect of a war with France. Of course, when there was a Government which had avoided answering a despatch which it was supposed conveyed an insult to the people of this country—when there was a Government which not only declined answering that supposed insulting despatch, but which also strove to introduce a Bill into this House to change the laws of England, it was very easy for such a Government to maintain a good understanding with the Power whose purposes (that Power being at the time entirely misguided) it was then prepared to fulfil. But the moment a change of Government took place — the moment there was an Administration whose duty it was in deference to the Resolution of this House to answer in a becoming manner the supposed insulting despatch, and to declare to France that they were not prepared at its instance to recommend any change in the laws of England, the House will at once see that the issues of peace or war became imminent. The change of Ministry must have been annoying to the Government of France, although after all it was not so much a question between the two Governments, as between the irritated feelings of two proud nations; and those who are aware of the circumstances know that the expressions which I used in Buckinghamshire were not indifferent, or inaccurate, or exaggerated expressions, but that they were perfectly justified by all that occurred; that they were even historic expressions, which could be used at this time, not only without giving offence to France, but that, on the contrary, they had reference to circumstances which most completely contrasted with the state of things that now exists. And how did the Government act in the difficult position in which it was placed? Called on to pursue a policy exactly contrary to that which the noble Lord says was the security for a good understanding between the two countries, Her Majesty's Ministers, trusting to the great sagacity and natural good disposition of the eminent person who rules France, believed that if the whole circumstances of the case were brought before his unerring judgment, and relieved from the influence of those parasites in both countries who had induced him to believe that the people of England would submit to a change in their laws, he would decide upon the matter in a way conducive to the happiness of both countries. That confidence in him has not been vain. From that moment the relations between the two countries assumed, week by week and month by month, a more satisfactory and cordial character; and I say again, that under these circumstances I was justified in the statement I made —that we maintained the honour of the country, the blessings of peace, and that inestimable alliance on which the civilization of Europe depends. Therefore, all the observations of the noble Lord to prove that the late Government of the Queen did not leave this country on the eve of a war are founded on a fallacy. I will admit, for the sake of argument, the whole case of the noble Lord. I will admit, to use his own expression, that there was nothing when he went out of office that threatened war between the two countries; but the condition of peace, in my opinion, in the opinion of this country, and of the House, was a shameful condition, the pursuance of a truckling policy, which was not only not for the honour of this country, but was clearly against the interest of France, and the advantage of our faithful ally. And I believe that no person was more convinced of that than the Emperor himself, and that was proved by the manner in which the Emperor and his Ministers received the news of the trial of Bernard in this country. His Majesty felt, then, that the Ministers of this country having declared frankly and fully the conditions on which the relations of the two countries should be maintained had acted loyally, and that there had been a faithful administration of justice; and although the result might be mortifying and disappointing, yet it never became a source of misunderstanding or coldness between the two countries. His Majesty expressed, in a manner that did him the greatest honour, his conviction that the law of England had been faithfully appealed to and administered in his own case. Well, then, I was justified in stating that we had, in unison with the Parliament of this kingdom, vindicated and maintained the honour of this country, and had not forfeited that alliance which, I am proud and happy to say, now exists with cordial feelings on both sides, but which, according to the noble Lord, could not be preserved except by a policy that this country repudiated. The noble Lord has, I will not say per-

verted, because he has completely misunderstood the statement I made when he says that I wished to convey the impression that there was a danger of France suddenly attacking us. I said no such thing. I only meant to state a fact—a notorious fact, and not a Cabinet secret—that within twenty-four hours the policy of England with regard to France was changed; that it was no longer a truckling, a servile, and a disgraceful policy that was pursued—yet a policy which seemed to flatter the feelings of the Emperor and of the people of France—and that there was, therefore, a danger that in a moment war might have taken place. I say that the conduct and fairness of Her Majesty's Government, and the wisdom and magnanimity of the Emperor, prevented such a result, and that these qualities render the alliance on both sides as firm and cordial as any that ever existed. Why should I shrink from saying that before a meeting of my countrymen and constituents? I should have been ashamed if I had been afraid of making that declaration to my constituents. The noble Lord, however, declares it to have been injudicious and improper; but these are epithets to which I might apply a different meaning. It is easy to say that they are injudicious and improper, but I might retaliate to-night and say that his interference is injudicious and improper. He says that it was a statement calculated to affect the public credit of this country. I can only say that public credit is a much more delicate thing than I have any idea of if a statement such as I have vindicated to-night could have the slightest effect upon it. What affects the credit of the country is a secret and servile policy pursued to please some foreign Power, in total ignorance of the character of this nation, and ending by disappointing that Power, and baffling any wishes that we had improperly allowed it to cherish. That is the way to injure the public credit of the country. The noble Lord then travels to Italy. He is still hankering on the case of the *Cagliari*—that case on which the noble Lord was so reserved and so silent when he sat on these benches. The noble Lord grudges us the satisfaction of freeing two of our countrymen whom he had permitted to remain for long months unnoticed in prison, and at last, ashamed of himself and his colleagues, makes an inaccurate statement to-night, which I defy him to prove, by which he wishes to convey that it is not true that these two unfortunate Englishmen had been freed by our efforts and influence. The noble Lord is entirely wrong. Both of our countrymen were prisoners when we acceded to office, and the first thing we did was to telegraph to Mr. Lyons, and to send him to Naples to interfere on their behalf. The noble Lord says that Watt was already freed, and under the care of the English Consul. But how was he freed, and why, and under what conditions? That unfortunate man, in consequence of the treatment he had received and the neglect of the noble Lord and his Government—the reason of that unfortunate man, I say, was affected, and upon the application of the English Consul, who behaved throughout with spirit and humanity, he was permitted to leave his dungeon for an hospital or lazaretto; but on what terms? Why, the moment his reason returned he was to come back to his imprisonment to meet his trial. As I have already had the satisfaction of announcing to-night, in answer to an hon. and learned Gentleman, these English subjects have left their prison without trial and free. They have quitted Naples without conditions, and yet the noble Lord has attempted to state that one of these persons owes his liberation to the influence of the late Government. Well, I make but one remark on the statement of the noble Lord that I have declared an attempt has been made by certain persons to excite war between Naples and Sardinia. The noble Lord has taken to himself and his colleagues every observation I made in Buckinghamshire, although many of the noble Lord's statements are very inauthentic in many particulars. That there has been an attempt to embroil Italy and to take advantage of this unfortunate occurrence to excite war between these two Italian States; that the consequences of such a war, if those attempts should succeed, would be to put Europe in a flame, and would be fatal to that constitutional cause in Sardinia in which we are so much interested; that those who have joined in these attempts have believed that they would prove inconvenient and injurious to the existing Government—these are my firm convictions, and they are founded upon no slight evidence. The noble Lord, in his discursive range, then goes into the question of finance. He appears to be sore that the measures recommended by Her Majesty's

Government should be affirmed by this House, and passed without difficulty. The noble Lord appears disposed to put in opposition to the measures of the Government the Budget prepared, but, unhappily, not brought forward by the late Chancellor of the Exchequer, the great feature of which would seem to be a large increase in the income tax. That appears to be acknowledged by the noble Lord. ["No!"] It was acknowledged by the late Chancellor of the Exchequer, and I thought the noble Lord as the head of the Treasury might be responsible for that policy. The noble Lord then flies to India, and he repeats a charge which was not much insisted on by the noble Lord the Member for the City of London, and which is without foundation, that I said the policy of the late Government with respect to India was a policy of extermination. I am sorry that a speech made at a public dinner in the country should be analyzed in this manner in the House of Commons; but if any hon. Gentleman will consider in an unimpassioned spirit my observations delivered in Buckinghamshire he will find that by no possible logical construction can they be made to apply to any previous policy pursued by this country towards India. My observations were made to apply to a policy of confiscation and its consequences. Those consequences are vengeance, and if vengeance there must be massacre. I say that confiscation, vengeance, and massacre are the gradations of a climax which led me to prefer the superior policy of mercy. That is the statement I made. I said that you have to choose between the policy that we recommend—the policy of amnesty, of religious toleration, and respect for property — and a policy based on Viscount Canning's Proclamation, which, being one of confiscation, must lead to consequences exactly the contrary. That is all I said, and I entirely adhere to it. But the noble Lord having touched upon France very fully, with a series of observations which I have shown are all founded upon misconception, having touched upon the case of the *Cagliari*, with a statement which I have shown to the House is entirely unfounded, having touched upon the question of India, in which I have shown to the House that the inferences he has drawn are entirely unauthorized, comes to what I believe is the real and the main cause of this adjourned debate on the Buckinghamshire speech. The noble Lord says I have called the Opposition a cabal, and that cabal is not an appropriate term, irrespective of other objections, because cabal means a very limited body of individuals. I should not care to quarrel with the definition of the noble Lord, because it prevents the course of public business, but that I am unwilling to assent to his definition. By cabal I understand is meant a secret society of conspirators—a secret and unknown society, and, therefore, I need not assure the House of that of which it is perfectly aware, that when I talk of a cabal I am not talking of an Opposition, or a party in the House of Commons, whose whole conduct is public, whose numbers, whatever may be their opinions, must be considerable, and whose behaviour within these walls must be attended with circumstances totally discordant with the popular idea of a cabal. And I am as certain as that I am addressing you now, Sir, that I never in Buckinghamshire talked of a cabal in the House of Commons, or used a word by which any hon. Member of the House of Commons might ever consider that he was a Member of a cabal. There may be Members of the cabal in the House of Commons. I am sure there are members of the cabal who are not members of the House of Commons, and therefore I protest against the noble Lord taking up the observations which I made on the cabal, and wishing to insinuate to the House of Commons that in using that word I intended to describe what must be a very considerable number of its Members. I want to know from the noble Lord what is the real meaning of these repeated movements. I want to know whether we are again to have a discussion on the Buckinghamshire speech—whether the debate is again to be adjourned. I take it for granted there will be no division. Divisions are no longer the fashion. So far as I could collect the meaning of the noble Lord the Member for the City, the object of his demonstration on Friday night was to put the great Liberal party of the country in an intelligible position, as opposed to Her Majesty's Government. That is a legitimate and constitutional course. If the noble Lord the Member for the city is a Liberal —if he sympathises with the great Liberal party—I think the noble Lord perfectly justified in showing to the country that the great liberal party with which he is connected entertain certain opinions, and

in contrasting these opinions with the opinions of those who occupy the Treasury bench and this side of the House. But I am bound to say that I do not see how that clearly applies to the noble Lord who has addressed us to-night, because, so far as I can form an opinion, I cannot understand that there is any thought, sentiment, or interest which can identify the noble Lord and the late Government with the great Liberal party. I take the two nights, Friday and Monday, because it is only by looking at the combined action that I can understand the scope of all these movements. I understand there are great questions which are to be brought forward and which will test the character of parties in this House. The great Liberal party is in favour of vote by ballot. Is Her Majesty's late Government in favour of vote by ballot? The great Liberal party is in favour of the total abolition of church rates. Is Her Majesty's late Government in favour of the total abolition of church rates? The great Liberal party is in favour of that Bill of the hon. Member for Surrey (Mr. L. King), to discuss which I appointed this evening. Is Her Majesty's late Government in favour of the hon. Member's new franchise? All that we know from the past is, that they opposed it on principle and offered grave arguments to influence the opinion of the House against it. There is another subject upon which the great Liberal party entertains strong views, and that is the subject of economy. Was Her Majesty's late Government in favour of economy? It is my painful duty every day of my life to be witness of the expenditure of the late Government, and a more extravagant, reckless, and profuse expenditure I never saw. The great Liberal party is in favour of publicity. We are always hearing that they look upon publicity in transactions of State as of great importance. There never was a Government which exercised such reserve on affairs of State as Her Majesty's late Government, and the only charge ever urged against the present Government was, that they did produce a public document. The only charge against us was, that we published a despatch. No one can ever say that we intercepted a letter. There is one other subject upon which the Liberal party have always shown great interest, and that is upon the conduct of the executive Government. They have always demanded that the conduct of the executive Government should be temperate and moderate. But what has been the conduct of the late executive? They were the first Government which carried on wars without the sanction of Parliament, and if we look to the other great branch of the executive —namely, the exercise of patronage—is it not notorious that the exercise of patronage outraged all the sense and spirit of the country? Well then, Sir, I want to know what is the use of these manœuvres —I will not say of a cabal. I never supposed that the cabal sat in this House, although very possibly there are many in this House who knowingly are influenced by the councils of the cabal. But what I want to know is, what is the meaning of all these operations?—because it seems impossible, so far as I can form an opinion, that the old delusion can again be revived, that there is the slightest connection or sympathy between the noble Lord the Member for Tiverton and his friends and the great Liberal party. Upon every subject there is total want of sympathy—there is total dissimilarity of views. So far as I am personally concerned, I am really quite regardless if every time we go into Committee of Supply a late Cabinet Minister, or those who think they may be Cabinet Ministers, rise and demand explanations of the observations which I made to my honest constituents. The noble Lord is quite horrified that I should have spoken in a booth on matters of State policy. Special announcements on matters of State — on matters of peace and war—should be made at a carousal in a club-room, such as we may remember, when you invite Her Majesty's officers who are to undertake operations of warfare, and when Prime Ministers take the chair, and in what is styled —though not by me—an inebriated assembly, announce for the first time to the country that a great military expedition is to be undertakeu. But, Sir, although I may not escape from this criticism night after night (and I am perfectly prepared to meet any of those who may attack me), what must the country think—when time is so precious, when the public business is so backward, and when affairs in this House are so urgent—of the conduct of the noble Lord and his co-managers in this operation? What must they think of these attempts night after night to prevent the progress of public business, and to give vent to all these unavailing expressions of discontent

with the position they now occupy? I would put it to the noble Lord to contrast his position at the present moment with what it was three months ago—even after that great disaster which deprived his Sovereign and his country of his services as Prime Minister. He entered the House proud, and avowedly proud, of being the chief of what was considered a great and even overwhelming Opposition. However illusive the expectation, there was a general idea that he possessed great power, which would be irresistible when he exercised it, and that, although for a moment he might condescend to sit in the cold shade of Opposition, he could at any instant resume power and place, and be the real arbiter of the destinies of his country. What has made the difference between the present position of the noble Lord and that which he occupied three months ago? I lay no claim for the conduct of Her Majesty's Government in that respect. I will say here, as I said in that place which has been the subject of criticism, that we have sedulously, diligently, and with devotion attempted to do our duty; but I cannot suppose that anything we have done has effected this great change in the position of the avowed Opposition. It is rather the sense of the country that their conduct has been animated by feelings which are not respected by the community. The noble Lord complains that they have been called a "cabal." What I call a cabal is a body of men, whether it be in this House or in another house—either a private house, or a house devoted to affairs of State—banded together, not to carry out a policy, not to recommend by their wisdom and their eloquence measures calculated to win the approving sympathy of the community, but uniting all their resources, their abilities, and their varied influence—for what?—to upset the Queen's Government, without even in so doing declaring any policy of their own, or giving any further clue to their opinions than this—that the first article of their creed is place. It is this conduct which has made the great body of the people of this country look with aversion on these machinations and manœuvres, and has gained for Her Majesty's Government the sympathy of all honourable and generous minds. If I wanted to confirm the Government in power—if I were anxious to assure a longer tenure of office, I should beg the noble Lords to continue their practices. I should be delighted, night after night, if they called on me in this manner to defend statements made to my constituents, not one word of which I retract, and which I made with that due thought which such statements required. I should wish the noble Lord to continue this course, for I am quite certain that, whatever difference of opinion there may be in this House, or in England, between the great Conservative party and the great Liberal party, there is this one point of union between us—that we are equally resolved both in this House and throughout the country no longer to be made the tools or the victims of an obsolete oligarchy.

SIR GEORGE GREY: The right hon. Gentleman, in the speech which he has just made, has complained over and over again of the unfair proceeding of my noble Friend the Member for Tiverton in calling upon him for an explanation of certain passages of the remarkable speech addressed by him to his constituents, on the ground that in my noble Friend's absence the noble Lord the Member for the City of London had already called upon him for a similar explanation. But my noble Friend, as the head of the late Government, was bound to take the very first opportunity in his power to demand from the right hon. Gentleman an explanation of those gross imputations of misconduct which he made against the late Government, which were totally unjustifiable, and which I venture to say were such as no man in the position of the right hon. Gentleman ever made before against his predecessors. The right hon. Gentleman asks how often are these demands for explanation to be renewed—how often, I ask, is the right hon. Gentleman to give explanations in reply to these demands totally at variance with each other? How will his "honest" constituents be surprised—and I suppose he used the word in the sense of "simple"—when they read the gloss which he has to-night put upon the words he addressed to them the other day. It is indeed a humiliating spectacle to see the leader of the House of Commons driven to explain away indiscretions by making statements in his place in Parliament, which are wholly incompatible and inconsistent with each other. The passage in the speech is this:—

"It is well for us now to think lightly of perils we have passed through, and even to forget them; but when I tell you, and tell you seriously, that the question of peace or war when we acceded

to office was a question, not of weeks or days, but of hours, I am sure you will remember that peace has been preserved while the honour of the country has been vindicated."

That is from *The Times'* report, and I understand the right hon. Gentleman does not deny its accuracy. [The CHANCELLOR OF THE EXCHEQUER: Hear! hear!] When questioned on Friday night, the right hon. Gentleman in substance repeated that statement, and when called on for the grounds on which he made it, he referred to an answer given in this House by my noble Friend the Member for Tiverton just before leaving office, and also to the subsequent departure of the French Ambassador from this country, which took place after the present Government came into office. But to-night the right hon. Gentleman says he gives an unqualified adherence to all that has fallen from my noble Friend the Member for Tiverton; he allows that there was no question of war or peace when the present Government acceded to office; and he tells us that it was only after they were in power, when they came to deal with the question which had been left to them by their predecessors, that any danger arose. He says too, that those dangers arose from the truckling policy which we had pursued, and, forgetting that he and his friends originally supported that policy, and that the right hon. Gentleman, the present Home Secretary, repeatedly declared his adherence to it not only when first the Conspiracy Bill was introduced, but also in the debate on the Motion of the right hon. Gentleman the Member for Ashton, he now turns round and endeavours to gain popularity in the country by vituperating that policy. At all events, we have now got a statement which I hope will reach the constituents of the right hon. Gentleman, and it establishes beyond doubt that the "alleged imminent" danger of war does not refer to any period when the late Government was in office, but entirely and exclusively to the time which has elapsed since the affairs of the country have been in the hands of the right hon. Gentleman and his colleagues. With regard to India, I must remind the House that the right hon. Gentleman has reiterated in substance the charge which particularly affects Viscount Canning, if it affects anybody—the advocacy of massacre and indiscriminate vengeance. A few nights ago the right hon. Gentleman, happy to escape from a division, adopting a different tone, took care to inform the House that the Government had telegraphed to Viscount Canning assurances of their firm support and unqualified approbation. The present Government proclaim that they have a policy with regard to India, and yet we find them one day giving their unqualified support to Viscount Canning, and a day or two after one of its leading members telling his constituents that this distinguished nobleman, invested with all the authority of the Crown in India, is an advocate of indiscriminate massacre and vengeance. Comparing dates, I presume the Government telegraphed to Malta to catch the Indian mail, in order that the same post which took out the news of the publication of the despatch of Lord Ellenborough should also carry out the intelligence of the Earl of Ellenborough's retirement, in the hope that one piece of news might counteract the mischief likely to be caused by the other. The right hon. Gentleman endeavoured to gain a little temporary popularity for the Government by traducing and misrepresenting the motives of one of the most distinguished representatives of the Crown. What effect these attacks may have upon Lord Canning I do not know, but I hope that he will prove himself superior to any personal considerations, and that, without departing from the principles on which he has ever acted, of stern justice combined with equity and mercy, he will continue to discharge his duty as he has hitherto done, regardless of those personal insults and affronts which have been heaped upon him. The right hon. Gentleman went on to say that every day he found fresh evidences of the fact that the expenditure of the late Government had been characterized by reckless and wanton extravagance, and he took credit to the present Government for advocating economy in opposition to wasteful and reckless expenditure. But if we were wasteful and reckless, what has been the course taken by the present Government? They did not hastily adopt our Estimates as we left them. They very properly asked for time to consider them; they took in the first instance Votes upon account, and then they came down upon their own responsibility and asked the House to agree to our Estimates. And by how much have they reduced those Estimates? They admitted that the Votes for the Army and the Navy—those two great branches of expenditure—had been prepared with a careful regard to efficiency,

and with economy. Only a few thousand pounds were struck off those Estimates, and even that was not done without an intimation that it might be necessary during the present Session to ask for a supplementary Vote to replace the items which they had struck out. If, then, the Estimates of the late Government were characterized by reckless and wasteful extravagance, how can the right hon. Gentleman ask the House to go into Committee of Supply upon Estimates which are substantially the same as those which were prepared by the late Government? The truth is, that the right hon. Gentleman has been so long in Opposition that he has acquired the habit of spreading broadcast charges in high-sounding language which he either shrinks from proving, or is unable to sustain; but I trust that what has now taken place will furnish a lesson to the right hon. Gentleman, and teach him to act with more dignity and with more caution than he has yet displayed in the high office which he holds, and that he will think, not so much of catching the transient popularity of the hour, or of hurling a sarcasm at a political opponent, but that he will think, act, and speak as a statesman, for by so doing he will be far more likely to gain the confidence of the majority of this House than by adopting the course which has hitherto marked his career.

SIR JOHN PAKINGTON: I think that the House will feel that the right hon. Gentleman who has just sat down has rather endeavoured to make up by vehemence of manner for lack of argument in his speech. But I do not rise so much to reply to the right hon. Gentleman as to enter my protest against what appears to me to be a most unpardonable waste of public time. After having consumed a whole week of public time in that faction fight, the termination of which afforded another remarkable instance of how very short and rapid is the descent from the sublime to the ridiculous—after having so wasted a week, and having found how little effect their own speeches produced, hon. Gentlemen opposite are now endeavouring to extract some present advantage from attacking the speech of my right hon. Friend delivered to his constituents in Buckinghamshire. I cannot feel surprised that hon. Gentlemen opposite should be a little dissatisfied with that speech of my right hon. Friend; for I believe that it has enlisted more public sympathy, and has excited public feeling more than any speech which has been delivered for a long period of time. The noble Lord the Member for Tiverton and the right hon. Gentleman who has just spoken very justly characterized that speech as a remarkable one, and no doubt they deeply regret the effect which it has produced upon the country. I must protest, however, against what I consider to be a most unfair misrepresentation of the language which was held by my right hon. Friend, both on Friday night in reply to the noble Lord the Member for London, and to-night in reply to the noble Lord the Member for Tiverton. I deny that my right hon. Friend is open to the imputation which has been cast upon him, with equal severity and injustice, of having held one language last Friday and another to-night—of having on Friday given one explanation of that passage which has so offended hon. Gentlemen opposite, and of having to-night given a totally different explanation. I contend that there is no difference in the language of my right hon. Friend. He has stated to-night that he adheres to all that he said at Slough. He stated—I do not quote the precise words, but he stated in substance—that when the present Government succeeded to office the disturbance of peaceful relations between this country and France was a question not of weeks or of days, but of hours. That is a form of expression which we all of us understand; and I have no hesitation in distinctly stating here my belief, from the knowledge which I, as a Minister of the Crown, have had of those relations, that those words of my right hon. Friend were substantially correct. It will not do, then, for hon. Gentlemen opposite, disappointed in the result of a party attack, and anxious in the bitterness of their disappointment to try and snatch a party advantage, to lay hold of a phrase, and to quibble upon a word. To say that a thing was a question, not of weeks or of days, but of hours, is a common expression to imply that it was imminent, and the fair and candid interpretation to be placed upon that expression of my right hon. Friend was that we succeeded to the Government under circumstances which made war imminent. We do not shrink from that statement, and I challenge the noble Lord to disprove it if he can. I appeal with confidence to the language of the noble Lord himself. What did he say when he moved the Conspiracy Bill? I will not occupy the House with quotations; but what, I ask, was the tone

of the noble Lord? He told us in plain language that the Government offered that atonement to France for what had taken place in this country, and he said, "If you do not pass this Bill you endanger the alliance between the two countries." The noble Lord complained to-night of the remark of my right hon. Friend on Friday upon the answer which the noble Lord gave to the hon. Member for Devizes (Mr. Griffith); but I maintain that the same tone pervaded that answer as pervaded the speech to which I have just referred—"You must be cautious as to the language you hold in this House; our relations with France are in a difficult position, and any accidental or unguarded language may endanger the alliance." What was the next occasion on which the noble Lord addressed the House? On that memorable night when he was defeated on the division and was obliged to relinquish office, he then distinctly held the same language in reply to the right hon. Gentleman the Member for the University of Oxford—that so critical was the state of our relations with France that unless that Bill were passed there would be a great danger of their interruption. Again, the Secretary of State for Foreign Affairs under the late Government, "in another place," in more guarded language I admit, but in substance, gave expression to precisely the same sentiment. Further, I appeal to the language of a State paper, which I am sure no one can have forgotten—the despatch which Earl Cowley sent home from Paris after the division, in which he referred to the irritated state of public feeling in France, to the necessity which there was for the most cautious conduct of affairs, and to the imminent danger of the interruption of the friendly relations between the two countries. I allude to this state of feeling without imputing the slightest blame either to France or England. There is no doubt that at that moment it was of the most dangerous character, and that great irritation prevailed; and I say this the more openly because I think that that feeling was honourable to two great and powerful nations. The French people had seen their Sovereign on the point of being massacred by a most atrocious attempt upon his life. They were ignorant of the laws of our country; they found that that nefarious attempt had been concocted in England, and, therefore, their indignation naturally was directed against England; on the other hand when the noble Lord brought forward his Conspiracy Bill a feeling no less strong was excited in England that the Government should introduce a Measure to alter the criminal law of England at the dictation of a foreign Power. Irritation was thus produced on both sides, and when it was at its highest, and after the noble Lord had given us those warnings to which I have adverted, the Government of the noble Lord was compelled to relinquish office. What was the line of policy that ought to have been pursued by the Government which succeeded that of the noble Lord? We could not outrage the public feeling of this country by persevering in that legislation. We were obliged to abandon the course taken by the late Government, which, rightly or wrongly, had the appearance of foreign dictation, and we were obliged to intimate to France that that was the line of policy we should adopt. There can be no doubt that it was to that period that my right hon. Friend referred and that the relations between the two countries were of the most critical nature, and that the continuance of those peaceful relations was strictly what my right hon. Friend called it, a question of hours and not of days. I am at liberty to state in confirmation of this view, and in direct contradiction of what has fallen from hon. Gentlemen opposite, that upon more than one occasion the late French ambassador to this country, the Count de Persigny, did remonstrate upon the policy of this country, and did state in plain terms that if the policy of this country was not changed it would be impossible for the friendly relations between the two countries to continue. Under these circumstances is my right hon. Friend to be assailed for having taken credit to Her Majesty's Government for having put an end to this state of things—a state of things which I have not overdrawn or overstated in one single iota? Most cordially do I agree with what has fallen from my right hon. Friend this evening, for that dangerous state of things could only have been put an end to by the greatest caution, forbearance, and temper on both sides, and we should recognise distinctly that judgment, sagacity, and forbearance which have been so eminently displayed by our loyal and true ally the Emperor of the French, and owing to which that state of irritation which I have described has been most happily removed. I trust now that a better state of feeling exists, and

that on both sides of the Channel the people of the two great nations feel that the prosperity not only of these two great nations but of Europe depends upon the maintenance of friendly relations between themselves. I must say, then, that I think we have great reason to complain of the exaggerations of the noble Lord to-night. The noble Lord has to-night very freely hurled imputations upon us. I beg to tell the noble Lord that he was wholly inaccurate, so far as I have been able to read, in his quotation of the speech of the Earl of Derby. He says the Earl of Derby paid a very high compliment to the late Government, of which the noble Lord was the head—that the satisfactory state in which things were when he took the reins of power was highly creditable to the late Government. The noble Lord evidently intended to draw a broad contrast between the language of the Earl of Derby and that of my right hon. Friend the Chancellor of the Exchequer. No doubt the Earl of Derby did speak as he always speaks, in the spirit of a high-minded gentleman. When he came into office he gave credit to his predecessors for whatever was praiseworthy in their acts. But what was the passage to which the noble Lord referred? Why, it was a passage doing full credit to the condition of the army. The noble Earl said that he was rather anxious, considering the state of our foreign relations, with regard to the state of the army, and that he found it in a condition much better than he expected, the exact phrase being that he found it "numerically respectable." This passage, however, the noble Lord wishes us to understand was an explicit declaration that under the noble Lord's Government England was in a prosperous condition. Before I quit this reference to the noble Lord, I will venture to remind him that, so far as I recollect, the Earl of Derby paid no compliment to the late Government with respect to the state of our foreign relations. I will not detain the House longer. We have heard too much about my right hon. Friend's speech. I think we are wasting our time upon an after-dinner speech. To make attacks upon an accidental phrase in such a speech is really too paltry a mode of carrying on political warfare in this House. These attacks are so unworthy of the House that I will only venture to ask them whether they think the noble Lord is the man to rise and make complaints of harsh language on the part of political opponents. I beg to tell the noble Lord that I have not forgotten, and I doubt whether any of those with whom I have the honour of acting have forgotten, the language in which the noble Lord thought fit to indulge one year ago in his address to the electors of Tiverton. That was not an after-dinner speech. That was not an oration delivered in a moment of excitement. It was a letter deliberately written by the noble Lord in the retirement of his library. In that letter the noble Lord thought it becoming in him to say, that those who had divided against him on the China question had condescended, or were willing, I think, was the phrase, to make the degradation and humiliation of their country a stepping-stone to power. The noble Lord has this evening said, that part of the speech of my right hon. Friend at Slough was a libel upon the noble Lord's Government. I am not one of those who like to use hard, harsh expressions in this House—I think the noble Lord will admit that I am not in the habit of doing so—but I tell the noble Lord that I thought then, and think now, that that phrase was the most libellous and calumnious that ever was used by a public man against his political opponents. What was the course that we took? We did not interrupt the public business when Parliament reassembled, and complain of this or that phrase. It is very true that my noble Friend who is now at the head of the Foreign Department did write a very dignified rebuke of that insulting language; but when Parliament reassembled, we did not think it worth our notice. I think that the noble Lord, after he had used that language, was the last person who had any right to come down to this House and complain of such language as that of my right hon. Friend. I challenge and defy the noble Lord, if he searches the speech of my right hon. Friend from one end to the other, to find language half so offensive or so unjust as that expression in the noble Lord's letter on the China question. I hope that this subject may be allowed to drop. Our time has been too much wasted upon these party struggles—these mean scrambles for place—for they assume that character, and I hope for the credit of this House and of those who have taken part in them, the public business may be allowed to proceed. I think we have this day received intelligence which ought to read us a lesson to address ourselves to the affairs of the

country and not the affairs of faction. We have received to-day news from India which may well make us anxious. I do not say it ought to make us despond—God forbid! but it ought to make us consider deeply what is going on in India. No reflecting man can read those accounts without feeling that the time has come when those who are intrusted with the government of this country ought to address their undivided attention to public affairs. Let me say another thing. I believe there is not a heart in this country that does not ache at the intelligence we have received this day. Who does not feel that we have lost one of the noblest and bravest men that ever gave honour to this country? I think, therefore, we had better direct our attention to the present aspect of our country's affairs than waste our time in these party struggles. If we are not worthy of carrying on the affairs of the country, tell us so, and tell us so in unmistakeable language. We can then understand your course. But let the public affairs of this country be conducted by somebody. Let us go on in the performance of our duty, unimpeded by these factious struggles. If you have any charge to make against us, make it—bring our conduct fairly to the test of public opinion by moving a vote of want of confidence.

LORD JOHN RUSSELL: I cannot agree with the allegation of the right hon. Gentleman who has just sat down that these discussions are a waste of time. I have always understood from the highest authority that ever ruled in this House that every Vote of Supply is a vote of credit to the Minister of the day. It is sometimes a permanent Vote of credit, and sometimes a provisional Vote of credit, and that I consider to be the character of the Votes of Supply since the present Ministers have assumed office. They are endeavouring, I will not say how successfully, to persuade two-thirds of the House of Commons whom they declare not to have been attached to them when they came into office, to place confidence in their measures and in their administration of public affairs. Now, if in the course of our proceedings a speech is made which assumes credit where credit is not due, which gives a varnished and falsely coloured view of public affairs, which casts imputations upon men who do not deserve them, and which finally gives a false account of that which is going on, I think it behoves those who may conceive themselves affected by such a statement to ask in this House, when a Vote of Supply is asked, what is the meaning of those representations, whether they can be explained, or whether they shall be retracted. Now, a speech of the right hon. Gentleman, whether made here or elsewhere, a speech which was given in all the public papers, and which, therefore, was published to the entire country, assumed that the question of peace or war between this country and France was a question not of days, but of hours, when the present Government came into office, but that the present Government by their wisdom averted the evil of war. That speech implied, moreover, that there was a cabal in existence which was endeavouring to blow up the flames of war between Sardinia and Naples, with the view of risking the peace of Europe and involving the whole of Europe in war for the party objects of those who endeavoured to create that war. The right hon. Gentleman, moreover, stated in that speech that the present Government, instead of pursuing a policy of unmitigated vengeance and massacre in India, were laying the foundations of the peace and future prosperity of that country. I am not saying whether those statements were well or ill founded, but they naturally provoked those who differed from them, and denied their truth, to call upon the right hon. Gentleman to make some explanation. The right hon. Gentleman opposite (Sir J. Pakington) says, "Why don't you sit down quietly under these imputations? Why don't you allow it to be said that you left the country in such a state that in a few hours it might have been plunged into war; that you were engaged in a cabal, that you were endeavouring to create war throughout Europe, that your policy was a policy of unmitigated vengeance, massacre, and confiscation. Why cannot you sit down quietly and allow all these things to be said of you?" Now, the statement of the right hon. Gentleman made a great impression throughout the country, and if that impression be founded upon that which is false, it should be dispelled, and if it be founded upon a real state of affairs, then let it be confirmed, so that the real state of affairs may be placed before the public. Now, the impression created by the allegation of the right hon. Gentleman is, that we were at one time within a few hours of war with France, and that naturally produces the inquiry whether that took place under the late Government. Now, when I asked on

Friday I was told that the proof that such a state of things existed was to be found in an answer made by the noble Lord the Member for Tiverton to a question put to him by an hon. Gentleman opposite and in the sudden departure of the French Ambassador. To-night, however, the explanation is totally different, for we are now told that the danger arose not during the administration of the late Government, but during that of the present. One of two things must be the case,—either that character for prudence, justice, good sense, and friendly spirit towards this country which we have always attributed to the Emperor of the French has been wrongly attributed to him, or he is, on the contrary, very ready to pick a quarrel and make war upon an ally; but if the Emperor of the French is, as I believe him to be, a man of prudence and good sense, if he be actuated by a friendly spirit towards the people of this country, as I believe him to be, then I am unable to believe one word of this story of our being within a few hours of war with France. I certainly have no intention of imputing to the right hon. Gentleman that he wilfully or intentionally stated that which was not well founded, but I think that he has been carried away by the brilliancy and fertility of his imagination into supposing dangers to exist which really had no existence. When the Emperor of the French had it explained to him,—and I admit that it was most fairly and temperately explained to him by the noble Earl the Secretary for Foreign Affairs,—that our laws did not allow us to make the change proposed, but that the laws as they existed were sufficient to punish assassination, or conspiring to assassinate, I have no doubt that he was satisfied with the explanation, and that in time a good understanding was sure to prevail. The good understanding which the right hon. Gentleman states prevails now, is the natural consequence of the irritation subsiding which was caused by the fearful and horrible attempt of the 14th of January. That occurrence took place four months ago, and it is the natural action of the human mind to calm down as the event which has produced irritation becomes more remote. The right hon. Gentleman, however, misinterpreting that which is the natural cause of a natural effect, forgetting that naturally the minds of the people of France are calmer than they were when the streets of Paris ran with the blood of the victims of that horrible attempt, and that the first feeling of irritation having subsided, it was only natural that the previous feeling of friendliness to this country should return, has attributed the revival of those friendly feelings to the wisdom and prudence of the Government. Then, with regard to the next question, namely,—as to a cabal which is endeavouring to stir up war between Naples and Sardinia, I must say that I naturally supposed that the cabal referred to by the right hon. Gentleman was some cabal formed in this House. I thought, perhaps, that it was meant that my hon. and learned Friend the Member for Bridgewater (Mr. Kinglake), was the promoter of that cabal, and that the right hon. Gentleman had discovered the whole plan; but it appears now that the cabal does not exist in this House, but that it exists somewhere else. The right hon. Gentleman asks the people of Buckinghamshire and the people of England for their acknowledgments and support for defeating the cabal, and he asks for sympathy in consequence of the difficulties to which he is exposed by the existence of that cabal. Now, Sir, I should like to know where the cabal has its existence. Does the right hon. Gentleman—and I am almost afraid to mention the subject—does he charge any foreign Minister resident at the Court of Her Majesty with being engaged in a cabal against the Government to which he is accredited? Does he complain that any member of the late Government or that any Member of this House is engaged in any cabal? Well, then, if there be no such cabal, all the credit is taken from the Government for defeating it, and they have no claim to the sympathy which they ask for in being exposed to the dangers of encountering that cabal. Then I come to the question as regards unmitigated vengeance, massacre, and confiscation. Now, I have always supposed from the time I read that speech that the policy of vengeance, of massacre, and confiscation was the policy of somebody; that it was a policy which the Government had had to consider, and to which they objected, and that they had adopted a policy of which unmitigated vengeance and massacre formed no part. We now, however, learn that it is only a sort of hypothetical policy. The right hon. Gentleman tells us that confiscation on the part of Viscount Canning will produce vengeance not on the part of the European troops, but upon the part of the Natives, and that vengeance will produce massacre. Now, I think certainly that it was worth my noble

Friend's while to ask for some explanation, for the result has been that we have got an explanation which no one could have dreamt of. No one, I am sure, could have supposed that that was the meaning of the right hon. Gentleman until he explained it to the House. Now, the right hon. Gentleman has talked of a party Motion. I do not hold a great deal of communication with the noble Lord the Member for Tiverton, but I understand from his late colleagues that, in his view, after the present Government was installed in office, it would be for the interest of the Liberal party not to bring forward any Motion with the view of displacing them, but that the best course for the Liberal party to pursue was to consider what subjects of general interest would be brought forward, to distinguish points of agreement and disagreement, and by degrees to consolidate their strength, and form themselves in such a manner that they might carry great public measures of great public advantage. That I believe was the opinion of the noble Lord, and I think that there were few who did not share in it. Well, Sir, when that wonderful despatch of the Earl of Ellenborough's was shown to me by the hon. Member for Birmingham (Mr. Bright) to whom it had been communicated by the Earl of Ellenborough, I said at once, "This is an abominably bad despatch." It struck me at once that it would hardly do for this House to be content with merely reading that despatch, to have it, in fact, thrown in their faces, and not to take any notice of it, and that, in a party sense, however injurious it might be, we could hardly avoid doing so if we paid due regard to the interests of this country in India, and if any regard ought to be paid to a person placed in the position of Governor General of that country. That was my opinion, and I believe that it was a very general opinion in the House. Then came the resignation of the Earl of Ellenborough, who had written and directed the publication of the despatch, and upon that event taking place great difference of opinion ensued. There were certain persons who originally were prepared to say that something must be done to show the sense of the House upon the despatch which had been placed upon the table, but who were content when they saw that some atonement had been made, not to proceed with the Motion. Hence those differences which led to the route of my right hon. Friend (Mr. Cardwell), and the triumph of the right hon. Gentleman opposite. It appears to me that we could hardly have passed by that despatch consistently with our duty. There was something rather strange in the observations of the right hon. Gentleman the First Lord of the Admiralty upon the subject of India. It was proposed by the late Government to transfer the government of India from the East India Company to the Crown, and that proposal was assented to by the House, and adopted by the present Government, who, when they came into office, announced their intention of introducing a measure upon the subject. That measure they introduced, and a most ridiculous measure it was. I do not remember any measure which encountered more general disapprobation. Well, Sir, I did not wish to take advantage of the blunder of the Government or to put them into any difficulty, and I therefore proposed to proceed with the consideration of the subject by way of Resolution. The right hon. Gentleman the First Lord of the Admiralty, who himself was always ready to take a share in a party Motion when he sat on this side, but who now considers nothing so horrible as an attack upon the Government, will not, I think, accuse me of party motive in making that proposal. I think, however, that the Government are bound to proceed with these Resolutions, and to ask for the decision of the House upon some of those points upon which the hon. Member for Sheffield proposed to take a decision, and some few points upon which hinges the nature of the constitution of the government you propose to substitute for the Court of Directors. But the right hon. Gentleman says we cannot now proceed with those Resolutions because Lord Stanley has accepted the office of President of the Board of Control. Now, the right hon. Gentleman himself was the chief proposer of the measures having reference to India, and I should have thought that he would have been able fully to discuss these questions without my noble Friend the President of the Board of Control. Well, the Bill of the hon. Member for Surrey (Mr. L. King) has been carefully postponed till next week, and I do not know when we shall proceed with those Resolutions. [The CHANCELLOR of the EXCHEQUER: On Monday next.] Very well; that shows more inclination to advance than I believed to exist, but, still, postponing the subject during the present week shows very little inclination to pro-

ceed with the measure, and I should certainly not be surprised to hear, after a few nights' debate, that it is too late in the Session to proceed with the question. If that is their intention I beg them to state it. Do not let us waste night after night in unprofitable discussions upon various Amendments to the Resolutions; but let us know at once that it is not your intention to go on with the measure. I must say the present Conservative Government does not inspire me with any very great confidence in its Conservatism. We have been accustomed in former times to see Conservative Governments resisting a good deal and making very slow progress; but, being of a very patient temper myself in regard to reforms, and thinking the country has the power in its own hands, and is sure in the end to get the reforms which it wants, I should bear with some equanimity a rather low rate of progress on the part of a Conservative Government. But when I see a Conservative Government go off with sudden jerks and starts, sometimes evincing the obstructiveness which characterized the old Tory party, at other times going off at a pace like extreme Radicalism, I am filled with as much alarm as if I were to see you, Sir, proceeding leisurely and at the usual pace in your state coach to Buckingham Palace, and your horses were all at once to dash off at the rate of twelve or fourteen miles an hour. The plan of the Government with respect to the election by popular constituencies of certain members of their proposed Indian council was not a Conservative measure; certainly it was not a Whig measure; and it was even too extravagant and democratic for the most extreme Radicals. It is these eccentric movements which keep me in a state of continual suspense in regard to the present Administration. The First Lord of the Admiralty may tell us that all the time is lost which is spent in making any inquiry into these points, but I hold that the character of the Government of this country, and whether it is to be a Conservative or a Liberal and progressive Government, is a question of the utmost importance to the welfare of the people. And when I see a right hon. Gentleman departing so much from all usual precedent, and, I must add, from the dignity and decorum of his position, as the Chancellor of the Exchequer did in his late speech in Buckinghamshire, it causes me a good deal of apprehension, not lest the Government may be too Conservative, not that it may resist too much, but lest it should rashly and imprudently incur dangers which it will be difficult for any future Government or Parliament to remove.

MR. WHITESIDE: The speeches we have heard from the noble Lord the Member for Tiverton and the noble Lord the Member for London remind one forcibly of the relation between Castor and Pollux. The one rose when the other set. The conjunction would appear to be an ominous one. It was thought last week that the noble Lord the Member for Tiverton had gone into the country to repose upon his Parliamentary laurels; but it seems that he temporarily disappeared from among us only that he might favour us with the results of his illustrious retirement. The noble Lord the Member for London is afflicted with apprehension as to the policy of the present Ministry. He thinks it moves sometimes too fast, at other times too slow, and if it would only maintain the happy medium of old constitutional Whiggery, no doubt it would receive the noble Lord's approving smile. The noble Lord cannot be accused of having gone too fast, because sometimes he did not go at all; and on several questions of great public interest his puny and abortive efforts at legislation have—to use his own expression—left a legacy of mischief behind them which it would be a difficult task for a body of sensible men to rectify. My right hon. Friend the First Lord of the Admiralty has truly said, that if you think the great interests of the country are in jeopardy under an incompetent Government, you can bring forward a Motion to displace them, and restore the noble Lord the Member for Tiverton to that position in which he so lately secured the good opinion of this House, and, what is better, the universal approbation of the country. The noble Lord the Member for London now says, it is shocking that such a despatch as that of the Earl of Ellenborough should have been made public, but that the error had been atoned for by the resignation of that noble Earl, and that there the matter might have been allowed to drop. If that is the noble Lord's opinion, certainly he did not carry it out in the late debate.

LORD JOHN RUSSELL: I did not say that that was my opinion, but that it was the opinion of some.

MR. WHITESIDE: I had thought that I might class the noble Lord himself

in his dignified category of "some;" but certainly after the Earl of Ellenborough's resignation the adverse Motion was persevered with, and its advocates would have pressed it to a conclusion if they had not trembled in their skins at its impending result. From that result Her Majesty's Government had not shrunk, and the withdrawal of the Resolution certainly did not take place at their instance. I think my right hon. Friend the Chancellor of the Exchequer was perfectly justified in the expressions which he used relative to the support rendered to the Government on that occasion by hon. Gentlemen who do not agree with its general principles, and I cannot regard the remarks of the noble Lord the Member for Tiverton on this point as characterized by the best taste. Every man who can appreciate sound argument and high eloquence must appreciate the powerful address of the right hon. Member for Carlisle (Sir J. Graham), the hon. and learned Member for Sheffield (Mr. Roebuck), and the hon. Member for Birmingham (Mr. Bright). But I ask the noble Lord, laying aside forms and phrases, and looking for a moment at matters of substance, to listen to a passage from the letter of the Calcutta correspondent of *The Times*, from which he will be able to judge whether, after all, the views contained in the Earl of Ellenborough's despatch were very far wrong :—

"I presume the Oude Proclamation reached you some time since. Lest it should not, I enclose it here. The Proclamation has not been withdrawn or softened, but Mr. Montgomery (our Commissioner in Oude) has received *carte blanche* to deal with each case as he chooses."

What does Mr. Montgomery do? He sets aside your confiscatory Proclamation, and his course is to compound with the Native aristocracy. That is exactly the contrary of your Proclamation. [*Cries of* "No, no!" *and* "Yes."] I say "Yes," because your argument was this :—"We mean to deal with the village proprietors, but not with the great nobles and the aristocracy." And how does this man of sense, who is, I believe, a countryman of mine, proceed? He compounds with the aristocracy, and here is the result :—

"His course is to compound with the aristocracy, and the landholders, finding that the chief gives them their property, are coming to him fast."

So that if he had acted on your Proclamation, we can easily conjecture the result. He followed the policy suggested by the Earl of Ellenborough, and I am sure there is too much justice in this House to condemn a statesman for words, if in substance he was right. The letter from which I have quoted proceeds :—

"There is, however, little hope of the pacification of Oude for some months. We hold only the city, and that we are compelled to fortify again. I would only mention that the North-West officials, so long devoted to the village system, are everywhere recanting their opinions. They admit that the Native aristocracy is essential to our own security—that the zemindaree system has preserved Bengal, and that without permitting landholders to grow, permanent peace is almost impossible."

That was the argument of the Earl of Ellenborough's despatch, and now it has received its confirmation. With regard to the case of the *Cagliari*, I have read the correspondence of December last, which the right hon. Member for Oxford University (Mr. Gladstone) rightly said gave Sardinia a fair claim to call upon England to befriend her. If hon. Gentlemen will have the curiosity to look into the legal opinions and the facts stated in the papers on the table, they will see that the despatch in question is unlike all the correspondence that precedes it, and that it must have been written by some other person than the individual from whom all the previous communications proceeded. I allude to the despatch which asks whether Sardinia will adopt a different course from that which she had hitherto pursued ; and the remark I have made is a fair criticism arising upon the document itself. The noble Lord the Member for Tiverton asks how my right hon. Friend came to make such a speech after dinner. Did the noble himself never make an after-dinner speech? It cannot be forgotten that, on the 9th of November last, he made a speech at the Mansion House, in which he challenged France and the whole of Europe to mortal combat, declaring that if any foreign nation thought we were not ready for battle because our troops had been sent to India, he begged to assure them they were in error, for he was quite prepared to engage in conflict with them. And so the noble Lord was. If ever a Minister escaped from half-a-dozen votes of censure which ought to have been pronounced upon him, it was the noble Lord. The noble Lord says he is very familiar with foreign affairs. Of course we can only be guided by the official documents laid before us. But how the Minister who endorsed the conduct of the Earl of Clarendon in signing

at the Paris Conferences the protocol directed against the freedom of the Belgian press should have escaped the indignant censure of a British Parliament has always filled me with amazement. The noble Lord said that the circumstances in which Viscount Canning was placed ought to have been taken into account, inasmuch as he had only 400 men to hold the country between Calcutta and Dinapore. No doubt this ought to be taken into account; but who left Viscount Canning in that defenceless state? Why, the Government of the noble Lord, which directed our troops to carry on a war with Persia, the object of which nobody ever understood—not even the noble Lord himself. The effect of the China war, of which the noble Lord boasts so much, was to leave Calcutta without the protection of a single ship. When Mr. Layard asked for an explanation of the grounds on which the Persian war was undertaken, the noble Lord told us something about an epistle from the Shah which was not exactly couched in the style of the *Polite Letter Writer*, and he managed, with his usual adroitness, to turn the laugh upon his interrogator, but he never condescended to give the House any intelligible explanation of the origin of that war. The consequence was that that war, like every other war entered into without justice, entailed not only the loss of blood and treasure upon this country, but produced serious troubles and dangers in other parts of our empire. The noble Lord boasts in a triumphant manner of the condition in which he left the affairs of the country when he quitted office; but when he spoke in so triumphant a tone he seemed to forget that he was driven from office—that he had incurred the censure and disapproval of this House because he had not replied to a despatch which implied that assassination was favoured in this country, but, on the contrary, accepted the insult. I was myself a party to the transaction which then took place. I heard the defence of the noble Lord, and I am bound to say that, after the vote of censure which this House passed, it does not become the noble Lord to boast of the skill and success with which he conducted the affairs of the nation with regard to France. Such a boast is a reflection on the wisdom of the House of Commons. I must say I do not think the noble Lord has much improved the position taken up on Friday night by the noble Lord the Member for the City of London (Lord J. Russell), and I think if the noble Lord and his friends opposite can do no better than they have done in making this attack, their wiser course would be to give us some of those great and brilliant measures which they are always promising to bring in, but which we are so seldom permitted to see, and leave the House to judge of the value of their measures when they are brought forward.

MR. KINGLAKE said, that the right hon. Gentleman the Chancellor of the Exchequer having stated somewhat complacently that the statement of the noble Lord the Member for Tiverton with respect to Sardinia was unfounded, he (Mr. Kinglake) could assert on the contrary that it was perfectly accurate. On the 15th of February, nearly a week before the retirement of the late Government, Watt was released, not from custody, but from prison. On Feb. 23, that is after the vote which displaced the late Government, but while the Earl of Clarendon was still holding the seals of the Foreign Office, the Earl of Clarendon wrote a despatch pressing for the entire liberation of Watt, on the ground that his return to England and the company of his relatives would be calculated to restore his mental health. After the retirement of the late Government the King of Naples liberated this man. But how did he liberate him? Why, he liberated him in terms which corresponded to the very letter with the despatch of the Earl of Clarendon. He asserted confidently that the Earl of Clarendon was the cause of the permission given to Watt to return to this country. So much with regard to Watt. A few words with regard to Park. On the 12th of March, that being the first day on which Her Majesty's Ministers met the House of Commons, he (Mr. Kinglake) brought forward a Motion, the object of which was to obtain permission for Watt and Park to return to this country; and, after hearing what he had to say, the Chancellor of the Exchequer got up, and, having expressed a good deal of sympathy with these unfortunate men, he deliberately told the House that nothing could be done. A debate, however, arose on the subject, in which the feeling of the House on the subject was strongly and generally expressed, and Her Majesty's Government then showed a disposition to take strong measures to secure the liberation of the prisoners. On the 18th of March, six days after he (Mr. Kinglake) brought forward his Motion, the Earl of

Malmesbury wrote his first despatch, in which he asked for the liberation of these men. It was a humiliating thing for this country that no demand, properly so called, was made for their liberation except by the Sardinian Government. The instructions to Mr. Lyons which had been so much vaunted were not instructions to demand with a high hand their liberation; they were instructions to inquire. He asserted, therefore, that the result of this *Cagliari* affair was not an achievement of Her Majesty's Government, but was due to the House of Commons.

MR. SEYMOUR FITZGERALD said, the extraordinary position assumed by the hon. and learned Gentleman who had just sat down compelled him to make a few observations. Notwithstanding what the hon. and learned Gentleman had said, he was convinced that a very slight observation of the facts of the case would convince any one in the House or out of it that it was owing to the steps taken by Her Majesty's Government that Watt and Park were at this moment free. On the 15th of February, Watt was removed from the infirmary. When he was brought before the court he was found quite unable to answer any question; and on the 20th he was taken back to the infirmary. A medical commission was appointed to inquire into the state of his health, and what was the result of the report of that commission? Why, on the 1st of March the Grand Court decided that Watt should remain at the infirmary; but added to this decision was the order—"The prisoner must stand his trial whenever he is sufficiently able to appear." The order was, in effect, one that the prisoner should remain in hospital till he was fit to be tried; yet that was what the hon. and learned Gentleman (Mr. Kinglake) seems to think was an order for unconditional liberty. The real facts of the case were these. For nine months, as the country knows, these men were entirely neglected. One of the first things which the present Government did after their accession to office was to send to Naples a man of high character and who was chosen for the duty on account of his diplomatic experience, with instructions to exert his influence to the utmost to secure an alleviation of the condition of the prisoners. The hon. and learned Gentleman, however, complained that Mr. Lyons was not instructed to treat the matter with a high hand. How, he would ask, could Her Majesty's Government, who, it must be recollected, had only just acceded to office, instruct him to so act until they had ascertained whether they would be fortified in so doing by justice, by law, and by the advice of their own law officers? When they had got that advice, and ascertained the exact position of affairs, they took the course which they were justified in taking. He asserted that from the moment of their coming into office, Her Majesty's Government had never had the treatment of these unfortunate men out of their consideration, and that they were now prepared, as they had ever been, to deal with this question in a manner becoming the honour of this country, and in accordance with what they considered to be due to the injured sufferers; and he was confident that their course would reflect honour upon themselves, and prove satisfactory to the country.

DIFFERENCES WITH THE UNITED STATES.

MR. LINDSAY said, he thought that the present discussion had been unduly prolonged. He wished to call the attention of the House to a state of feeling on the part of the people of the United States which required the attention of the House, and which had arisen from the fact that certain ships of the United States had been boarded and fired into by British cruisers. It was alleged that a boat belonging to a British man of war had entered Sagua la Grande, a port on the south coast of Cuba. This boat was manned by fifteen British seamen and commanded by an officer. It boarded all the vessels—one Spanish and twelve American—that were in the harbour, demanded a sight of their papers, inspected the holds, and in some cases went to the extent of breaking into casks in the holds. This was done, not in one of the creeks where suspicious vessels were likely to rendezvous, but in a port of considerable trade, and frequented by a large number of vessels belonging to the United States. In other cases vessels were boarded, fired into, or searched. Intelligence of these acts arrived by the mail on that day week, but further information had been received by the mail that morning. He did not mean to represent these occurrences as very alarming, for he was one of those who could not contemplate the possibility of war between two countries so nearly allied by commerce, but the Government ought to do something

to allay the angry feeling which existed in the United States on this subject. The papers of that morning stated that the United States Government had given orders to the various collectors of Customs to report all outrages committed by the British in the Gulf of Mexico. Orders had also been issued to fit out the frigate *Saratoga* at New York, and the brig *Dolphin* at Boston, for strengthening the Gulf squadron. These vessels might come into collision with the British men of war, and a state of things might arise which the people in both countries would deeply deplore. It was further stated that the President had demanded explanations from England and Spain in reference to the search and visitation of American vessels in the vicinity of Cuba and its harbours. The captain of the American brig *Wingold*, which arrived at Boston on the 16th, reported that on the 30th of April, after leaving Sierra Morena, he was fired into by a British cruiser. One of the balls was buried in the mainmast, close to the captain's head. This vessel was afterwards boarded by a fully armed boat's crew, which insisted on examining the brig's papers. It might be that these vessels were supposed to be engaged in the slave trade, but he did not see how British cruisers were justified in boarding indiscriminately vessels in port. He wished to ask whether it was the fact that several merchant vessels belonging to the United States, engaged in the trade with Havannah or with the west coast of Africa, have been fired into, boarded, searched, and detained by British cruisers, and if so by what authority and under whose instructions the commanders of these ships had acted?

MR. WALPOLE said, he thought the hon. Gentleman would admit that it was not a convenient course to introduce a matter of this kind into a debate on another subject. Her Majesty's Government had received no account of the indiscriminate firing and boarding alluded to by the hon. Gentleman, and many of the facts reached their ears then for the first time. If the hon. Gentleman gave notice of a question on the subject, the Government would give him every information in their power.

MR. GRIFFITH said, that he was anxious to make one or two remarks in justification of the course he had taken in putting the question to the noble Lord the Member for Tiverton, when Prime Minister, which had been referred to in the course of discussion, namely, whether Her Majesty's then Government would suggest the publication of the apology of the French Emperor in the *Moniteur?* It was the production of the second despatch of Count Walewski, expressing the regret of the Emperor of the French for the publication of the previous despatch, which had turned the feeling of the House, and given the noble Lord the majority of 200; but he believed that if the House had been at all aware that that despatch would not receive the same publicity as the addresses of the French Colonels, the majority would have considerably dwindled down. The question which he had put to the noble Lord was couched in the mildest terms, but the noble Lord's answer was such as to draw down a perfect shower of indignation on his devoted head. He apprehended, however, that the feeling of the country had not ratified the answer of the noble Lord. The original majority of 200 was not obtained upon the merits of the case, but on the apology contained in Count Walewski's despatch; and the question he (Mr. Griffith) had put was only such as it was his duty as an independent Member of Parliament—the slave or follower of no master or Minister—to put; and whatever might be the opinion of the House, he was prepared to contend that the feeling of the country did not then, and did not now, ratify the answer of the noble Lord.

MR. INGHAM said, that in reference to the case of the British engineers Watt and Park he wished to remind the House that the late Government acted under the direction of their law advisers; that there were great difficulties in the way of obtaining accurate knowledge of the facts, from the suspension of diplomatic relations between England and Naples; and that the engineers received the best legal assistance at the instance of the Government, and by the same means were permitted to see their relatives and friends.

Motion *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee; Mr. FITZROY in the Chair.

The first two Votes were *agreed to.*

(1.) £36,639, Mint.

(2.) £22,010, Inspectors of Factories, &c.

(3.) Motion made and Question proposed,

"That a sum, not exceeding £6,251, be granted to Her Majesty, to pay the Salaries of the Department of the Queen's and Lord Treasurer's Re-

membrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the 31st day of March, 1859."

MR. W. WILLIAMS said, there were several objectionable items in this Vote. There was a charge of £3,563, a larger sum than last year, for the Queen's Treasurer and Remembrancer in Scotland. Then there was £97 for Her Majesty's limner, £184 for Her Majesty's historiographer, and £16 13*s.* 4*d.* for the clockmaker. These offices ought to be abolished.

MR. WISE said, he objected to the charges for horse racing, and he should therefore move that the Vote be reduced by £98 16*s.* 6*d.* for the Queen's plate, to be run for at Edinburgh.

MR. WILSON said, he very much concurred in the remarks which had fallen from his hon. Friend. He had always felt the objection referred to, but there was this answer to it. These sums had been originally gifts presented by the Crown, and it thus became part of the settlement when the Queen came to the Throne that they should be paid out of the civil list. That was the case at least in England, and if the hon. Member looked at the heading of this Vote he would see that this was an analogous case in Scotland.

MR. BAXTER said, he believed that the people of Scotland did not care for these sums; though they would like to see some of the public money expended in Scotland, they wished it to be expended in a rational manner.

MR. G. A. HAMILTON said, that the item was a charge handed over with the hereditary revenues of the Crown in Scotland at the commencement of the reign, and it would not be fair to do away with it now. He also would observe, that one of the plates was granted by sign-manual of George I., and the other by sign-manual of George III.

SIR GEORGE LEWIS said, that the Queen's Remembrancer was an important officer, with active duties to perform, and it was quite a mistake to suppose that his office was a sinecure. As to racing plates, the question which arose upon this Vote, and which would equally apply to the rest, he himself was less disposed than almost any one, from individual tastes, to support horse-racing; but he had always been told, and he believed, that the ground on which such votes had been supported was that it was a national object to encourage the breed of horses [*a laugh*]. Hon. Gentlemen might smile; but there was no doubt that racing in this country had exercised a most important influence in improving the breed of horses, and that we had accomplished this in England under what he might term a voluntary system, whilst in foreign countries whatever improvement had been made was the result of giving encouragement out of the national resources. Upon the whole, he thought he might appeal to experience as showing that our system had been infinitely more successful than that which was pursued in foreign countries.

MR. BLACK said, that if it were supposed by the House that this grant was regarded by the people of Edinburgh as a compliment or favour in any sense, they were very much mistaken. They would be equally mistaken if they imagined that its being taken away would be looked upon in the nature of a slight or injustice. He should support the Amendment.

MR. BLAND remarked that it would not be fair to strike out this Vote unless the sums paid out of the Civil List for English plates were also discontinued.

MR. SLANEY supported the Vote, on the ground that horse-racing afforded an innocent means of recreation to large classes of persons who had few other sources of amusement.

Motion made and Question put,—

"That the item of £98 16*s.* 6*d.* for the Queen's Plate, to be run for at Edinburgh, be omitted from the proposed Vote."

The Committee *divided:* Ayes 44; Noes 70: Majority 26.

Original Question put, and *agreed to.*

(4.) Motion made and Question proposed,

"That a sum, not exceeding £6,431, be granted to Her Majesty, to defray the charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the 31st day of March, 1859."

MR. W. WILLIAMS said, he was sorry that the Irish Members were not ashamed of this Vote. He believed that the people of Ireland had no sympathy with this establishment, and it was ridiculous that the Lord Lieutenant should have the same kind of officers as the Queen. The Lord Lieutenancy of Ireland cost altogether, he believed, nearly £50,000. What could he want with a steward of the household, a comptroller, four aides-de-camp, two "gentlemen-at-large," and officers of that sort?

MR. G. A. HAMILTON said, he would advise the hon. Member, if he had any

doubt with regard to the feeling which prevailed in Ireland upon the subject of retaining the establishment of the Lord Lieutenant, to visit that country and judge for himself. His noble Friend near him (Lord Naas) would, he was sure, be happy to see him, and put him in the way of acquiring all the information he wished respecting it. Moreover, the question of maintaining the Lord Lieutenancy had recently been discussed at considerable length, and a majority had determined in favour of continuing the office; and, considering the position which the Viceroy occupied, he believed that the officers referred to by the hon. Gentleman were necessary.

MR. BLACK said, he did not understand what the Lord Lieutenant wanted with a gentleman of the bedchamber; if it had been a chambermaid, it would have been more intelligible.

MR. WISE said, he objected to several items in the list of attendants on the Lord Lieutenant. There were four aides-de-camp; not military functionaries at all, but civil, and very civil and obliging they were; but he did not know what on earth they had to do but to ride on horseback, to write invitations, and to carve at table. Then there was a steward, or comptroller, a chamberlain, a gentleman usher, eight gentlemen of the bedchamber, two gentlemen at large, and other functionaries, amounting altogether to £2,606 a year. He meant to object to this, and to the sum of £1,800 for the Queen's plates to be run for in Ireland; and, as a beginning, he would move to omit the Vote for the four aides-de-camp, amounting to £647.

Motion made and Question proposed,—

"That the item of £647 13*s.* 4*d.* for Four Aides-de-Camp to the Lord Lieutenant, be omitted from the proposed Vote."

MR. BAGWELL said, the hon. Gentleman had better move to abolish the office of Lord Lieutenant altogether; for if the Lord Lieutenant was to be kept up, he must have some sort of state.

MR. BLACK said, he should propose to allow these gentlemen half their salaries.

SIR GEORGE LEWIS said, it was an inconvenient thing to raise questions of principle on a mere incidental question of detail. The question raised by the hon. Gentleman really was, should they or should they not abolish the office of Lord Lieutenant. He was not himself in favour of retaining that office for a single day longer than it could be proved to be necessary; but while it was retained, the nobleman holding it ought not to be shorn of all reasonable and decent ceremony.

MR. WISE said, he would withdraw his Amendment, and take the sense of the Committee upon another question—the maintenance of the two "gentlemen at large," whose salaries amounted to £257. What "gentlemen at large" meant in connection with the office of Lord Lieutenant he did not know, but that phrase was ordinarily applied to lunatics let loose.

Original Question again proposed.

Whereupon Motion made and Question put,—

"That the item of £257 17*s.* 4*d.* for Two Gentlemen-at-large, be omitted from the proposed Vote."

The Committee *divided:* Ayes 42; Noes 88: Majority 46.

Original Question put, and *agreed to.*

(5.) Motion made and Question proposed,

"That a sum, not exceeding £15,804, be granted to Her Majesty, to pay the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, to the 31st day of March, 1859."

MR. BAXTER said, he thought the House ought to have some information as to what the duties of the Chief Secretary were, especially as one right hon. Gentleman, who had held the office, described it as a glorious sinecure, where the duties were very light and the salary very large. There were some very curious items in the Vote. For instance, there was an allowance of £425 for coal for the Chief Secretary, and £375 for the Under Secretary. Really these officers might have to perform their duties, not in Ireland, but in Spitzbergen. Then he found eighteen clerks, but he could not conceive that there was employment for all these gentlemen. He should move to reduce the salary of the Chief Secretary by £1,000, to reduce that of the Under Secretary by £400, and to disallow the items for fuel.

MR. WHITESIDE said, if the hon. Gentleman would consider that Ireland was a kingdom larger than many continental kingdoms, he would see that its government could be no light or easy matter. Of course there were two ways of discharging a duty—one was by not doing it at all, the other was by looking into the whole work with his own eyes; and he was sure, if the hon. Gentleman should ever hold the office, and discharge the duties conscientiously,

as he had no doubt he would, he would find that the post of examining the reports of the constabulary, and the correspondence with the magistracy on the state of crime and such questions, would occupy him from an early hour in the morning till late at night. He should oppose the Motion, for he was sure they would never get a person competent to discharge the duties if they reduced the salary.

Mr. W. WILLIAMS said, he would remind the Committee that the right hon. Member for Stroud (Mr. Horsman) had stated to his constituents that he was the best-paid officer under the Crown, and that the whole time occupied in the performance of his duties did not exceed two hours a day. He (Mr. Williams) thought the charge for fuel most extraordinary—it would purchase at least eight times more coal than the Secretaries could possibly use. At the present price the allowance would give the Chief Secretary 300 tons of coal a year, and the Under Secretary 218 tons.

Mr. WISE said, he begged to call attention to the Report of a Select Committee which sat in 1850, and which had recommended the salary of the Chief Secretary should be £3,000, which was exactly what the hon. Member for Montrose (Mr. Baxter) had now proposed.

The CHANCELLOR of the EXCHEQUER said, it had been his duty when formerly in office to take into consideration the recommendations of the Select Committee to which reference had been made in regard to the salary and allowances of the Chief Secretary for Ireland. With all respect for the decisions of a Committee of that House, he thought that several of its recommendations had been arrived at too much in deference to the prevalent feeling of the moment. The public service of this country was certainly undermanned, and the hasty adoption of the recommendation for reducing the Lords of the Treasury was much to be regretted. At the time that reduction was made stories were current, based on the old tradition of bygone days, that Lords of the Treasury were appointed only to make a House and cheer the Ministry, and that they exercised an undue influence on the deliberations of Parliament. The consequence of the reduction was that great difficulty was now experienced in transacting the business of the Treasury. With respect to the Chief Secretary for Ireland his salary stood, when last revised, at £5,500, with considerable allowances for maintaining the parks and gardens attached to his office; and the recommendation which the Government of the day made was, that the salary should be fixed at £4,000. That sum, it must be admitted, was not an excessive remuneration for the duties of such an office. Hon. Gentlemen opposite certainly had one high authority for the views they expressed on this point. A man of the intellectual calibre of the right hon. Member for Stroud (Mr. Horsman), who had filled the office of Chief Secretary, might, from a laudable and natural feeling of ambition, depreciate its humble duties; but it was the business of the present Ministry, which was composed of men of a more plodding genius, to carry on the Government of the country as well as they could. And so far from the post of Chief Secretary for Ireland being a sinecure, it had been suggested to the present Government whether it would not be necessary to increase the strength of that establishment. The duties of the Chief Secretary for Ireland were identical with those of the Secretary of State for the Home Department in England. They were not, indeed, of the same magnitude, but bore the same relative proportion as Ireland did to the rest of the kingdom. Yet they were equally various with those discharged by the Home Secretary, and when the salary was fixed by the Government at £4000, it was felt at the time that that amount was rather under than over the mark. As to the sum of £425 allowed for fuel, it must be remembered that this item was not intended for the Chief Secretary's private establishment, but for the maintenance of the park and gardens attached to the official residence, in which the public were interested. It was to be hoped, therefore, that the Committee would not accede to the present Motion.

Mr. BLAND said, he wished that the right hon. Member for Stroud had explained to the Committee the grounds on which he based the statement he had made to his constituents. When at his late post that right hon. Gentleman had discharged its duties very efficiently, but he was frequently absent from Dublin, and during the elections he was sojourning in Scotland. The salary of the Chief Secretary had been already cut down, and if any further reduction was to be made it ought to be prospective in its operation. At the same time the item for fuel was very extravagant.

MR. LEFROY said, he thought that as long as the office of the Lord Lieutenant of Ireland was continued the subsidiary establishments should be maintained on an adequate footing.

MR. BRISCOE suggested that the salary of future Chief Secretaries should be fixed at £3,000 instead of £4,000.

MR. G. A. HAMILTON said, the Committee of 1847 recommended that the item of £3,000 for contingencies connected with the Chief Secretary's Office required more minute investigation. An inquiry had been instituted accordingly, and the item for contingencies had been subsequently reduced, and classed under distinct heads. The £425 for fuel was applied to the maintenance of gardens with extensive hothouses which belonged to the public. He believed there was no worse-paid office under the Crown than that of the Chief Secretary for Ireland, which involved very heavy expenditure, and so far from being a source of pecuniary profit to its holder, was generally the reverse. He hoped, therefore, the Committee would not assent to any reduction in the Vote.

MR. MACMAHON regretted the absence of the right hon. Member for Stroud (Mr. Horsman), who was formerly Chief Secretary for Ireland, but he felt it his duty to say that he thought that right hon. Gentleman was entirely above his office. When the right hon. Gentleman first held the office, he (Mr. MacMahon) wished to see him occasionally on public business, but it was very difficult to find him. He (Mr. MacMahon perhaps found him once at his office, but he did not think he found him twice. When he intended to put a question in the House, of which he wished to give the right hon. Gentleman notice, it was very difficult to find him there; and at last he (Mr. MacMahon) abandoned all attempts to give the right hon. Gentleman notice of any question he wished to put. He did not think the right hon. Gentleman really knew the duties of his office, or that he either understood Irish affairs, or wished to give himself any trouble to understand them. He (Mr. MacMahon) was not in favour of retaining the office of Lord Lieutenant of Ireland, but he thought that so long as they kept up that office there should be no cheese-paring with regard to the salaries of the chief officers of the Viceregal Court. He hoped, therefore, the hon. Gentleman would not press his Amendment.

MR. BAGWELL said, he wished to say that he had not been so fortunate as the hon. and learned Member for Wexford (Mr. MacMahon), for he had called several times upon the right hon. Member for Stroud (Mr. Horsman) when he was Secretary for Ireland, and he never found him in his office.

MR. BAXTER said, he believed there never was a more efficient Secretary for Ireland than the noble Lord opposite (Lord Naas), but the statements of the Chancellor of the Exchequer had not convinced him that he ought to withdraw his Amendment. The Chief Secretary for Ireland received a salary double that of a Secretary to the Treasury, and he could not suppose that the duties in the one case were double those in the other.

SIR DENHAM NORREYS said, he deemed it only fair to the right hon. Member for Stroud to say, that he did not think he was quite open to the blame that had been thrown upon him. The right hon. Gentleman's private residence was within a couple of hundred yards of the Irish office, and he (Sir D. Norreys) believed the right hon. Gentleman transacted a great deal of his official business at his own house. He could only say that whenever he did not find the right hon. Gentleman at the Irish office he was told he would be found at his own House. On going to the right hon. Gentleman's house whenever he had business to transact with him, he was able to find him immediately, or he always met with some person connected with the office, who at once showed him to a place of business. He (Sir D. Norreys) was, however, of opinion that the salary of the Chief Secretary ought to include all the charges of his official expenditure, and that demands ought not to be made in the Votes for the small items enumerated in this Estimate.

MR. BUTLER said, he wished to call attention to an item of £41 for a resident housemaid in the Chief Secretary's office in Dublin.

MR. CHAIRMAN informed the hon. Gentleman that he was out of order, as the item had not yet come under the consideration of the Committee.

MR. BUTLER observed that, as the public business of Scotland was conducted very satisfactorily without the intervention of a Chief Secretary, he did not understand what necessity there could be for such an officer in the case of Ireland.

Motion made and Question put,—

"That the item of £1,425, for Salary to the

Chief Secretary, be reduced by the sum of £1,000."

The Committee *divided:* Ayes 55; Noes 151: Majority 96.

Original Question again proposed.

MR. W. WILLIAMS said, he would take the sense of the House on the sum of £425, the amount put down for coals. That amount of money represented 600 tons of coals a year, or about a ton and three quarters a day. The Chief Secretary was allowed a most splendid mansion, rent and taxes free, and elegantly furnished at the public expense, and ought, therefore, out of his income of £4,000 a year to pay for his coals. It was said that with the office of the Chief Secretary there were connected hothouses and other establishments belonging to the public, but he should like to know what portion of the public got the pine apples.

Motion made and Question put,

"That the said item be reduced by the sum of of £425, being the allowance for fuel to the Chief Secretary."

The Committee *divided:* Ayes 68; Noes 148: Majority 80.

MR. SPOONER said, he wished to ask for an explanation of the item of £500 for drawing Government Bills.

LORD NAAS stated that the Committee appointed in 1852 to inquire into the Irish Office recommended that the gentleman who then held the situation of drawer of Bills for the Government should be allowed to retire, his services not being required any longer. About two years ago, however, it was found necessary to appoint another gentleman to the same office, and the item of £500 was the amount of his salary. The noble Lord added that he thought it might probably be desirable to make some alteration in the present arrangement.

MR. HORSMAN said, that he was responsible for the appointment. Considerable saving had been effected by having the Bills of all the departments drawn by one person. The matter was fully discussed at the time, two years ago.

Vote *agreed to,* as was also the next Vote.

(6.) £7,119, Paymaster of Civil Services (Ireland).

(7.) £2,613, Inspectors of Lunatic Asylums (Ireland).

MR. BAGWELL said, he wished, before this Vote was agreed to, to draw the attention of the Government to the case of Dr. White, lately one of the inspectors of lunatic asylums in Ireland. Dr. White was one of the most meritorious servants of the Crown in Ireland, and had been compelled to resign his appointment in consequence of a severe railway accident, which had disabled him, while proceeding on a visit of inspection to the Waterford Lunatic Asylum. He felt certain that the Committee would not consent to this public servant being pensioned upon the small allowance, £320 per annum, he believed, which had been allowed him, but would give him an allowance more commensurate with his merits and services.

MR. BERNAL OSBORNE said, that that Dr. White, who was appointed by Lord St. Leonards, had for twenty-five years been a most efficient public servant. He had been inspector of lunatic asylums in Ireland for ten years, at a salary of £900 a year, with a guinea a day for travelling expenses. He went one day on duty by rail, and on the journey met with a terrible accident which gave him concussion of the spine, and laid him on his bed for life. The result of an action against the Company had been a verdict with £2,500 damages. But the whole allowance made to this gentleman, who was one of those rare gentlemen that had pleased both parties in Ireland, was £375 a year from the Treasury. He trusted that the Government would reconsider the subject, with a special view to the circumstances of the case. This gentleman of very small fortune, was now reduced to a sick room for life, and the cost of medical and other attendance was £200 a year.

MR. G. A. HAMILTON, who bore testimony to the value of Dr. White's public service, said that his case had been decided upon according to the ordinary rules, but as he thought it was attended by peculiar circumstances, he promised that it should be reconsidered.

MR. WHITESIDE said, he had been counsel for this unfortunate gentleman and he could state that one of the grounds for mitigating the damages paid by the railway company was a belief that Dr. White would receive a handsome sum by way of pension from the Treasury.

MR. BAGWELL said, he rose to make a personal explanation. The Right hon. Gentleman the Member for Stroud (Mr. Horsman) had just informed him that if he had been in the House when he stated that he was never to be found at his office——

MR. CHAIRMAN intimated that the hon. Member was not in order in making such a statement. The Vote was already passed.

Vote *agreed to.*

MR. BAGWELL said, he would move the adjournment of the House.

MR. CHAIRMAN informed the hon. Member that he would not be in order in making his statement even upon a Motion to report progress.

(8.) Motion made and Question proposed,

"That a sum, not exceeding £22,615, be granted to Her Majesty, to pay the Salaries and Expenses of the Board of Public Works in Ireland, to the 31st day of March, 1859."

MR. BAGWELL moved that the Chairman should report progress and ask leave to sit again.

SIR GEORGE GREY suggested that the hon. Member might make his proposed statement on the Report.

MR. BAGWELL: The right hon. Gentleman (Mr. Horsman) comes to me and says I stated what was not true.

MR. CHAIRMAN: Order, order. The hon. Member must feel that it is quite irregular to refer to a debate which took place at an earlier period of the evening upon another Vote. The question of reporting progress does not allow the hon. Gentleman to make such a statement as he proposes.

MR. HORSMAN: The hon. Gentleman has mistaken the tone in which I spoke to him. I made a private observation—["Order, order!"]

Motion made, and Question,—

"That the Chairman do report progress, and ask leave to sit again," put, and *negatived.*

MR. MACMAHON said, he would beg to ask the noble Lord the Secretary for Ireland whether he intended during the present or next Session to introduce any measure with regard to Irish fisheries.

LORD NAAS said, a Bill was in preparation for consolidating these laws; but he could not hold out any hope of any change being made in them, for they already worked satisfactorily.

MR. W. WILLIAMS said, he was astonished to find out there were three Chairmen to this Board.

MR. G. A. HAMILTON explained, that they were three Commissioners, who acted also as Chairmen in the general valuation in Ireland.

Vote *agreed to,* as were also the following Votes:—

(9.) £35,768, Commissioners for Auditing Public Accounts.

(10.) £17,879, Copyhold, Inclosure, and Tithe Commission.

(11.) £12,330, Inclosure and Drainage Acts.

(12.) £38,800, General Registry Office.

MR. MONSELL said, he wished to call the attention of the noble Lord the Chief Secretary for Ireland to the disgraceful fact that there was no registration of births, deaths, and marriages in Ireland, and to request him to devote his attention to this subject.

LORD NAAS said, he was glad that attention had been called to this important subject, for he was sure that no greater boon could be conferred on Ireland than the establishment of some such system as that which was in operation in England. When he was last in office he considered this question, but he found that it was surrounded by peculiar difficulties, which made him hesitate to propose any scheme of registration for Ireland. Such a measure could not be worked without the cordial co-operation of the Roman Catholic population, but he could assure his right hon. Friend that any proposition emanating from that body would be most cheerfully and willingly received by the Government.

Vote *agreed to,* as were also the following:—

(13.) £3,310, General Register Office, Dublin.

(14.) £5,652, Registrar General of Births, &c., Edinburgh.

(15.) £14,355, National Debt Office.

(16.) £2,800, Public Works Loan Commission.

(17.) £1,770, West India Islands Relief Commission.

MR. W. WILLIAMS objected to this Vote being continued year after year, when he believed there were hardly any duties to be performed.

MR. LABOUCHERE said, it was necessary, under the Act, to appoint the Commission, and they had very necessary duties to discharge.

MR. WILSON said, that the Commission had an important duty to perform in collecting a large outstanding debt due from the West Indies.

Vote *agreed to.*

(18.) Motion made and Question proposed,

"That a sum, not exceeding £9,820, be granted to Her Majesty, to pay the Contingent Expenses of the Office of the Commissioners in Lunacy in England, and the Salaries and Expenses of the

Board of Lunacy in Scotland, to the 31st day of March, 1859."

MR. BAXTER objected to the payment of £500 each to two Deputy Commissioners in Scotland. The feeling in Scotland was, that the services of these gentlemen might very well be dispensed with, and that a secretary and two clerks could easily discharge the duties. He moved that the Vote be reduced by £367 2*s*. 6*d*., being the salaries of the two Deputy Commissioners from November, 1858, to March, 1859.

SIR GEORGE GREY said, the Lunacy Act for Scotland gave the Secretary of State a discretion as to the appointment of these Deputy Commissioners, and he had abstained from appointing them till he had received from the Board an unanimous opinion that they were necessary. The appointment, however, was for a limited period only.

MR. G. A. HAMILTON said, these Deputy Commissioners would certainly not be continued longer than was necessary, and he hoped the hon. Member would not press his Amendment.

MR. E. ELLICE, JUN., said, that the inquiry was proceeding most satisfactorily, but a great amount of work had arisen which had not been contemplated, and without the aid of the Deputy Commissioners the Commissioners would be very much embarrassed.

Motion made, and Question,—

"That the item of £1,367 2*s*. 6*d*. for Two Deputy Commissioners in Scotland, be reduced by the sum of £367 2*s*. 6*d*," put, and *negatived*.

Vote *agreed to*.

The following Votes were also *agreed to* :—

(19.) £1,223, Superintendent of County Roads, South Wales.

(20.) £2,103, Registrars of Friendly Societies.

(21.) £32,000, Foreign and other Secret Services.

(22.) £401,357, Printing, &c., Houses of Parliament.

SIR GEORGE LEWIS said, he wished to call attention to the enormous expense incurred in printing the Reports of Commissions. The Report of the Commission appointed to inquire into the Endowed Schools in Ireland had been printed in four volumes. No English or Scottish Member had applied for a copy of it, but copies of it had been circulated in Ireland. Now, the expense of printing that Report, exclusive of the sum paid for the shorthand writers' notes and other charges, amounted to £5,000, and the weight of paper used in the publication was thirty-four tons. He thought these facts showed the necessity of a close supervision in respect of the printing of the proceedings of Commissions.

MR. G. A. HAMILTON said, it was quite true that the return moved for by the hon. Member for Edinburgh showed that thirty-four tons of paper had been used in printing the Report in question, and that the expense of that printing was £5,000. The matter had been taken into consideration at the Treasury, and a first Minute, dated May 10, had been made. That dealt with the Report of the Commissioners of Inquiry. And, with a view to check the cost of printing, it was ordered that the copies of Reports to be printed should be limited to a number absolutely essential, and that when the time for printing the Report of a Commission of Inquiry arrived the head of the Commission should address a letter to the Treasury, stating the number of copies required to be printed, apart from those required for Parliamentary distribution and for sale as Parliamentary papers. The object of this was to prevent the evil complained of by the hon. Baronet—that of the heads of Commissions having the power to incur, without check, what expense they liked in the printing of any number of copies of their Reports. The Treasury had followed that up by another Minute with respect to the printing of Departmental Reports and Papers. With respect to them, it was ordered that no paper should be included in the copy sent to the Stationary Office to be printed until the attention of the Head of the Department had been called to it, and his written sanction for it being so included had been obtained. The next point was as to the number of copies for distribution to Members of Parliament and for sale. That was to be ascertained by inquiries to be addressed to the Head of the Stationary Office, to the Librarian of the House of Commons, and to the Clerk of the House of Lords. With respect to the number of copies printed for gratuitous distribution, the Treasury stated their opinion that there had been in many cases an excess in the number of copies printed for this purpose, and one that was at variance with sound principle. Some time ago it had been determined to reduce to

the narrowest limits the number of copies of the Ordnance Maps and of the record publications. That had been done—these publications were now sold at a very low price—they were purchased by those who really valued them, and the consequence had been that the sale had been greatly increased. It was now ordered that the number of copies of Departmental Reports and Papers printed for gratuitous distribution should be limited to fifty, except under special circumstances, and with the sanction of the Heads of the Departments. Economy could only be attained by Heads of Commissions or of Departments of the Government acting on the principles laid down by the Treasury. These expenses had of late swollen to a considerable amount. He believed that many of the papers printed had never been used, but had accumulated in the stores, to be ultimately sold as waste paper. It was a monstrous waste of public money to print papers which could be of no possible advantage. And he trusted that the Treasury arrangements to which he had referred, and the principal credit of which was due to Sir Charles Trevelyan (the Assistant Secretary), would attain their object, which was to control the expenditure under this head as much as possible. He believed that if the Minutes were acted upon there would in a short time be a considerable diminution in the expense of printing.

MR. BLACK believed that a saving of many thousands a year would be the consequence of the Minutes.

MR. CRAUFURD said, he wished to know whether the £5,000 derived from the sale of waste paper arose from over printing?

MR. G. A. HAMILTON said, that it was a result of the extravagant scale on which printing had taken place. He might mention one instance of the results which had already attended the Treasury Minutes. A short time ago, he had received a letter from a gentleman at Dublin who had something to do with the printing there, stating that he would draw the attention of the Lunacy Commissioners of Ireland to the necessity of diminishing the number of their Reports, printed for gratuitous distribution as much as possible. A meeting of the body in question was held on Thursday last, when the number of copies of their Reports, which had been already sanctioned at 2500, was reduced to 1000, and the saving of £150 was thus effected. He was quite sure that the Chairman of the Commissioners, Sir Thomas Redington, was as anxious for economy as any one. But this instance showed what a tendency there was to laxity in the publication and printing of Reports, unless the attention of the Heads of Commissions and Departments was pointedly called to the subject. It was necessary to establish rules which insured his attention being drawn, and his sanction given to the publication of documents and to the number of copies to be printed.

SIR GEORGE LEWIS said, that the regulations referred to by the Secretary to the Treasury appeared to be very judicious, and he hoped they would have the desired effect. The effect desired, however, would not be attained, unless a check was exercised upon the amount of matter printed, as well as upon the number of copies printed. Because, for instance, as in the case of the Report already referred to, the cost of printing would be very large even if only a few copies were struck off.

MR. MACARTNEY said, they were indebted to the hon. Member for Edinburgh (Mr. Black) for having brought forward the subject.

SIR DENHAM NORREYS complained that these Reports were not distributed, after application had been made by a Member, with other Parliamentary papers.

MR. G. A. HAMILTON explained, that hon. Members could always obtain, on application, a copy of papers not ordered for distribution. It was thought desirable to make a regulation that papers not ordered for distribution should be applied for in order that they might only be furnished to those who really required them, and by whom they would be valued. The object of that was to check the excessive distribution of papers.

MR. WILSON said, that there was nothing the Treasury had found so difficult as to check the expense of printing Reports and Returns. This could not be effectually done unless there was in each Department some one responsible for the kind of matter printed; for the expense arose, not merely from the number of copies printed, but from the manner in which Reports were swollen by the insertion of unnecessary matter.

MR. WALPOLE said, that one of the great sources of the expense of printing arose from the quantity of useless matter contained in the Reports of Commissions, Committees, and Departments. He thought it would be desirable that the Chairman of a Committee of that House, or of a Com-

mission of inquiry, should make a distinct recommendation to that House, or to the Head of the Department to which the report was presented, as to what should be included in it. The Treasury Minute cast upon the Heads of Departments the responsibility both of seeing that no unnecessary matter was included in the Reports issued through their offices, and also that no more copies were printed than were required for circulation.

MR. LYGON suggested whether the matter might not be stereotyped, by which means they would reduce the expense and maintain the supply.

Vote *agreed to;* as was also

(23.) £123,100, Postage of letters.

House resumed.

Resolutions to be reported *To-morrow.*

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, June 1, 1858.

MINUTES.] PUBLIC BILLS.—1ª Sale of Poisons, &c. 2ª Metropolitan Board of Works (Victoria Park Approach); Liverpool Improvement.
3ª Chelsea Hospital (Purchase of Lands); Franchise Prisons.

THE GOVERNOR GENERAL OF INDIA.

EARL GRANVILLE said, it would be in the recollection of their Lordships, that in the debate on the Oude Proclamation the noble Earl at the head of the Government expressed himself with regard to Lord Canning in terms of considerable respect and courtesy. Their Lordships would probably also have seen, through the ordinary channels of information, that towards the end of a protracted debate "in another place" the Chancellor of the Exchequer stated, amid the cheers of both sides of the House, that Her Majesty's Government had sent a telegraphic message to Lord Canning, subsequent to the resignation of the noble Earl the late President of the Board of Control, intimating to him that he would receive the support of Her Majesty's Government. He (Earl Granville) might complain that language was held in the course of that debate by Members of the Government, which tended to give the public the notion that Lord Canning was not likely to receive much support from Her Majesty's Government. He might also complain of the language held in a certain postprandial speech, but as that would be referred to in the course of the evening he would not anticipate the conversation. He congratulated the noble Earl opposite (the Earl of Derby) on the great ability and the high character of his son, which had enabled the noble Earl to place him in a position of great difficulty and responsibility; and he (Earl Granville) was convinced that if the promise of support to which he had referred had been given to Lord Canning, that promise would be faithfully and honourably fulfilled. He was sure that a public declaration from the noble Earl opposite, that such a promise had been given to Lord Canning, would be regarded as of the greatest importance in India, since the censure contained in the secret despatch of the noble Earl the late President of the Board of Control had been made public. He would therefore venture to ask the noble Earl, whether there was any objection to the production of a copy of the communication to which allusion had been made by the Chancellor of the Exchequer in the other House; also, if there was any objection to produce a copy of the Vote of Confidence of the Court of Directors in Lord Canning; and whether the noble Earl would likewise lay on the table a copy of the despatch covering that Vote of Confidence?

THE EARL OF DERBY said, he hoped that on all occasions he had spoken of Lord Canning with that respect and personal regard which was due to his eminent talents and abilities. With regard to the support which had been recently tendered to that noble Lord, it was not for the first time tendered. If the noble Earl (Earl Granville) would refer to the despatch that was sent out by his (the Earl of Derby's) noble Friend the late President of the Board of Control, of the 24th of March, he would find that it distinctly laid down the policy which Her Majesty's Government hoped to pursue, and an assurance that Lord Canning would receive the support of the Government in carrying out that policy. The Proclamation issued by Lord Canning was not, as their Lordships were aware, approved by the Government, inasmuch as it appeared contrary to that policy which Lord Canning had previously pursued; and the despatch in which his noble Friend (the Earl of Ellenborough) communicated the opinions of the Government in regard to that Proclamation had, as he (the Earl of Derby) thought, unfortunately come before the public eye. The only communication which had taken place of the nature to which the noble Earl had referred, in which the Government promised their support to Lord Canning, was contained in

a telegraphic message transmitted by him (the Earl of Derby) as a personal communication to Lord Canning, with whom he had no right to enter into any official correspondence whatever; it was sent with the view to its overtaking the mail which had gone out on the 10th. And he communicated on the 12th by telegraph with Lord Canning, informing him of the change that had taken place in the Government by the retirement of his noble Friend the late President of the Board of Control, and of the regret of the Government that the secret despatch which his noble Friend had addressed to him had been made public, and expressing the determination of the Government to give him the most cordial support in their power. It also expressed the hope of the Government that, while they approved the policy laid down in the Secret Despatch of the 19th of April, Lord Canning would not in practice find it greatly to differ from the policy recommended by his (the Earl of Derby's) noble Friend in the former despatch. Of course, those telegraphic communications must necessarily be very short; but, under the circumstances, he had no hesitation in promising the most cordial support to Lord Canning. It would not be proper to produce the private communication to Lord Canning to which the noble Earl had alluded; but with regard to the vote of confidence of the Court of Directors in Lord Canning there would not be the least objection to lay that on the table. In cases of that kind, there was, he believed, no covering despatch.

PATRONAGE OF THE SEE OF DURHAM. QUESTION.

LORD RAVENSWORTH desired to put some questions for the sole purpose of obtaining information upon a subject which had excited considerable interest within the See of Durham. It was understood that there was contemplated a redistribution of the patronage attaching to the See of Durham, and to hand over a portion of it to augment the patronage of the Sees of Ripon and Manchester. He wished to know whether any such scheme was in contemplation; if so, to what extent was there to be a transfer of patronage, when and how that change was to be effected, and whether any opportunity would be given to the House to express an opinion upon the policy of such proceeding.

THE EARL OF CHICHESTER was understood to say that a scheme of the nature mentioned by the noble Lord was under the consideration of the Ecclesiastical Commission, but not yet decided upon. Under an Act of the 6 & 7 *Will.* IV. power was given to the Ecclesiastical Commissioners to exchange ecclesiastical patronage according to the relative importance and magnitude of the sees. He could not say when that measure would be decided upon, but he thought the subject was one that required a speedy determination. He did not see how any opportunity could be afforded to Parliament to discuss the subject, except by the introduction of a Bill to repeal the existing law.

THE CHANCELLOR OF THE EXCHEQUER'S SPEECH AT SLOUGH.

THE EARL OF CLARENDON: My Lords, I last night gave notice that I should call your Lordships' attention to a speech recently delivered by the Chancellor of the Exchequer at Slough. I need hardly say I should not have thought it necessary to do so if the right hon. Gentleman had confined himself to expressing his own opinions, or had merely sought to amuse his constituents during a holiday week by graphic descriptions of scenes in Parliament. But the case is different when a Gentleman, holding the high position of Chancellor of the Exchequer and leader of the House of Commons, takes what he calls the first opportunity that any Minister of the Crown has had of addressing a large body of his fellow-countrymen since the formation of the present Government; and I say, the words which fall from him on such an occasion are important, and the statements he makes are supposed to be derived from official information, and go forth to the world as facts. We are then entitled to ask of the colleagues of that right hon. Gentleman whether they take the same view as he does, and also for some elucidation of certain statements which appear to have been purposely left in obscurity, but which are of grave interest to the country and to the individuals, whomsoever they may be, against whom those charges are made. I would gladly have taken the first opportunity, after the meeting of this House, of bringing the subject under your Lordships' notice, and would have done so even without notice last night but for the lengthened debate upon another subject,—especially as the matter had been discussed in the other House. It may be said by some that, after what has passed in the other

House, it is now unnecessary to trouble your Lordships upon this subject; but I cannot leave this matter entirely in other hands, and I feel it a duty, not only to my late colleagues but to myself, to defend in my place in Parliament the policy of the late Government, and especially of that department over which I had recently the honour to preside. I shall not allude to the tone or the language of Mr. Disraeli's speech, and the few remarks I shall make will have reference to some statements which may be supposed to be founded upon official information. I will first draw your Lordships' attention to the statements in Mr. Disraeli's speech:—

"It is well now for us to think lightly of the perils we have passed through—even to forget them; but when I tell you, and tell you seriously, that the question of peace or war, when we acceded to office, was not a question of weeks or of days but of hours, I am sure you will gladly remember that peace has been preserved, while the honour of the country has been vindicated."

Now, my Lords, I will say there is not one particle of foundation for that statement; and, in the face of your Lordships and of the country, I give it a direct and unqualified contradiction. I go further, and say that, when the right hon. Gentleman made that statement, he must either have laboured under such culpable ignorance of facts and official information to which he had access as would disqualify him from speaking upon the subject, or he must have been aware of the real fact. There is no alternative for a Gentleman occupying the position which Mr. Disraeli does. I am sorry to have to speak in strong terms, and I think your Lordships will do me the justice to allow that it is not my usual custom to do so; but I cannot speak otherwise than in strong terms when I am called upon to vindicate my late colleagues and myself from a charge of having brought the country to the brink of war, and left to our successors the duty of preserving peace and maintaining the dignity of the country. I cannot speak but in strong terms when I declare there is no foundation for the insult to the Emperor of the French—for an insult it is to say that he would be false to the friendly protestations so often made towards this country; that he would be false to the policy so long and so honourably adhered to by him—false to every principle of justice and prudence; and that he was upon the point of waging a war that would have sacrificed all those great interests which now so happily and harmoniously knit together the two countries, merely on account of some temporary irritation, arising from some unexplained cause. I profess to your Lordships that I am as ignorant as probably most of you are of the cause which is supposed to have led to the danger which has now passed away, and of which we knew nothing and heard nothing until last Wednesday at Slough; for, up to the moment of my quitting the Foreign Office, our relations with France were as intimate, as cordial, and as confidential as at any time. I am sure my noble Friend the Secretary for Foreign Affairs—to whom, the day after he took office, I communicated all information which I thought would be of use to him—will not charge me with treachery in having concealed from him the probability of war being declared against us that very morning. I do not speak in measured terms, my Lords, upon this occasion, because I desire to place the people of this country upon their guard against statements such as those which the Chancellor of the Exchequer is in the habit of making for the purpose of gaining temporary applause. No such caution, however, I believe, is necessary so far as London is concerned. I say so, because, being naturally curious to know what was the feeling of the commercial classes in this Metropolis upon the subject, and what effect the astounding revelations of the right hon. Gentleman had produced upon the moneyed interests, I looked into the newspapers, and made inquiry of several gentlemen connected with the city, to ascertain how those statements had operated, and I found that they were regarded as nothing more than the figment of a fiction, coming as they did from the Chancellor of the Exchequer, and that, consequently, prices did not fall, nor was the slightest panic created. I wish also, my Lords, to give the most distinct contradiction to the declarations of the right hon. Gentleman in consequence of the answers which upon two separate occasions—namely, last evening and the Friday previous—he returned to the charges which were made upon him in reference to this subject. On Friday the right hon. Gentleman adhered to all the statements which he had made at Slough, and openly declared that, if Lord John Russell had addressed his observation to Lord Palmerston instead of to himself, he would have learnt that at the time when the late Government went out of office the danger of war between this country and France was imminent. That statement the right hon. Gentleman supported by an

allusion which I can look upon in no other light than as an affront to the understandings of those to whom his remarks were addressed. He referred to a portion of a speech which my noble Friend Lord Palmerston had made, in reply to a question which had been put to him by an hon. Member in the other House of Parliament, as to whether Her Majesty's Government would insist on the publication in the *Moniteur* of Count Walewski's despatch giving expression to the regret of the French Emperor that the addresses of the French colonels should have been published. Now, I wish to remind your Lordships that that question followed many other inquiries of a similar character which were then almost daily put, and which were calculated to give personal offence to the French Emperor, and, as a consequence, to create great irritation in France. My noble Friend, in replying to the question, asked the House of Commons whether they desired that those confidential and intimate relations between that country and our own which then so happily subsisted should continue, or whether they approved a course of proceeding by means of which a spirit of bitterness and animosity would be engendered between the two nations, which could not but lead to the worst results. Now, will your Lordships believe that the Chancellor of the Exchequer sought to connect the fact that my noble Friend had not deemed it to be his duty to answer the inquiry which I have just mentioned into a proof that upon the answer to it depended the question of peace or war? If the right hon. Gentleman had had the candour to read the whole of the reply of my noble Friend, he would have seen that he declined to answer the question which was put to him because he thought it was extremely absurd. The right hon. Gentleman, however, went on to state that the French Ambassador had quitted this country before the late Government went out of office, and that everybody considered that a circumstance such as that could not have taken place except as a consequence of the existence of a most critical state of affairs. Now, it is perfectly true that M. Persigny did leave England a short time before the late Government resigned the reins of power, but he quitted it upon urgent private business, which for some time previously demanded his presence in France. He had asked for, and had obtained, leave of absence from his post; but he told me that he would not, and in point of fact he did not, take advantage of that permission until he was in a position to do so without laying his departure from England open to misconstruction. With the spirit in which M. Persigny did leave this country no person, I may add, ought to be better acquainted than the Chancellor of the Exchequer, neither could he have been unaware that our relations with France at the time were not such as he described to the House of Commons. M. Persigny returned to England two days subsequent to the resignation of the late Government in a spirit anything but unfriendly, and although Her Majesty's present Administration was not then definitively formed, yet I, being aware that my noble Friend opposite (the Earl of Malmesbury) was to be my successor in office, requested M. Persigny to put himself in communication with the noble Earl, and in addition wrote a letter to my noble Friend informing him of the arrival of M. Persigny in this country. If, however, the Chancellor of the Exchequer, in the observations which he made, referred to the time when M. Persigny subsequently left England, I am not prepared to say that the circumstances of the case were not of a somewhat delicate nature, because it was the talk of the whole town that he had received the assurances upon the part of Her Majesty's Government which he had conveyed to his own Government; that those assurances had not been fulfilled, and that he consequently could not continue to carry on the business of his office with safety or satisfaction. Such, as I have mentioned, were the reasons assigned by the Chancellor of the Exchequer by way of substantiating the statements which he had previously made, and he assigned those reasons in the absence of my noble Friend, Lord Palmerston, who, he said, could give a very different version of our relations with France at the time when the late Government left office from that which I have just submitted to your Lordships' notice. Well, Lord Palmerston did appear in his place in the House of Commons last evening, and did give precisely the same version; and then the Chancellor of the Exchequer rose and acknowledged that a war with France was not imminent when we quitted office, notwithstanding that he upon a former occasion declared that the fact that my noble Friend declined to answer a question which was put to him showed that a contest with France was at hand; that the French Ambassador had

left the country while the late Government was in power under very critical circumstances; and that it was our truckling policy towards France—a policy which had been departed from by Her Majesty's present advisers—which had rendered the breaking out of a war extremely probable. Upon statements such as those, my Lords, it is scarcely necessary to make a single comment. But, as the right hon. Gentleman thought proper to allude to what he is pleased to call the truckling policy of the late Government towards France, and to the necessity which was imposed upon our successors of vindicating the injured honour of England, I deem it my duty—for otherwise I should be well content to let bygones be bygones—not to suffer those charges to pass altogether unnoticed. In dealing with them, let me again solemnly assure your Lordships that the Conspiracy Bill was not introduced into the other House of Parliament at the request, and still less at the dictation of the French Government. The whole subject had been referred to the law officers of the Crown before even the despatch of Count Walewski reached us, and the Bill had for its object the removal of manifest defects, or, at all events, of admitted doubts, from our laws. As to the expediency of introducing some such measure, I will appeal to the testimony of my noble Friend at the head of the Government. He, in a speech which he delivered in this House on the first night of the meeting of Parliament after the Christmas holidays, and which was no less distinguished by its eloquence than by its wisdom, its foresight, and the conciliatory spirit which it breathed, thus spoke of our relations with France:—

"It is of the utmost importance that we should hear from Her Majesty's Ministers without delay whether they intend to take any steps in consequence of the atrocious attempt which has been made on the life of the French Emperor—any steps which, even if they should afford no effectual security for the protection of the lives of foreign Sovereigns, may serve at least to indicate the good will towards France which exists upon the part of the English people, and which may show that we are prepared to do everything which may fairly be expected at our hands. I do not presume to express any opinion as to the specific measures which may be introduced with a view of striking somewhat more terror into the minds of persons by whom such crimes are contemplated, but I may give utterance to the hope that Her Majesty's Ministers may be able to see their way to the passing of some law which may prove effectual for the suppression of these attempts at assassination while it does not infringe on the vital principles of the constitution. To the enactment of such a measure as that, Parliament would' I feel assured, be prepared to give a cheerful assent."

Now, my Lords, I ask the noble Earl who gave expression to these statements whether the Bill which we introduced did not fall short of, rather than exceed, such a measure as that which he had shadowed forth? The proposition which we made violated no constitutional principle. It respected, to the fullest extent, the right of asylum in this country. All, in fact, that it aimed at effecting, and all that it could have done, was to place foreigners in regard to a particular offence upon the same footing as British subjects, for, with all due respect for the opinions of my noble and learned Friend near me (Lord Campbell), I am bound to state that our belief was, when we introduced this Bill, that a crime which, in the case of a British subject, would render him liable to capital punishment, must, in the case of a foreigner, be dealt with as a much slighter offence. Your Lordships cannot fail to recollect, moreover, that the measure received the cordial support of the Chancellor of the Exchequer, and of those hon. Gentlemen with whom he is in the habit of acting, while Mr. Napier, the present Lord Chancellor of Ireland, made in favour of it a speech which those who had the pleasure of hearing it will not easily forget. I must, before I quit this subject, my Lords, be permitted again to repeat my conviction—altogether irrespective of the personal assurance to that effect given by the Emperor of the French himself—that in the despatch of Count Walewski no offence to this country was intended to be conveyed. If no offence was intended, there was nothing to reply to, and I do not see that we were called upon to take any further proceedings than we did in the matter. I may also observe, in reference to that point, that Sardinia was placed in somewhat the same position as ourselves; for a note was also addressed to the Government of that country shortly after the attempt on the life of the Emperor of the French took place. Six weeks after that a Bill was submitted by Count Cavour to the Sardinian Chamber, very different from that which we proposed to introduce, relating to the law of conspiracy and assassination, and to the composition of juries. On that occasion Count Cavour made a very able speech, parts of which were transmitted duly by telegraph to this country, where they were, as they deserved to be,

greatly admired; and I remember the remarks which this speech elicited in the newspapers were anything but complimentary to us. I saw in more than one paper which supports the present Government, that if we had had such a Foreign Minister as Count Cavour the honour of England would have been vindicated, and Count Walewski's despatch would have been properly dealt with. Now, I just wish your Lordships to hear what Count Cavour said on that subject. After alluding to "the abominable deed, directed not only against the chief of the State, but against a lady who, a stranger to all parties, is known only for her acts of benevolence, and is loved and respected by all," and after observing that it was natural for the French Government to seek some means of preventing the repetition of such acts, M. Cavour observed that with this view France addressed all the friendly Powers, and addressed Sardinia in the despatch of the 23rd of January. He then proceeds:—

"This despatch was not replied to in an official manner—that is, it was not answered by another despatch addressed to our Minister at Paris, to be communicated to the Minister of the Foreign Affairs of France. I must inform you that, according to the usages of diplomacy, there is no strict necessity of replying officially in writing to a despatch communicated to us. A despatch communicated is not a note; it only contains observations made by one Government to another through the Minister, and the same importance and weight are not attached to it as to a note. A note ought to be answered by another note; a despatch, on the contrary, may be replied to either by another despatch addressed to the Minister, accredited to the Power which dictated the first, or an answer may be given verbally to the Minister by whom it is presented, or the Ambassador at the Court whence the despatch is received may be directed to reply. We were of opinion that it was better to adopt a verbal reply, as we well knew the state of legitimate anxiety of the French Government, and as we saw that it would be out of place and useless to enter into a species of contest on the subject."

Now, without meaning to attach any undue importance to the course taken by the Minister of another country, I wish merely to say that we took precisely the same view of the matter, and that the reasons assigned by Count Cavour for not having replied to that despatch were also ours. Nevertheless, a Motion, having for its object to defeat the Conspiracy Bill, and to secure to foreign conspirators in this country as much liberty as they now enjoy, was brought forward in the House of Commons; and it was supported by a very ingenious speech which made a great impression on the House. The right hon. Gentleman (Mr. Disraeli), and those who act with him, seeing that this impression had been made, and also that an opportunity was offered for attacking the Government, did not hesitate to join in that Vote of Censure upon the Ministry for not having replied to M. de Walewski's despatch, although upon a Motion precisely similar four or five days before, with a full knowledge that the despatch had not been answered, he had voted in that majority of 200 by which leave was given to introduce the Bill. Now, if we had been made fully aware of the meaning which the right hon. Gentleman attaches to the word "cabal," we might surely have applied it to the proceedings which took place on that occasion. But we made no such charge. It was our duty to bow to the decision of the House of Commons, and the Government resigned. My noble Friend at the head of the present Government took the earliest opportunity to announce that a reply on the subject of Count Walewski's despatch would be addressed to the French Government. That despatch was written and was laid on the table, and I have no fault whatever to find with it. It was couched in language of extreme courtesy; it said that the Government never doubted that Count Walewski had in writing his despatch merely intended to bring before Her Majesty's Government a state of things which was considered dangerous to France. My noble Friend, with a frankness which I thought did him great honour, added that the Government had all along been of opinion that a misconstruction had been put on Count Walewski's despatch; and he asked M. de Walewski to repeat the assurances which he had already given, and to state that he had not intended to make any insinuations injurious to the morality and honour of this country. Count Walewski accordingly, in his answer, in a somewhat acrid tone renewed the assurances which he had already given. He said that the Imperial Government learned with satisfaction that Her Majesty's present Ministry, like their predecessors, were under no mistake as to the intentions of the French Government. He stated that the Emperor had never thought of seeking the assistance of any foreign Power to increase his own personal security; that it never entered into his mind to suppose that English legislation had given protection to crime, or that the course of English legislation would be changed; and that he could not understand

how any expressions in his despatch had been so misapprehended; but, as the expressions and intentions of the Imperial Government had been misapprehended, he should decline to enter into any fresh discussion. There the matter ended. We did not want to quarrel with France; France did not want to quarrel with us; the honour of England was not assailed; and, if it had been assailed, that correspondence was a solemn farce which it was necessary to enact—I admit that—but which it was the wish and interest of everybody to forget, and which would have been forgotten if the Chancellor of the Exchequer had not induced the men of Slough to believe in the surpassing difficulties which his Government had had to encounter in maintaining peace with France, and vindicating the honour of England. Another point to which I would wish to call attention is the statement made by Mr. Disraeli respecting the two engineers at Naples:—

"With respect to the two engineers," said the right hon. Gentleman, "with all these difficulties to encounter, and with this undeniable want of strength in the popular House of the constitution, the Government of Lord Derby did succeed in freeing these two neglected and suffering Englishmen, and brought them back in triumph to that country which had so long felt indignation inexpressible at their unmerited suffering, and shame for the weakness of that Government which had permitted them so long to endure it."

Now, I am sure my noble Friend the Earl of Malmesbury will believe I am sincere when I say that I should be the last person to detract from his merits, or either on this or on any other subject to deprive him of any credit to which he is entitled. I am bound to say, I think he has taken a perfectly proper course on this subject, and I sincerely hope he will be successful. But let me remind your Lordships that the present Government stand in a very different position from the last on this question. A short time ago I explained the reasons why we were unavoidably in ignorance of the real nature of the proceedings respecting the *Cagliari*, of the coercion used towards her crew, and of the treatment which our countrymen had suffered. We knew nothing of that until the middle of December last. All these matters have been made known, however, since the present Government came into office; and when the various points under reference to the law officers of the Crown had been cleared up, and he was strengthened by their opinion, my noble Friend had a *locus standi* of remonstrance under international law, of which he has very properly availed himself. But when the right hon. Gentleman said that these two Englishmen were utterly neglected, he says that to which the papers laid on your Lordships' table give the most authentic and conclusive denial. These men were not neglected. Among other acts of interference of the late Government was this:—We informed the Neapolitan Government long ago that, whatever might be their forms of procedure, if our two countrymen were not more humanely treated, and unless their friends were permitted to see them, we should make our application in another manner, and through a different organ; the consequence of which was that these unfortunate men were better cared for. Long before the late Government resigned, the two engineers received proper treatment in prison; at all events, their prison was a paradise compared with that in which others of the accused were confined. Before the late Government resigned, Watt, on account of the state of his health, was delivered over to the Consul, though certainly under his responsibility to produce him again should it be necessary. My noble friend desired Mr. Lyons to proceed from Rome to Naples to watch the proceedings. We did not do this because we had confidence in the Consul, Mr. Barber, to whose zeal and ability Mr. Lyons himself bore evidence. I believe—and my noble Friend will correct me if I am wrong—that Mr. Lyons, like the Consul, applied for the liberation of Park on the ground of insanity, and that on that ground alone he was set free. Both Park and Watt were certainly afterwards sent home to England; and I must say that, as the King of Naples has many reasons for being better satisfied with the present than the late Ministry, I think it would be extremely ungrateful if he did not endeavour to make things as agreeable to them as possible. I think I may say, however, that Park and Watt were not unconditionally set at liberty; and probably it would not be very safe for them to return to Naples and place themselves again within the jurisdiction of the Neapolitan Government.

THE EARL OF MALMESBURY: Perfectly safe.

THE EARL OF CLARENDON: I am very glad to hear it. But they were not unconditionally liberated.

THE EARL OF MALMESBURY: Yes.

THE EARL OF CLARENDON: I repeat that I am very glad to hear it, though

that is not the understanding throughout the country. But, at any rate, I think the right hon. Gentleman would have done well not to indulge in a song of triumph until he knew whether the indemnity which my noble Friend has very properly demanded for these two Englishmen is granted, and whether the King of Naples consents to the arbitration which is proposed to him. Again, the Chancellor of the Exchequer reminds the meeting at Slough that,—

"During all this period, while we had to maintain and establish peace with France,—while we were vindicating the honour of England, and the rights and privileges of all that dwell on its soil, while we were freeing from a foreign dungeon our suffering fellow countrymen,—the arts of faction were pursuing us on every side. A war between Naples and Sardinia, which would have been a war that would have set the whole world in flames, was nearly precipitated in order to inconvenience, and perhaps upset, a Government which was the choice, after due reflection, of the Queen of this country."

Now, this was another surprise to me. I do not myself know, and I have not been able to meet with any one who was aware of these incendiary proceedings. Your Lordships will recollect that a member of the House of Commons had for some time a Motion on the paper of that House, the constant postponement of which had been complained of, expressing a hope that this country would support the Sardinian Government in any just demands which they might make upon the Neapolitan Government; but that Motion was unhesitatingly withdrawn when it was stated by the Under Secretary for Foreign Affairs that the Sardinian Government and Her Majesty's Government were agreed as to the terms to be proposed. If, therefore, this was not a romance like the rest of the right hon. Gentleman's speech, I hope my noble Friend will inform us who were the intriguers who were prepared to set the whole world in flames in order to inconvenience Her Majesty's Government, and whether those persons still persevere in such intrigues and machinations. I next come to that part of Mr. Disraeli's speech which I think is more repugnant to justice, and to that generous and gentlemanlike spirit which, in my opinion, should animate every Minister of the Crown towards a faithful and absent public servant. With respect to India, the right hon. Gentleman asks, "if it was always to be massacre and confiscation? or, on the other hand, was it to be discriminating amnesty?" and then he concludes by saying that "we have laid down principles for the reconstruction of our Indian empire which England approves and Europe admires." Why, my Lords, what is this but to say that Lord Canning was the advocate of massacre, confiscation, and unmitigated vengeance, and that it was reserved for the present Government to devise a discriminating amnesty, and to enjoy the glory of reconstructing our Indian empire upon principles "which England approves and Europe admires, and which, if acted on, will maintain the greatness and glory of our country?" And this ungenerous attack upon Lord Canning was made four days after the publication of Lord Canning's despatch explaining his policy, which must have been satisfactory to the minds of all reasonable men, and four days after the Chancellor of the Exchequer had declared that Her Majesty's Government had sent out a message to Lord Canning expressing their confidence in him! I declare to heaven that in the annals of this country I know no instance to compare with the conduct which has been pursued towards Lord Canning, who by his judgment, courage, ability, and well-tempered humanity throughout a time of immense difficulty, has earned for himself the approval of this country, and ought to be entitled to the support of its Government. I can fancy nothing more mischievous—to use a very mild term—than the constant republication, by fresh editions always in a new form, of that unfortunate despatch of the Secret Committee, which, so far from being a message of peace and conciliation to India, was only an insult to Lord Canning, and could not have a pacificatory tendency either with regard to the Natives of Oude, or of any other part of India. For where, my Lords, is the Sovereign we have dispossessed, and whose territory we have occupied—where are the people whom we have brought under our rule—who will not apply that despatch to themselves, translated as it will be into every language in India? Where is the people in that vast Continent who will not say that "their former Government, however bad, was at all events, a Native one," and that in endeavouring to restore that Government and to expel foreign usurpers, they have the high sanction of Her Majesty's Ministers in this country? The right hon. Gentleman says that the policy adopted by the present Government has elicited the approval

of England and the admiration of Europe. In what manner was the approval of England evinced? Why, the moment the despatch containing these principles was published, notices on the subject were given in both Houses of Parliament, the author of the despatch resigned, and the noble Earl opposite (the Earl of Derby) felt compelled to sanction this self-immolation of one of the most important Members of his Cabinet to prevent a manifestation of the disapproval of England! The right hon. Gentleman says that Europe admires the despatch; and I am not sorry that he has recognized the importance of public opinion abroad, because I think it is too much the fashion in this country to despise that opinion, and to consider it very impertinent on the part of other nations to express an opinion as to the manner in which we manage our affairs. I think, however, there can be no greater fallacy, for nations cannot, any more than individuals, afford to brave the opinions of their neighbours. Their respect, their deference, their recognition of the honour and honesty of our proceedings are essential elements of the power of this country, because they constitute that moral *prestige* which in itself is power. Be it remembered, my Lords, that in Europe our enemies very far outnumber our well-wishers. Those who are jealous of our wealth and power, and who detest our free institutions, are legion; and therefore they have admired this despatch on account of the frankness with which they say it characterizes our rule in India. They say they had long known the charges of bad faith which were made against us in India, but that it exceeded their most sanguine expectations to hear such charges confessed by the Ministers of the Crown: they say, however, that while they admire, they marvel that those who confess their guilt, on the part of their country should have done nothing and proposed nothing, by way of compensating the injured King of Oude, beyond informing his late subjects that they are engaged in a legitimate war, and encouraging them to fresh insurrection against the troops of the Queen of England. It is asked abroad, my Lords, in what position is the Queen of England placed in reference to India, for the Indian territories are vested in Her Majesty? By the Bills now before Parliament, this investment is more solemnly and formally effected, and there is no exception made of the territory of Oude: yet at the same time we inform the world that the King of Oude was our faithful ally; that he has never broken through his engagements with us; that he has often assisted us in our difficulties, and that we have obtained possession of his territories by fraud. We can only have obtained them by a fraud, because we could not have compassed that object according to the only treaty of which the King of Oude was cognizant, and therefore we completed this nefarious proceeding under a treaty of which he had no cognizance whatever. The Queen of England is therefore the Queen of Oude by a disgraceful juggle. I think the noble Earl at the head of the Government and the noble Earl lately at the head of the Board of Control might well say that great inconvenience would arise from the publication of the despatches; and I think the Chancellor of the Exchequer would have done well to remember it, before he assured the public that our Indian empire was about being reconstructed upon principles "which England approves and Europe admires, and which, if acted on, will maintain the greatness and glory of our country." There is only one more passage in the speech of the right hon. Gentleman to which I will call your Lordships' attention. The right hon. Gentleman says that—

> "The sense and spirit of the House of Commons have baffled the unceasing intrigues and the restless machinations by which, from the first moment of our entering office, the Government of the Queen has been assailed; and, gentlemen, this leads me to the very key of the position. There exists at this moment in England that which has not existed since the days of Charles II.; there is in England at this moment a cabal,—a cabal which has no other object but to upset the Government of the Queen, and to obtain their ends in a manner the most reckless and determined. Now, this cabal consists of some scheming English politicians and some foreign intriguers. They possess resources of all kinds and in considerable amount, and they are reckless in the mode in which they dispose of them. Their social influences are considerable, and they are perverted without the slightest remorse to obtain their political ends; they possess great sources of political information, especially with regard to foreign affairs, obtained in a manner not very constitutional."

Now, my Lords, this is a very astonishing proposition. I had almost supposed from the last passage that the right hon. Gentleman did me the honour to refer to me; but my conscience is perfectly easy on the matter, because, although I do take great interest in all foreign questions, the only information I now obtain on such subjects

is gained by perfectly constitutional means —namely, from the newspapers. I have transmitted to my noble Friend opposite (the Earl of Malmesbury) every letter I have received upon foreign affairs since I came into office, and he very handsomely acknowledged the fact the other evening. I have never answered any letters from Ministers abroad since I left office, and I have only written two or three letters with the object of removing some possible misapprehension which I thought might exist as to the course my noble Friend might pursue, and of smoothing the difficulties which might thus occur to my successor. I think, however, this is a matter of too grave a character to be lightly passed over. If the statement had been simply post-prandial, and had been intended merely to stimulate the men of Buckinghamshire to give cordial support to gentlemen who were supposed to be engaged daily in a hand-to-hand fight with a band of opponents, a frank avowal of the fact might have satisfied the popular mind. But if this was not the case—if there really exists in this country such a cabal, if such a state of things has been brought about by a party of Englishmen and foreigners that we are obliged to refer to the worst period of our history and the moment of our greatest national depravity for a precedent, I can only say that I can imagine nothing more calculated to outrage the feelings of the people of this country, or more certain to render them indignant at those Englishmen who have been leagued with foreigners to bring about such a state of things for political and nefarious objects. I know of no foreigners in this country who possess such considerable and ample resources, and who have great social influence, except the *corps diplomatique*. I have the honour and gratification of being acquainted with every member of that body, and I can certainly say that I am satisfied no member of that body ever thought of interfering in our domestic affairs, and that there is not one who would not be most indignant at the imputation that he was supposed to have any connection with these nefarious intrigues. I am sure my noble Friend opposite (the Earl of Malmesbury) shares my feelings, and will readily concur with me that this charge does not apply, directly or indirectly, to the *corps diplomatique*, and I trust that he will, if he can, inform us who are those intriguing Englishmen and foreigners who are thus setting themselves up to interfere in our affairs. I will not further trespass on your attention. I can assure your Lordships that I have not the least intention to embarrass Her Majesty's Government, but I felt that I had a duty to perform both to my late colleagues and to myself, and also to the public; and that I ought not to pass unnoticed the recent speech of the Chancellor of the Exchequer, the leader of the House of Commons, so large a portion of which was directed against the Department over which I had lately the honour of presiding.

THE EARL OF DERBY: My Lords, before my noble Friend sat down, I thought he was going to conclude his able and elaborate speech with some Motion; and I now hardly know in what manner I should treat the observations he has made, and whether I must not, in the first instance, intreat the indulgence of the House if I imitate the irregularity of my noble Friend, who has made a long speech without any apparent object that I can perceive—unless, indeed, it be to make a personal attack on my right hon. Friend the Chancellor of the Exchequer. However, I have to thank my noble Friend for having given me intimation yesterday of his intention to bring under the notice of your Lordships, however irregularly, the speech delivered by the Chancellor of the Exchequer after a dinner given to him by his constituents; because, though the course pursued seems to be elevating, perhaps, that post-prandial speech to the dignity of a State paper, yet it has caused me to have the great gratification of reading again with more attention the whole of that very able and amusing discourse. Perhaps my noble Friend, in order to put himself in order, will move that a copy of that important State paper should be laid on the table of the House. Of course, when the discussion is ended, he would be prepared to withdraw the Motion; but such a Motion would be the legitimate conclusion of the somewhat illegitimate course he has pursued. However, in consequence of the notice given me by my noble Friend, I, following the example of great authorities in another place, and to prevent the possibility of mistake, obtained a copy of the speech in question and made it my duty to examine it again; and, though I cannot vouch for the authenticity of every expression, I am ready to adopt the report, which proceeds from a quarter which is generally correct in its version of public speeches, I shall therefore assume that the

speech as here reported is the language that was used by my right hon. Friend the Chancellor of the Exchequer. And now I must be permitted to say that, if on the part of my right hon. Friend, that if anything was said in the course of these post-prandial observations which justifies a discussion in either House of Parliament—if there was any indiscretion committed by my right hon. Friend, in entering upon the unnecessary discussion of topics which had better not been entered into at all, it sinks into insignificance as compared with the indiscretion which my noble Friend has exhibited in the manner in which he has dealt with questions of the utmost delicacy and importance; and that too, not before a constituency, not at a festive meeting, not in the natural exultation of a great Parliamentary success achieved by his party, but in his place in the House of Lords, where he has deliberately and on purpose raked up the recollection of various transactions which, to my mind, for the interest of Europe had better been consigned to oblivion. I do not come forward for the purpose of concurring in every single expression or every single word which may have been used—if, indeed, they all were used — by my right hon. Friend the Chancellor of the Exchequer; but I am prepared to answer the challenge of my noble Friend with respect to the main parts of his charge against my right hon. Friend.

My Lords, it is said that my right hon. Friend, in the first instance, stated that we were, at the time we succeeded to the Government, in a position in which the possibility of a war with France was a question not of months and weeks but of hours. Now, my noble Friend opposite has entered into a long and laboured explanation on this subject, and into a somewhat unnecessary discussion, as it appears to me, of all the circumstances which attended a very critical period of the alliance between France and England; and he has sought to involve my right hon. Friend in a contradiction—referring, again, irregularly for that purpose to a statement made by me—between the conduct pursued by my right hon. Friend on one occasion, and that followed by him on another. In his speech at Slough it is alleged that my right hon. Friend had declared that, on the accession of the present Government to office, war with France was most imminent; whereas, in a recent explanation of my right hon. Friend, he had denied that he had ever said, or intended to say, that there was any danger whatever of war while the late Government were in power. It is the last assertion said to have been made by my right hon. Friend in his place in Parliament which my noble Friend opposite has combatted. That assertion, however, I consider to be perfectly consonant with the other declaration of my right hon. Friend, namely, that at the time we succeeded to office there was an imminent danger of a rupture with France, and possibly of a war. Now, my noble Friend has adverted to the previous history of the period, and has done me the honour of quoting the speech I had made at the opening of Parliament, in which I stated, referring to the atrocious attack made on the life of the Emperor, that I thought it a matter of great importance, and necessary to testify our good will to France, that a measure should be introduced which should have the appearance, at all events, if not the effect, of putting a more effectual check on the machinations of those persons who were abusing the hospitality we afforded them, and also to testify our anxiety, not only for the life of the Emperor, but also for the maintenance of those kindly feelings which happily existed between the peoples of the two nations. I think my noble Friend will hardly venture to say that at the time I made that statement he himself had not expressed in the strongest terms his apprehensions in regard to the relations of the two countries in the event of no measure of the kind being introduced into Parliament. I do not desire, nor will I attempt, to repeat conversations that have taken place, but my noble Friend opposite will not surely deny that he himself, not many days before that period, stated to me his opinion as to the very critical position of our relations with France, the magnitude and extent of which he said he could not foresee, if no steps were taken by the British Government to satisfy the irritated feelings of the French nation. Upon that statement, and being desirous of supporting the Government and of maintaining the alliance with France, which I knew to be at that time in danger, I did make the statement to which my noble Friend has alluded; but what my Right hon. Friend stated is—that it was not at the period when the late Government was in office that there was danger of a rupture with France, but when the present Government succeeded to office, upon the

rejection and abandonment of the measure introduced by the late Government—spontaneously and without pressure (for I am willing to adopt the statement of my noble Friend) to the passing of which it was notorious that the greatest importance was attached in France—when, I say, it was suddenly found impossible that that measure should be proceeded with, and when the expectations of legislation on so delicate a subject raised by the late Government fell to the ground and the most irritating language was held on this and the other side of the Channel, I do not hesitate to say, that if it had not been for great prudence and moderation on the part of those charged with the management of affairs, both here and in France—it is impossible to deny that there was most serious and imminent danger of an immediate rupture between the two countries. And if there were not, I wish the noble Earl will explain why it was that on that very question of Mr. Milner Gibson's in the other House, notices were freely circulated to the friends of the then Government, to the effect that if his Motion should be unhappily adopted there was imminent danger of war with France? If there was no such danger those notices should not have been issued. I see that my noble Friend is taking a note of what I say. I do not mean to say that these notices were put in writing, but language was freely held, and apparently on authority on the part of those who used it, and whose business it was to bring down voters to support the policy of the then Government. I say, then, that after the measure of the late Government had fallen to the ground, and after the late Government, which had induced the French Government to expect the passing of the measure, retired from office, there was a feeling of the greatest possible irritation arising from the whole of these transactions; and was it not possible to say without overstraining expressions, that certain rupture and possible war between England and France might be a question not of weeks or days but of hours? Before going further I must say that my noble Friend has—I am quite sure, unintentionally—misstated the course pursued by the Chancellor of the Exchequer with respect to the Bill to which he has alluded. The noble Earl said that on the first introduction of the Bill it met with the warm and unqualified approval and support of the Chancellor of the Exchequer. My noble Friend's memory is somewhat defective, for, unless mine is at fault, I believe that that measure received the sanction of a large body of the House of Commons as a mark of respect to the French Government and of good will towards France; but the Chancellor of the Exchequer did not allow the opportunity to pass without stating the extent of the support he was prepared to give to it. My right hon. Friend specifically reserved to himself the right of fully considering the course he should pursue on the second reading of the Bill if it should ever arrive at a second reading. So much for the "cordial support," to use the language of my noble Friend opposite, afforded by the Chancellor of the Exchequer to a Bill which was afterwards, not withdrawn, but abandoned on the second reading. Well, my Lords, I say that the Government are entitled to some degree of commendation, and even of self-gratulation, for the success of the temperate and moderate course by which they sought to smooth down the angry feeling which existed in this country, and to remove a portion of that formidable irritation which prevailed on the other side of the Channel. But, my Lords, I should be guilty of a gross injustice—I should be acting in a manner wholly unworthy of the position which I hold, of the place in which I stand, and of the audience whom I am addressing—if I did not say that by far the greater portion of the credit which is due for preventing that possible rupture, and that probable alienation between the two countries, is due to the firmness, to the good sense, to the judgment, and to the cordial attachment to the British alliance which under all circumstances have been manifested by the illustrious man who rules over the empire of France. My Lords, it would have been impossible for man to maintain more firmly, more honourably, more consistently, with more regard to the dignity of this country and to the dignity of his own than the Emperor of the French has done the cordial alliance which has so long and so happily subsisted between the two countries; and it is to his intimate knowledge of this country—a knowledge which is not possessed by many of his countrymen, who consequently are apt to misconceive and misconstrue our actions—that is to be attributed the just perception which he has had of the difficulties under which the

Government here laboured, and of the obstacles which existed to the fulfilment of not unnatural wishes and desires on his part; while it is owing to his good sense, to his loyalty, and to his good faith that he has given full play to that accurate perception of the real position of affairs, and has abstained from pressing claims to which he felt that this country could not and would not assent, and the pressing of which he truly believed would have been prejudicial to that good understanding which happily prevails between the two countries. My Lords, I venture to express my confident belief that the Emperor is now as firmly resolved as he ever has been —as firmly resolved as Her Majesty's Government certainly are—to maintain, to support, and to strengthen that alliance which is so invaluable to both countries; and if that alliance has been preserved and that cordial feeling restored after the temporary cloud which obscured the political horizon, although we may, perhaps, claim some credit for the course we have pursued in this country, the praise, I repeat, is mainly due to the sound judgment, the loyalty, and the good faith of that distinguished man the Emperor of the French.

Now, my Lords, passing from the language which the Chancellor of the Exchequer is said to have inappropriately used with respect to the state of our relations with France when the present Government came into office, my noble Friend opposite proceeded to the next passage of the Buckinghamshire speech — namely, that in which the Chancellor of the Exchequer took credit to himself and to his colleagues, unduly and unjustly my noble Friend thinks, for the course which they pursued with regard to the British engineers of the *Cagliari*. The noble Earl has stated most truly that my noble Friend the Secretary of State for Foreign Affairs is entitled to every credit for the course he pursued and the means he used, and used successfully, for the purpose of procuring the liberation of those two unhappy men; and the noble Earl has said with great candour that, although, unfortunately, the Government with which he was connected were quite in ignorance of the real position of the case until it was too late to interfere with sufficient effect, yet they did what they could to procure some mitigation of the sufferings endured by our fellow-countrymen. I certainly think my noble Friend has taken advantage to the very utmost of his position. I do not deny that the noble Earl during the period he held the seals of the Foreign Department did make various representations, and did to a certain extent obtain from the Neapolitan Government a mitigation of the severer portion of that punishment to which unconvicted and, therefore we were bound to consider, innocent men had been condemned —namely, a long and painful imprisonment. But, my Lords, I must be permitted to say that the state of ignorance to which the noble Earl refers as his excuse for not having done more did not exist later, according to his own statement, than the month of December, whereas it was not till February that the change of Government took place. During the last days of the administration of the Foreign Department by the noble Earl he undoubtedly requested of the Neapolitan Government that one of the engineers, whose mind had given way under the severity of the punishment to which he had been exposed should, in consequence of the state of his intellect, be withdrawn from the rigorous captivity to which he had been subjected, and should be transferred to an hospital at Naples, where the British Consul was himself to be security for his production, whenever required, and where the noble Earl suggested the Neapolitan Government might place a guard to prevent the possibility of his escape. That is the position in which, upon succeeding to the administration of affairs, we found these two unfortunate individuals—one of them still in prison and still subject to all the hardships of prison life, and the other, whose reason had given way under the severity of his sufferings, withdrawn from prison and placed in an hospital under a guard, or at least the noble Earl having suggested that he should be placed under a guard, to prevent the possibility of his escape, the British Consul giving personal security for his appearance to undergo his trial when his mind should be restored. Now, my Lords, in "another place"—if I may follow the noble Earl in a very slight degree in the irregularity which he has committed—a very different line of defence has been adopted. The noble Viscount lately at the head of the Government ventured, if I am not misinformed, upon the statement that the liberation, if not of both, at least of one of these engineers was due, not to Her Majesty's present Government, but to the efforts and remonstrances of Her Ma-

jesty's late Government. That is a statement made, not by the noble Earl opposite —he has made a very different statement —but by the noble Viscount who was at the head of the late Government.

THE EARL OF CLARENDON: My noble Friend the Member for Tiverton never said that both the engineers were liberated in consequence of the remonstrances of the late Government.

THE EARL OF DERBY: I said "of one if not of both;" but this shows upon a small scale the inconvenience of these irregular references to what persons have said, or are supposed to have said, in the other House of Parliament. Now, my Lords, the noble Viscount lately at the head of the Government is a person of very advanced age, very vigorous for his age, vigorous beyond the ordinary race of mortals; but the first sign of advancing age is generally a slight failure of memory, and to that growing infirmity, I think, is to be attributed the astounding statement that the members of the late Government, and not those of the present, are the persons to whom one at least of these engineers is indebted for his liberation from a Neapolitan prison. As that statement has been made, let me remind your Lordships of the facts. It was on the 15th of February that the noble Earl opposite preferred the request to which I have already referred—namely, that one of the engineers, whose mind has given way—there was nothing said of the other—should be transferred from a prison to an hospital, there to be kept under a guard, the British Consul giving personal security for his attendance whenever he might be called upon to undergo his trial. That was one of the last acts of the Administration of the noble Earl. When the present Government came into office, my noble Friend the Secretary of State for Foreign Affairs lost no time in despatching Mr. Lyons to Naples—not that he undervalued in the slightest degree the energy, the activity, and the ability which had been shown previously by the acting consul, Mr. Barbar, but because he naturally thought that a person filling an important diplomatic situation, though not at Naples, would probably have more influence with the Neapolitan Government than a mere acting consul. Well, my Lords, it was not until the 18th of March that Signor Carafa, in consequence of strong representations made by Mr. Lyons on the 16th, communicated the intelligence that the King of Naples, out of deference, as he stated, to the British Government, was willing to permit the unconditional return of the engineer Watt, on account of the state of his health, to his country instead of being kept in Naples; and shortly afterwards, from the same alleged motive—deference to the British Government—a similar indulgence was granted to the other captive, whose health, though not his mind, had also given way under the severity of his sufferings. Her Majesty's present Government had thus the happiness of seeing restored, I shall not say to health, but to their country and to their friends, these unfortunate men, although during the whole period (after their capture) of the administration of the Foreign Department by the noble Earl opposite no steps had been taken for the purpose, at all events, of procuring or promoting their liberation. These, my Lords, are the facts of the case, and again I say, without referring to the precise terms, which were perhaps a little inflated, used by the Chancellor of the Exchequer in describing the effects produced, that I think my right hon. Friend was fully justified in claiming for himself and his colleagues the credit of having effected the restoration to their family and friends of these two unfortunate men after their long and cruel captivity in a Neapolitan prison. Now, my Lords, the noble Earl opposite, not satisfied with the contrast which we are entitled to draw between the course pursued by the present Government and that adopted by Her Majesty's late advisers, has the confidence to go a step further and to say that Mr. Disraeli ought at all events to have been enabled to state that these persons had obtained an unconditional release, and that the indemnity which he admits we have very properly asked on their behalf has been conceded by the Government of Naples. The question of indemnity is one which, as my noble Friend well knows, is under discussion between this country and Naples. We have made a claim and mean to support it. With regard to the other question, my noble Friend (the Earl of Malmesbury) has been able to inform the noble Earl opposite that the release of the engineers is absolute, entire, and unconditional.

My Lords, I said that I would not comment upon every particular expression attributed to my right hon. Friend, or any language that may be said to be inflated, addressed at a dinner party of his con-

stituents. I do not think that if speeches made upon occasions like this are to be brought under serious discussion in both Houses of Parliament, and are to be made the subjects of Motions or of debates equivalent to Motions for two nights together in one House, and for a considerable space of time on another night in the other House —I do not think that Her Majesty's late Government are the persons the most proper in the world to criticise minutely particular forms of expression, or to complain of any little indiscretion of language or of sentiment which may have been committed even by a Minister of the Crown in a postprandial speech upon a festive occasion, whether to his constituents or to a miscellaneous assemblage. I could point to one or two instances—one more remote and the other not very distant—in which language has been held which, if subjected to the test of severe criticism and Parliamentary investigation, and if the speeches in which it occurred had been treated as State papers, as that of my right hon. Friend has been by my noble Friend opposite, would have been found not to be such as was best calculated to secure and maintain perfect harmony between this and other countries. My noble Friend opposite has cleverly and ingeniously coloured some portions of the speech of my right hon. Friend. I certainly did not expect him to make more than a passing allusion—from which it was impossible to refrain—to that gradually dissolving view—to the bursting of that great bubble—to that breaking up of the ice of the Neva, which took place with sudden violence, after various cracks and groans and indications of what was going to take place — the gradual withdrawal, one by one, of single cards from that carefully constructed edifice of pasteboard, until at last that which it had cost some persons so much pains to build up collapsed in a single moment, came to nothing, and fell to the ground, to the utter and irretrievable confusion of its authors. I did not expect the noble Earl to comment on that part of my right hon. Friend's speech. I do not know whether he read it with as much amusement as I did ; but greater than my amusement was my conviction of its truthfulness. I felt eminently convinced that, great as was the wit, great as was the cleverness, great as was the humour of that most graphic description, that which most peculiarly appertained to it was undeniable truth. There was no exaggeration even of colouring, for no exaggeration could be applied to that matchless scene at which —I shall remember it to the last day of my life—I had the good fortune to be present. But, my Lords, there was one part of the speech of my right hon. Friend to which, as he was making a running comment, taking down its undue pretensions and rebuking its boastful language, the noble Earl opposite might have referred. Why did not he say something on the subject of finance ? There were three topics to which my hon. right Friend specially referred, and with which he summed up his speech. These were foreign affairs, the position in which we found them, and that in which they stand now ; the finances of the country, the position in which we found them, and that which they now occupy ; and the policy which Her Majesty's Government have recommended for India. These were the three topics upon which my right hon. Friend in this celebrated speech at Slough took credit to the Government. Upon two of them my noble Friend opposite has ventured to join issue ; upon the third he has been discreetly and totally silent. He did not mention as one of the merits which were claimed by my right hon. Friend—and of course by not disputing it he admits the validity of the claim—those financial arrangements to which in a position of great and anticipated difficulty we have had the rare merit of obtaining universal, or almost universal, assent. My noble Friend will certainly recollect that the late Government were about to enter upon the discussion of the budget with no very sanguine anticipations as to the resources of the country, or as to the view which might be taken of the measures which they intended to submit to Parliament. If I am correctly informed, no mode of rectifying the disorder of the finances occurred to them better than that which would not have been a very popular measure—a considerable increase of the income tax. The late Government, and—if there are such persons as the members of a Cabal—the Cabal, of those who, in the House or out of the House, Englishmen or foreigners, were looking forward to the destruction of the present Ministry immediately on its formation, anticipated that the budget would be the inevitable destruction of this incompetent Government. It was said, "They have succeeded by an accident in ousting the late Government and getting into place for a moment, but it is only for forty-eight hours." That

was the language held: "Don't be alarmed, this is nothing serious, it is but an affair of forty-eight hours." Eight and forty hours elapsed, and then it was, "You will see that the whole thing will fall to the ground, and then will be that glorious and much-longed-for restoration" which is the main object of noble Lords opposite. Weeks elapsed and there was no indication of the desired consummation, and then it was said, "But there is the budget, they never can get over that. We know the state in which the finances were when we left office. We are very well out of it, leaving our successors to deal with the budget, which we know that we should have found an insurmountable difficulty." We did deal with the budget, and dealt with it in such a manner that, without violating public faith, carrying on the promised reduction of that most obnoxious income tax—which the late Government had intended to maintain, if not to increase—we, by the addition of taxes, not large in amount, not very important, and to which few persons took any objection, made such an arrangement as to secure for ourselves a fair surplus for the year. My Lords, may I go a little further? May I take the liberty of mentioning another transaction which has not come under public notice? I refer to the issue of Exchequer bills. The Exchequer bills of last year bore interest at 2½d per diem. £14,000,000 of bills had to be reissued during the present year, and they have been placed at such a reduced rate of interest as, upon a sum of £517,000 paid for interest, amounts to a saving of not less than £214,000, or two-fifths of the whole amount. I cannot say how much of that reduction is to be ascribed to the possibility of raising money on more advantageous terms than last year; but it is either to the good management or to the good fortune of my right hon. Friend that it is to be ascribed that the country has enjoyed the advantage of this great saving.

The last topic into which I shall follow my noble Friend—because I will not deal with personal matters—I will not deal with those questions of intrigues and cabals, whether foreign or domestic—I will not deal with those questions of the means, more or less unscrupulous, which have been resorted to for the purpose of opposing and placing obstacles in the way of the existing Government without a reasonable hope of forming a Ministry to replace it,—I will proceed to a matter, in adverting to which, I think, the noble Earl opposite has done grievous injustice to the intention and even to the plain language of my right hon. Friend, by supposing that the reference to India was meant as an ungenerous and ungentlemanlike attack upon the character, the conduct, and the policy of Lord Canning. What was the language used by my right hon. Friend? He did not say that we had reconstructed our Indian empire, as he was represented by my noble Friend to have said. What he did say was, that we had laid down a policy for India which we believed would be the means of reconstructing its social condition, and that that was a policy of considerate and discriminating amnesty in preference to one of confiscation, of violence, and of massacre. Now, I do not believe that my right hon. Friend intended to convey, nor do I think that he can be taken to have conveyed, the charge against Lord Canning, that he was in favour of a policy of undiscriminating violence and massacre. Lord Canning did undoubtedly, by the Proclamation of which so much has been said in this country, give colour to the opinion that it was his intention to adopt a principle of very extensive confiscation; but a principle of violence, a principle of massacre, never, I am sure, entered the mind of my noble Friend the noble Viscount at the head of the Government of India, and was never imputed to him by my right hon. Friend. But it is notorious to every one that the atrocities which were committed in the earlier period of what I hope I may now call the late revolt in India had excited in the minds of people in this country, had excited in the minds of civilians and of military men in India, a fierceness and a desire for savage vengeance, which Lord Canning was the first to deprecate, and which it appeared to Her Majesty's Government to be most important to put down; and, not at the period when we were remonstrating against the course which Lord Canning was, by his Proclamation, apparently about to pursue, but one month before, and immediately upon our accession to office, we impressed upon the Governor General, not for his own guidance, but in order to assure him of our support, that we recommended a principle of generous forbearance, of leniency, and of discriminating amnesty in preference to that principle of universal violence and general massacre which we knew was too much pressed upon him by many of those, both military men and civilians, by whom he was

surrounded. My Lords, I say this, that when my right hon. Friend was speaking of the course which the Government had pursued, or intended to pursue; when he was vindicating our conduct before his assembled constituents; when he was taking credit for those things for which he thought the Government could fairly claim praise; there was no subject upon which he might more confidently appeal to the general good feeling, to the sound sense, and to the deliberate convictions of the people of this country in favour of our policy than when he said that we had laid down as the rule for the government of India, discriminative amnesty in contradistinction to universal confiscation, massacre and violence. And if my noble Friend quarrels with the expression that that policy, so declared, had obtained the approval of England and the admiration of Europe, I can only say that, "the admiration of Europe" might perhaps have been an oratorical addition to that which I believe to be the simple and naked truth. That policy has at all events obtained the unqualified approval of the people of England; and it is a remarkable circumstance that in the whole course of the discussions on this question in this and the other House of Parliament, while many persons have blamed, and many more have regretted, the publication of the private despatch to Lord Canning, there is no human being in this or the other House of Parliament who has ventured to stand up in his place and, as against the principles and doctrines laid down in that despatch, to maintain and uphold the doctrines and principles apparently laid down in the Proclamation of Lord Canning. Even the friends of Lord Canning in this House have stated distinctly that if such were the meaning to be attached to the Proclamation no terms would be too strong to use in condemnation of it; and in the other House no human being has risen for the purpose of defending the Proclamation itself in the plain, natural sense which, in the absense of any explanation, it necessarily bore in the minds of Her Majesty's Government. Well, then, the noble Earl adverts to the censure which has been passed in Europe with regard to the transactions relating to the kingdom of Oude. My Lords, you are quite aware that the language used on that subject was used in a despatch which was intended to meet the eye of the Governor General alone, and that all the circumstances there stated were so stated for the purpose of showing to Lord Canning the broad line of distinction which ought to be drawn between those misguided followers of the deposed King of Oude and the rest of the population. My Lords, I cannot but regret that my noble Friend opposite should, in the exercise of his discretion, have again referred to and given additional publicity to statements and to arguments used in a very different sense, and that he has used them in a manner which I feel will much aggravate the danger of misconstruction put upon the private despatch. I can emphatically say, except with regard to the policy of confiscation, which we disapprove, and except as violence and massacre might, though not intentionally, be the consequence of a protracted resistance arising out of that confiscation on the part of persons driven to despair, it was not the intention of my right hon. Friend, and I am sure it is not the intention of Her Majesty's Government, in the slightest degree to impute to Lord Canning, or to cast in his teeth that revengeful, barbarous, and bloodthirsty spirit which, on the contrary, he has been the first to reprobate, but which it was absolutely necessary, if we wished to give to Lord Canning a real support, we should take the earliest opportunity of discouraging.

My Lords, I think I have gone through all the topics contained in the statement of my noble Friend to which it is necessary or becoming in me to refer. I must say that, although I have not shrunk from explaining and vindicating the statements made and the language held by my right hon. Friend—not, perhaps, in every particular term, but in substance and fact—and although I do not deny that the language of public men holding high office is to be more carefully and closely watched and criticised than the language of those to whom less responsibilities attach, yet I do think that, although the language used and the opinions expressed by my right hon. Friend might have called forth some casual criticism, and a passing notice from those who disapproved them, a great deal more has been made of this speech than is consistent with the dignity of either of the Houses, or with the importance of the questions to which it refers. I have not, however, shrunk from vindicating an absent Friend, and I think my noble Friend might have done well to recollect that that right hon. Gentleman on two successive evenings has been attacked on the same subject in his place in Parliament, where he had a right

to speak, and that he has there given to his opponents, first one and then the other, such an explanation and such an answer as neither they nor the country will speedily forget.

Earl GRANVILLE: My Lords, I do not at all wonder at the evident difficulty which the noble Earl who has just addressed you so clearly felt in vindicating his absent Friend, or at his complaints of the irregularity of the course pursued by my noble Friend beside me (the Earl of Clarendon). The noble Earl in a solemn tone and manner has expressed his surprise that my noble Friend (the Earl of Clarendon) should have exhibited such an amount of indiscretion as to rake up old events which had much better be forgotten. But, I ask, was it my noble Friend's fault that he raked up those events which the leader of the Government in the other House of Parliament made the grounds of a speech delivered at a meeting of his constituents, in the presence of highly skilled reporters, and replete with foolish charges against my noble Friend and all those connected with the late Government? I contend that my noble Friend had no other course to pursue than to give a simple narrative of facts, and to show where the truth lay. I think my noble Friend was more than justified in the course he has taken, and that it would have been a dereliction of his duty to this House and the public if he had neglected to take that course. The noble Earl has gone over many parts of the Slough speech which were not alluded to by my noble Friend. He has adverted, among other things, to Mr. Disraeli's amusing description of the scene in the other House of Parliament on the conclusion of the Indian debate on the night of Monday week. I can assure the noble Earl that on reading that part of the right hon. Gentleman's speech, I was as highly entertained as he appears to have been. But I cannot reconcile them, as the noble Earl has done, with truth; for I think its total want of truth is the blemish of the whole description. I was then travelling in a railway carriage, and I handed the paper containing the report to one of the noble Lord's supporters, and pointing his attention to that part of the speech, I remarked that it was one of the most amusing fictions that I had ever read in my life. But the noble Earl was particularly delighted with the truth of that description. Now, it did not strike me in that way, and I certainly do not think the public who read the speech, and the explanation of it given by the right hon. Gentleman himself, will take the same view of its truth as the noble Earl has done. Mr. Disraeli in his speech at Slough indulged in a feeling of self-glorification as to his financial measures; but I think if there is one point more than another on which that speech may be challenged, it is that very part of it. One would have thought on reading his speech that the late Government had reduced the country to irretrievable ruin, and that the present Government had stepped in and set everything to rights. But how have they done this? Why, on the very simple principle of not muddling away their money in paying their debts, and postponing to a future occasion those liabilities which it would have been more statesmanlike to meet in a more bold and direct manner. The noble Earl also claimed credit for a reduction of the rate of interest on Exchequer bills; but he might as well have taken credit for the glorious sun which has shone this day, for that reduction of interest is owing to the improved state of the money market, and one Government is no more entitled to boast of it than another. My noble Friend first asked this question of the noble Earl — Whether he would subscribe to the statement of Mr. Disraeli, that the question of a war between this country and France was one not of days but of hours on the accession of the present Government to office. The noble Earl endeavoured to meet that question with the very greatest difficulty. He was determined not to abandon the defence of an absent Friend, yet the question he more or less evaded. The noble Earl says he is justified in saying so, because the late Government brought the whole matter into confusion by not carrying the Bill with which they had tantalized the French Government, and thus created the difficulty of the position. But whose fault was it that we did not carry that Bill? The noble Earl said that Mr. Disraeli guarded himself in the approval which he gave of the Bill in the first instance; but what did the Chancellor of Ireland? What did Mr. Walpole? They followed the same course as the noble Earl had done in indicating and urging upon the Government the very Bill, and more than the Bill, which we afterwards introduced, and which was thrown out upon a similar Motion to one they had previously opposed—I will not say in consequence of, but in strange coincidence with the fact that a large number

of Liberals voted against the Bill, and that a junction with those Liberals afforded the then Opposition the means of putting the then Government in a minority. The noble Earl talked of "tantalizing" the French Government. Now, I think that although credit is due to the late Government for the manner in which they conducted all affairs, yet special credit is due to them for their management of foreign affairs, and for their forbearance from raising questions that might endanger our relations with foreign Powers. Now the question is at rest; but I may ask the noble Earl, who talks of tantalizing the French Government, what has become of the Bill which he said would depend upon the answer which Count Walewski might return to the Government despatch?

THE EARL OF DERBY: I said nothing of the sort. I said that when we received the answer it would be time enough to decide upon the course we should pursue.

EARL GRANVILLE: Well, surely, that comes to the same thing. Another question asked by my noble Friend was as to the explanation of a most serious accusation brought against some individuals of having formed a cabal with some foreigners with a view to upsetting the Queen's Government. To that question the noble Earl opposite has given no answer—no hypothesis presented itself to him, and he declared he would not enter into it. I, therefore, have a right to believe that either the noble Earl does not understand what his colleague has stated, or, understanding it, he entirely repudiates the charge as false and unfounded. The next question touched upon by the noble Earl was India, and upon that subject there is but one point to which I would refer. The noble Earl says that no one in either House, whether a friend of Lord Canning or not, has dared to rise and defend the Proclamation. Now, I deny that to be the fact. I say there are those who are convinced the Proclamation was perfectly right, but who have said they could not defend that misrepresentation of the Proclamation which was put forth by those who attacked Lord Canning. I am prepared to abide by that declaration. As to the whole case of India I am happy to say that Lord Canning's character stands too high to be affected by any post-prandial speech uttered in a tavern at Slough. The provider of the entertainment, as I see by the papers, was mine host "Bragg." I say no such speech can affect the high position of Lord Canning. We have this evening heard the noble Earl declare his intention of supporting Lord Canning, and I place the fullest confidence in that declaration; and if supported by the Government of the present day, and by the public opinion of the country, I believe Lord Canning will require no defence from speeches such as that we have been considering. I do not know that there was anything further that fell from the noble Earl in his laudable and ingenious defence of his absent Friend which requires lengthened comment from me; but I must express my thanks to my noble Friend (the Earl of Clarendon) who, by his temperate, moderate, and conclusive speech has afforded us an opportunity not only of demolishing the statements made at the famous Slough dinner, but also of enlightening the public upon points upon which serious misconceptions had hitherto existed.

THE EARL OF MALMESBURY: My Lords, there are two or three points which my noble Friend the late Secretary for Foreign Affairs has touched upon in a way that I consider incorrect,—no doubt involuntarily so, on his part. My Lords, I will not say how absurd it appears to me—I hope your Lordships will excuse the word, for really it does appear absurd to me to have heard the catechism which my noble Friend has put to this side of the House. And on what subject did that catechetical discourse proceed? Why, upon a speech which he did not hear himself, but about which he asks an explanation of persons who did not hear it any more than himself. When an explanation was asked of the speech in the other House of Parliament there was sense in the request, and I think it was also fair; because, as my noble Friend opposite has truly said, any person occupying the high position of a Chancellor of the Exchequer may be, to a certain degree, even out of Parliament, responsible for what he says in political matters. In the House of Commons the Chancellor of the Exchequer was present to answer his interlocutors; but in this House, where we did not hear the speech, although it might have been correctly reported, it is manifestly absurd to be catechised upon the question, and asked what did the Chancellor of the Exchequer mean? The noble Earl opposite has called attention to the subject of our relations with France, and to the slight disagreement between England and France that existed three months ago, at the fall of the last

Government. Now it is quite correct to say that we were on the verge of a war—it is quite correct to say that the position of both countries was most critical — because when I took office I constantly saw the French Ambassador on the subject of the arrangements and correspondence that were necessary ; and I do not scruple to say, my Lords, that the Ambassador looked upon it as one of the greatest and gravest dangers ; and I never saw him, day after day, without his expressing, in plain and distinct terms, that we were arrived at a crisis of the most imminent danger.

LORD STANLEY OF ALDERLEY : If we did not go on with the Bill.

THE EARL OF MALMESBURY : Yes, if we did not go on with the Bill. And I would ask the noble Earl whether he will tell this House, should the Ministry of which he was a Member come into office to-morrow, that they would bring in that Bill in the face of the country ?—and unless he is ready to say so, I am ready to say he has no right to interrupt me in the way that he has. My Lords, I further state that it is not a vision and a fiction of the Chancellor of the Exchequer, when he says that at that moment the country was approaching a most dangerous crisis, and that the alliance with France was in danger, because I have the authority of the French Ambassador, who constantly represented the impending danger, and looked on it with grave apprehension. Another observation was made by my noble Friend opposite, which, I think, was not a fair one ; at all events it was totally, entirely, and completely incorrect. He stated that he heard and believed that the French Ambassador had complained of a breach of faith.

THE EARL OF CLARENDON : I said it was the talk of the town. I never said I believed it.

THE EARL OF MALMESBURY : Then, if the noble Earl did not believe it, why waste their Lordships' time with the repetition of mere idle rumour ? It is not customary for a noble Lord to state in this House what he does not believe. But, my Lords, I have an opportunity of stating that the rumour is not correct, and if my noble Friend hears me to the end of my argument, I know very well he will disbelieve it. And my noble Friend, when he made the observation, reminded us more than once of the fact that in a journal supposed to be intimately connected with the late Prime Minister, it was stated that it was in consequence of a breach of faith that Count Persigny left this country. Now, if the journal in question, or any other journal states that, I have no hesitation in saying that is utterly and completely incorrect, and Count Persigny would be the first man to say so ; and to say further that nothing was done or written by the present Government that caused his leaving his high post in this country, but some disagreement with his own principal in his own country. Then as regarded the *Cagliari* question. It would appear that the speech of the noble Viscount made in "another place," if rightly reported, was made to impress on the House of Commons the fact that both the prisoners Park and Watt had been released from prison before the late Government left office. But Mr. Lyons, in his despatch dated the 24th of March, wrote to me to the effect that Park on that day only had been released from prison on bail. One of them was deprived of his reason and the other broken in health ; but since we have been in office I have used my best endeavours to obtain the liberation of both prisoners, and they have been liberated, and unconditionally. We ought, I think, my Lords, to be extremely thankful to the noble Earl for the lecture he has read us on the necessity of cultivating habits of public discretion—for that is what his catechism really amounts to. But, my Lords, there is a homely but apposite proverb, "Let those who live in glass houses take care how they throw stones ;" and truly the late Prime Minister may be said to live in a crystal palace, for he is surrounded on all sides by glass. Now, my Lords, did it never occur to the noble Viscount himself, or his supporters, that he had never himself forgotten or despised those rules of discretion which his noble Friend had so recommended for admiration and adoption. My Lords, we all recollect that our amicable relations with the very country whose alliance the noble Viscount values so much and says so much about was, no long while ago, jeopardised and endangered by the indiscretion of the noble Viscount himself. It will probably be in your Lordships' recollection, that at a Lord Mayor's dinner, two years ago, the noble Viscount made a speech that called for explanation from the French Ambassador. Fortunately for the noble Viscount, the French Ambassador was absent in Paris and not present at the dinner, and did not hear the speech, or he would have walked out of the room. And

then, on another occasion, it will be remembered that the noble Viscount did not exhibit the discretion that has been referred to as a model of public propriety. Your Lordships will remember the address of the noble Viscount—worse than a speech for it was deliberately written—his address to the electors of Tiverton, in which so much discretion and even decency were displayed. Did the noble Viscount recollect when he characterised a majority of the House of Lords and a majority of the House of Commons as men who were ready to make the disgrace of their country a stepping-stone to office. My Lords, I think those noble Lords and Members who serve under a leader who is accustomed, and not seldom, to make use of that language out of Parliament and in Parliament, might very well have refrained from inflicting on us the castigation which my noble Friend has inflicted on us this evening. My Lords, I think that the speech of the Chancellor of the Exchequer, if taken line by line, and word for word, could not, either in its tone, or taste, or probable consequences, be compared with the speech in a discretionary point of view, of the noble Viscount on the occasions to which I have alluded.

Lord STANLEY of ALDERLEY, referring to the question which had been put by the noble Earl who had just spoken, as to whether Her Majesty's late Government would, if they were to return to office to-morrow, proceed with the Conspiracy Bill, said, he would give no opinion as to what might be done at the present or at any future time with that measure, but he had no doubt if, at the time of the retirement of Count Persigny, Her Majesty's late Government had been in power they would have proceeded with that Bill, and as little doubt that in so acting they would have received the support of the noble Earl at the head of the Government, as well as of his political Friends. The noble Earl had himself said, after his accession to office, that the proper time to deal with such a measure was after a fitting answer had been returned to the despatch of Count Walewski. He might also remind their Lordships that the present Secretary of State for the Home Department had, in the discussion which had taken place upon the Bill in the other House of Parliament, declared it to be his determination—the honour of England having, as he deemed to be necessary, been in the first instance vindicated by means of an answer to the despatch of the French Government—to give his cordial support to the Bill before the House. It was under those circumstances clear, he thought, that the colleagues of the noble Earl must aid in the passing of a measure, of which he seemed to entertain so great a horror, should it ever be introduced.

House adjourned at a quarter to Eight o'clock, till To-morrow, Three o'clock.

HOUSE OF COMMONS,

Tuesday, June 1, 1858.

Minutes.] Public Bills.—1° Vaccination (Ireland); Drafts on Bankers Law Amendment. 3° Prescription (Ireland) (No. 2).

LAWS OF JERSEY.

QUESTION.

Mr. HADFIELD said, he would beg to ask the Secretary of State for the Home Department, whether it is the intention of Her Majesty's Government to carry out the recommendations of the Commissioners, appointed in 1846, for the Reform of the Criminal Laws of the Island of Jersey, and to abolish the Royal Court in that Island, which the said Commissioners, in said year, declared not to be deserving of public confidence? Whether it is their intention to issue a Commission of Inquiry into the Civil Laws of Jersey, and the mode of administering them, in accordance with the declared intention and promise of Government in the year 1846, by the then Home Secretary? or, whether it is their intention to take any measures for assimilating the Laws of Jersey to the Laws of England?

Mr. WALPOLE said, the question put to him by the hon. Gentleman was one of no inconsiderable importance. His answer to the first question, however, was that there were only two ways in which the recommendation alluded to by the hon. Member could be done, either by an Order in Council, emanating from the Crown, or by proceedings to be taken in that House. The recommendations of the Commissioners which they made in their Report were in three respects sought to be carried into execution by Order in Council upon the suggestion of the Governor and the law officers of the Crown in Jersey. On the 11th February, 1852, they proposed three Orders in Council in pursuance of recommendations contained in the Commissioners' Re-

port. The first was to establish a Court of Summary Jurisdiction for Criminal Procedure in small cases. The second was for the establishment of a Small Debts Court; and the third was for the establishment of a better system of Police. The States in Jersey resisted these Orders in Council, appealed to the Crown, and the matter was heard before the Privy Council, which came to the conclusion that it was doubtful whether the prerogative of the Crown exercised in that manner was consistent with the rights of the States and the people of Jersey, and accordingly they recommended that those Orders in Council should be revoked. At the same time, the States in Jersey proposed of their own accord six Acts, which embraced some of the points contained in the three Orders of Council, and those six Acts had become now the law in Jersey, and had been put into operation. More than that unquestionably, for the sake of the administration of justice in Jersey, both criminal and civil, required to be done; but it was clear from the statement he had made that no amendment in that respect could be made by Orders in Council emanating from the Crown, but the matter must be left more or less to the States and people of the island. The other mode by which it could be done was by legislation. He did not know whether the hon. Gentleman was aware, but he ought to be aware if he was not, that no Act of Parliament could have any operation in the Island of Jersey until it was duly registered by the States. Consequently, if the Legislature were to attempt to pass an Act of Parliament to carry into effect the recommendations of the Commissioners, they might bring themselves into collision with the authorities of Jersey; jealousy would arise between the two countries, and he was pursuaded that less would be done by means of attempted coercion than by leaving it to the legislature of the island. The second question of the hon. Member was, whether it was the intention of Her Majesty's Government to issue a Commission of Inquiry into the Civil Laws of Jersey and the mode of administering them. He (Mr. Walpole) had great doubts whether the issuing of such a Commission would not, by provoking the jealousy of the island, do more harm than good. The answer to the third question, whether it was their intention to take any measures for assimilating the Laws of Jersey to the Laws of England, was in fact involved in his answer to the first. He would say in conclusion, that having taken the liberty of answering the questions with more detail than usual, because it was a matter of great importance with which the House was perhaps not familiar, he could only add that the attention of Government had been for some time called to many grievous defects in the administration of justice in Jersey, and he had himself since he had been in office taken some means to remedy those defects, but he believed that more would be done by suggestion than by any attempted force on the part of the Crown or of Parliament.

ADHESIVE STAMPS ON CHEQUES.

QUESTION.

MR. NICOLL said, he wished to ask the Chancellor of the Exchequer if his attention has been directed to the commercial inconvenience likely to be caused by Bankers refusing to honour checks when drawers have omitted to write their initials on adhesive stamps, but which are otherwise cancelled, sufficiently to accord with the intention of the Act; and if it is contemplated to enable persons who have given valuable consideration for such cheques to attach, or to cancel, adhesive stamps in lieu of the drawers. He had intended to ask whether the Government proposed to amend the Law relating to crossed cheques, so as to make the crossing to a Banker an essential part of the cheque. The right hon. Gentleman, however, by giving notice of a Bill on the subject, had rendered this question unnecessary.

THE CHANCELLOR OF THE EXCHEQUER: I am glad to infer from the question of the hon. Gentleman that the commercial inconvenience to which he refers is not an absolute but only a probable inconvenience. I have not yet heard that any inconvenience has occurred, and I will inform him of the practice of the Bank of England, trusting that every other establishment will follow its example. At the present time if a cheque is presented to the Bank of England without the stamp being cancelled payment is refused, but if that stamp is virtually cancelled so that it cannot be used again, payment is always made. Therefore I do not think that the inconvenience to which the hon. Member refers is likely to occur. The Government do not contemplate proposing, at present, any alteration in the new Act, or any further conditions to meet the difficulty, which is probably one that wil settle itself in time.

THE MURDER OF MR. ELLIS.

QUESTION.

MR. BRADY said, he would beg to ask whether there is any truth in a statement which has appeared in the Irish Journals to the effect that a person named Burke, the principal evidence in the case of the Cormacks, lately executed at Thurles for the murder of Mr. Ellis, has since confessed, while in the hands of the authorities, that his evidence upon their trial had been false, and given under coercion; whether any investigations had taken place into the circumstances, and what had since been done with Burke?

MR. WHITESIDE: in answer to the first part of the hon. Gentleman's question, said, that he believed the man Burke had made no such confession. In reply to the second part of the question, he had to say that an investigation had taken place. The witness was about to leave the country, as was, unfortunately, not uncommonly the case with such witnesses in Ireland, and it was reported to the Government that he had made some statement to the driver of a car, who drove him from Roscrea to Nenagh. His (Mr. Whiteside's) colleague, had investigated the matter, and found that there was nothing in it. The man had given his evidence in a manner that was satisfactory to the Court. As to the third part of the question, he could not tell where the man was, as he was free to go where he liked; but if he knew where he was he would not tell it.

MR. BRADY wished to inquire if the man had not been under the care of the police?

MR. WHITESIDE said, he was disposed to think that Burke had been under the protection of the police after he gave his evidence, and before he left the country.

BANKERS' DRAFTS.—QUESTION.

MR. CAIRD said, he would beg to ask the Chancellor of the Exchequer whether Drafts or Orders on Bankers in the form of "Debit my account £10," or "Pay myself £10," but not including the words "Bearer on demand," may be drawn at and paid over the Bank counter without a penny stamp; and whether, notwithstanding the recent Act, such unstamped cheques are legal?

THE CHANCELLOR OF THE EXCHEQUER said, that Drafts or Orders on Bankers in the form of "Debit my account £10," or "Pay myself £10," but not including the words "Bearer on demand," were liable, as the Government were advised, to the same stamps which were provided for by the old Act, and not at all affected by the new one. At the same time, the Government were also advised that if the drafts were really paid to the person who drew them over the counter, they were legal without any stamp.

ENGLISH CRUISERS AND UNITED STATES VESSELS.

QUESTION.

MR. LINDSAY said, he would beg to ask the Under Secretary of State for Foreign Affairs whether if it is the case that several merchant vessels belonging to the United States, engaged in the trade with Havannah, or with the West Coast of Africa, have been fired into, boarded, searched, and detained by British Cruisers, and if so, by what authority, or under whose instructions, did the commanders of these ships so act?

MR. SEYMOUR FITZGERALD regretted that he could not give a satisfactory answer last night to the question of the hon. Gentleman, as he was aware the hon. Gentleman was anxious that some answer should go out by the mail which left this evening. He begged to say that in reference to the cases which the hon. Gentleman stated to the House last night the Government had no official knowledge of them whatever. The statement, merely cut from a New York newspaper, had been forwarded to the Government by the British Ambassador at Washington. With regard to one case, that of the *Cortez*, he (Mr. S. FitzGerald) had come to a different conclusion from that of the American newspapers, and was inclined to think that the capture was properly made. With regard to the other cases, he could only say that Her Majesty's Government would deeply regret that any such occurrence should have taken place, and that they were as anxious as the Government of the United States that no such occurrence should take place. The real difficulty arose from the fact that slavers almost invariably hoisted the American flag. Her Majesty's Government had signified to the Government of the United States that they were ready to adopt such measures as the latter might suggest to meet that difficulty. Orders had been already sent out by the Admiralty, giving peremptory instructions to our officers to observe

the utmost caution, and those instructions would again be carefully repeated.

CASE OF MR. WASHINGTON WILKS.

Order for the consideration of his Petition read.

MR. MILNER GIBSON said, he would now beg to move that Mr. Wilks be discharged from the custody of the Serjeant at Arms. He had heard that there were some objections to release Mr. Wilks, but he was not aware exactly what they were; and he should, before entering into any explanation on this petition, desire to hear what these objections were. He made the Motion because he conceived that Mr. Wilks had in his petition withdrawn the particular imputation of corrupt motive which caused the House to pass the Resolution for committal. There might be other parts of the article condemned which might give displeasure to hon. Members, but they were not parts which came under the consideration of the House, and caused the procedure to be taken against Mr. Wilks. He considered that Mr. Wilks having made an apology, and withdrawn the particular imputation of which the House had taken notice, he was in a condition to make a Motion for his discharge.

Motion made and Question proposed,—

"That Washington Wilks, now in the custody of the Serjeant at Arms attending this House, be discharged out of custody, on payment of his fees."

MR. ROEBUCK said, he did not think his right hon. Friend (Mr. M. Gibson) would be in a position to move for the discharge of Washington Wilks till that gentleman had apologised, not only for the particular charge made against the hon. Member for Hereford, but also for his general charge of corruption. He (Mr. Roebuck) wanted to know distinctly whether Mr. Wilks withdrew that general charge of corruption as well as the personal charge against the Chairman of the Committee. Until he received an assurance that Mr. Wilks did that, he should refuse his consent to the Motion of his right hon. Friend.

MR. CLAY said, that he would treat this matter as one affecting any other Member of the House, although it was not easy for the friends of the hon. Member for Hereford (Mr. Clive) to mistate the temper and moderation which that hon. Gentleman had exhibited. Indeed, every Member of the House must feel that it was a matter affecting each individual of it. The libel complained of, though contained in several paragraphs, divided itself into two heads: the first was a charge of open and notorious partisanship—and so open that the hon. Member's partisanship for the Caledonian line had frequently been made the subject of allusion in his presence; the second was the more grave charge of being influenced by corrupt motives. He need not say anything as to this second part, because that particular charge had been withdrawn. As the hon. Member (Mr. Clive) had done him the honour to consult him upon the subject, and to a certain degree placed the conduct of the matter in his hands, he hoped the House would bear with him for entering somewhat into an explanation of what had taken place. He had sent a gentleman well known to Mr. Wilks to say that, assuming his professional honour prevented his giving up the name of his informant, or the names of the authors of the various stories, if he would furnish such details of those stories as would enable the hon. Member for Hereford (Mr. Clive) satisfactorily to disprove them, he (Mr. Clay) would undertake to furnish Mr. Wilks with evidence of their utter falsehood. It was said, for instance, and more or less repeated by Mr. Wilks when he stood at the bar, that the hon. Member (Mr. Clive) had been seen with a stockbroker known to act for the Caledonian Railway, or had been seen in his office, or in communication with him. He undertook to show that this gentleman had never seen or known the hon. Member (Mr. Clive), and to get the most solemn declaration that in no way, either directly or indirectly, had he been either a seller or buyer for investment, or for what was called time bargains, of any railway stock for some years past. He undertook to get a declaration from his own stockbroker to the same effect, in terms as distinct as the ingenuity of man could devise. As regarded the open partisanship, which was said to be patent to the counsel as well as to the audience, he hoped to be able to prove with regard to all of the learned counsel—he knew that he could with regard to one of them—that up to the moment of the decision being given it was uncertain to which side the bias of the Chairman's mind inclined. The statement that the hon. Member was frequently rallied on his partisanship was very easy of proof, but not very easy of disproof; but if there were any gentlemen who had rallied the Chairman, either in or out of

the Committee, they might very easily be found, when, no doubt, they would repeat the statement they had formerly made. His (Mr. Clay's) proposal therefore was that he should, upon his own responsibility, establish the falsehood of all the charges made, but only upon one condition, namely, that the retractation of the whole of those charges should be made at the bar of the House, and should also be published in the paper of which this gentleman was the printer, in a form of words with which he (Mr. Clay) would not trouble the House, but such as any gentleman might sign under the circumstances. This proposal was made verbally to Mr. Wilks before he appeared at the bar, but was not accepted. He (Mr. Wilks) might have conceived that the evidence upon which some of the charges were made was stronger than he had since found it to be. Since that proposal was made, he had seen a letter addressed by Mr. Wilks to his right hon. Friend the Member for Ashton, expressing his desire to inquire further into those charges. He was not now laying any blame upon this gentleman; he merely mentioned this to show to hon. Members that this inquiry having been made, and requiring a very short time to carry out, there would be no excessive hardship, if Mr. Wilks should persist in not retracting the whole of his charge, in his further confinement for a time sufficiently long to enable him to put himself in possession of this evidence, and thus leave him without a shadow of an excuse for not retracting the whole article. With regard to the present petition, he would only remark that it contained but a partial retractation. It retracted, it was true, what was the gravest of the charges, but it left wholly untouched that which was a very grave accusation against any hon. Member of that House acting in his judicial capacity. Why was one-half of the imputation to be retracted and not the other? The charge was that the Chairman had exhibited open and notorious partisanship, and that he was frequently rallied in the Committee for his partisanship. He (Mr. Clay) did not see why that charge should not be retracted. It had been denied that any one ever rallied the hon. Member either inside or outside the walls of the House; and if the statement were not established, he thought that Mr. Wilks must retract it. He (Mr. Clay) would leave it to those hon. Gentlemen who led the decisions of the House to take the steps which would be necessary to carry out the view to which the House might arrive, and would content himself with observing that this apology, as it stood, could not be wholly satisfactory to his hon. Friend—could not be wholly satisfactory to his friends, to whom his honour was dear, and hardly satisfactory to the House, which was very properly jealous of the fair fame of every one of its Members.

THE SOLICITOR GENERAL said, he was sorry to say that he did not think the House could at present arrive at a conclusion which he was sure they would be most willing to arrive at—namely, to accede to the Motion of the Right hon. Gentleman the Member for Ashton (Mr. M. Gibson). The House would remember how the question had been dealt with on the last occasion. A paragraph had been published in the newspaper which the House declared to contain grave and libellous accusations against the Chairman of one of their Committees. The printer and publisher of that newspaper was called to the bar, and one of two alternatives was offered to him, either to retract his statement or to state that he was prepared to substantiate its truth. He declined to retract, and he also stated that he was not prepared to substantiate its truth; and, therefore, according to precedent an order was made for his committal to the custody of the Serjeant at Arms. He (the Solicitor General) could not see how the fact of this Gentleman's committal into custody could make any difference in the terms which had been offered to him—namely, that he should either unqualifiedly withdraw the charges or should state that he was prepared to substantiate them. He should be very glad, if it were shown to be possible, to come to the conclusion that the form in which this petition was drawn was either owing to inadvertence or to the want of a due consideration of the nature of the charges made. In the article complained of in the petitioner's paper there were two distinct charges against the hon. Gentleman the Member for Hereford, one no doubt graver than the other, but both of a most libellous character. The one charge was, that, while sitting in a judicial character as Chairman of a Select Committee, the hon. Gentleman had acted as a partisan—that he had shown a clear animus in favour of one party and against the other; and that in consequence of that improper bias it was notorious that the Bill which was rejected was thrown out. The second

Mr. Clay

imputation was a suggestion that improper conduct was connected with certain corrupt dealings on the part of the hon. Gentleman in Caledonian stock. These being the charges, what was the retractation proposed? The petitioner said that "he humbly submits to the House that he was not the author of the article condemned, and that in causing the publication of that article he was influenced solely by a conception of public duty, which was perfectly compatible with the profound respect for the House which he had ever professed." Then he went on to say, "that he was not at the time of publication aware of what had since been stated to him, that hon. Members before serving on railway Committees made a declaration of entire disinterestedness." Now he (the Solicitor General) could not help remarking in passing that this statement was in his opinion perfectly irrelevant, and that whether such a declaration was or was not made by the members of Committees on private Bills, the charges remained exactly the same. Mr. Wilks proceeded as follows:—"That he unreservedly retracted the imputation of corrupt motive conveyed in the sentence 'Does he (meaning the hon. Member for Hereford) stand quite clear of any transactions in Caledonian stock while the case was pending?' that imputation having been solemnly denied, and the information on which it was founded having been misunderstood by the author of the statement." That was a retractation which, as far as it went, he should submit to the House was satisfactory; but it was a retractation carefully and markedly confined to one point only—the imputation of corrupt motives contained in one out of several sentences. If the petitioner were discharged on this retractation it would be perfectly competent for him to turn round afterwards and say, "I retracted the imputation of corrupt motives because it was denied, but the hon. Member for Hereford still remains under the other imputation which I made against him, and with regard to which the House of Commons has professed itself perfectly satisfied." Mr. Wilks added, "That in making this retractation he was influenced not only by respect to the Resolution of your honourable House, but also by the desire natural to an honest man to withdraw an imputation which he was not able to substantiate, and which he regretted had been made." That again was satisfactory as far as it went; but then came this further passage which complicated the matter still more:—"That in refusing to make this retractation when at the bar of your honourable House on Friday last, your petitioner was actuated by the impression that he was called upon to withdraw the entire article, and thereby to confess that there was no ground for the dissatisfaction which he knows to prevail very extensively in the districts affected by the Bills rejected." So that in point of fact he re-affirmed the whole of the charges except the one which he had specifically withdrawn. Finally, he said:—"That the article, published by your petitioner on the 25th of May, parts of which your petitioner is informed were read to your honourable House, was not intended as a reiteration of the charge denied by the hon. Member for Hereford, but simply as a general answer to what your petitioner felt to be a harsh and arbitrary proceeding." Now he (the Solicitor General) hoped that the House would not adopt harsh or arbitrary proceedings against a person who, from ill advice or from want of knowledge, had made a charge of this description; but he thought that the course which had been taken with regard to Mr. Wilks could not be called either harsh or arbitrary. Mr. Wilks declined at the time to retract the charge or to prove it, and under the circumstances he certainly regretted that the petition had not been couched in different language. The matter concerned, not only the hon. Member for Hereford, but the honour of the whole House; and he thought that they should either give up the practice of taking cognizance of libels of this description altogether, or take care, after entering upon an examination of them, not to render the whole thing a mockery by releasing a person from the custody of the Sergeant at Arms upon an illusory and insufficient apology. For these reasons he was afraid that it was his duty to move as an Amendment to the Motion of the right hon. Gentleman, "That the order for the consideration of the petition of Mr. Washington Wilks be discharged."

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words "the Order for the consideration of the Petition of Washington Wilks be discharged," instead thereof.

MR. KNATCHBULL-HUGESSEN said, he did not wish to make a martyr of any man. He therefore would beg to suggest that Mr. Washington Wilks should be called to the bar again, and, if he re-

tracted the rest of the charges he had made, that he should be discharged; if not, that he should remain in custody.

MR. MILNER GIBSON said, he agreed with his hon. and learned Friend the Member for Sheffield (Mr. Roebuck) that no retractation would be satisfactory that did not withdraw the general charge of corruption; and he felt as strongly as any one that the hon. Member for Hereford was justified, both as a duty to himself and to the House, in taking notice of a charge imputing corrupt motives to him as Chairman of a Railway Committee. He understood, however, that Mr. Wilks had withdrawn or meant to withdraw any charge of corruption. The Solicitor-General, however, said that there was something more than a charge of corruptien involved —there was the charge of partisanship. It might be that particular expressions in newspaper articles were calculated to give offence, and that unjust decriptions might be published of the conduct of hon. Members; but did those articles constitute charges of such gravity that the House would be prepared to commit the persons making them to Newgate? Where they prepared to commit any editor to Newgate —whoever he might be—who stated that the Chairman of a Committee was partial or biassed? If so, there was no gaol in this kingdom that would be large enough to hold the editors who would have to be committed. Now, did the charge of partiality necessarily imply the charge of corruption? Not at all. A man might be partial because he had opinions of a particular character that inclined him to look with favour on one scheme rather than on another, and not be corrupt. Moreover the hon. and learned Solicitor General was in error when he described the Chairman of a Committee as sitting in a judicial capacity alone, because the fact was that in his case the judicial and legislative capacities were combined. Upon this point Mr. May, in his able work upon the practice of Parliament, said—

"The union of the judicial and legislative functions is not confined to the form of procedure, but is an important principle in the inquiries and decisions of Parliament on the merits of private Bills. As a Court it inquires and adjudicates on the interests of private parties; as a Legislature it is watchful over the interests of the public."

Suppose that the Chairman of a Committee, entertaining general views of railway policy, were opposed on principle to competition between railways. With those antecedent views upon railway policy he would naturally not look with much favour upon a scheme which violated his previous convictions. It might be correct to say that such a person was partial, but it by no means inferred that he was corrupt. Was it required of Mr. Wilks that he should appear at the bar and declare his belief, that the hon. Member for Hereford was an impartial Chairman? How could he say that unless he positively knew that there were no feelings with reference to a general railway policy in the mind of the hon. Member? The only paragraphs with which the House had to deal were those that had been taken down at the table; and Mr. Wilks was perfectly ready to withdraw the passage in those paragraphs which implied a charge of corruption. Any reflection upon a man's judgment, or a charge imputing bias, or partisanship even, was not, he submitted, such a charge as the House should take cognizance of. Why, they were all partisans. He had himself recently been charged with being a partisan of the Earl of Derby, and the right hon. Gentleman opposite, and it was said that he discharged his legislative duties under the influence of that partisanship. What would they say, however, if he were to propose to call an editor to the bar, and to commit him to Newgate, for making an accusation of that sort? And yet the essence of the charges was the same. They must draw a line somewhere and he would submit that no charges which fell short of attacking the moral character of a Member should be entertained by the House as constituting a breach of privilege. If they pleased, let Mr. Wilks be called to the bar again. He had no objection; but his opinion was, the charge of corrupt motives being withdrawn, that there was nothing left of which the House ought to take cognizance.

MR. BOUVERIE said, he was inclined to think that his right hon. Friend who was so skilful in drawing Amendments, had had a hand in framing this petition. His right hon. Friend, however, had endeavoured to lead the House away from the real question, which was simply whether that part of the statement which Mr. Wilks had published, and which he had not retracted, was libellous or not of the character of a Member of that House. They all knew pretty well what a libel was. Did that statement tend to injure the character of the hon. Member for Hereford? Was it not a distinct imputation upon his character and conduct as a Mem-

ber of that House in discharging the important functions of the Chairman of a Committee? He thought that was a question which might be very safely left to the common sense of the House: and Mr. Wilks had distinctly and apparently guardedly, refrained from withdrawing that imputation. He therefore entirely concurred in the views which had been so ably and clearly expressed by the Solicitor General and thought that the order ought to be discharged.

MR. ROEBUCK said, his Right hon. Friend the Member for Ashton had said that he had been accused of being a partisan of the Earl of Derby because he was a bad politician. With the latter proposition he (Mr. Roebuck) might agree. The withdrawal of that proposition would be a withdrawal of the former. But here was a very different affair. The hon. Member for Hereford (Mr. Clive) was accused of being a partisan because he was corrupt. What he (Mr. Roebuck) wanted was that the whole syllogism should be withdrawn by the person who might soon be at the bar of the House. Until this man withdrew both parts of the syllogism—its premises and its conclusion—he ought properly to be held in custody. They heard a great deal about the press. He (Mr. Roebuck) was not alarmed at the press—not a bit. If the press accused him to-morrow of murder he did not care. He should not care a farthing about the accusation, because he should know it was untrue. But it behoved that House to consider whether it was allowed these impudent persons to come forward and make accusations of which they had no proof—because at the bar this man was given the power of saying he could prove his accusation. The press was a powerful instrument. There might be people not so thick-skinned as he (Mr. Roebuck), who cared not about the press. But the press came forward and said that the hon. Member for Hereford in his character of Chairman of a Committee of that House had been a partisan because he was corrupt. That was a grave offence, unless the accusation could be proved. Suppose you charged a man with being a thief and you had no ground for the accusation, was it not right that an action should be brought against you? This man had been morally guilty—and he (Mr. Roebuck) hoped that he would state in his paper to-morrow that he had said so—of an accusation against an hon. Member of that House of which accusation he had no proof. He was therefore a coward as well as a malignant calumniator.

MR. GLADSTONE said, he thought that the case was assuming a very serious aspect, and he would frankly own that he did not agree with his hon. and learned Friend that they would simplify this matter by instructing the public in the nature of syllogisms. He ventured to think that the right hon. Member for Kilmarnock (Mr. Bouverie) had misapprehended and misstated the case. It was not the question whether the imputation of partisanship which was not withdrawn was a libellous charge or not. There were many such charges continually made against them. He had read a charge made against himself that very day which he firmly believed to be libellous, and most of them had the satisfaction on most days of reading such charges. But did it follow that although those charges could be noticed in a court of law, where, at all events, their antagonists would meet them on equal terms, and could appeal to an impartial jury, they were to invoke the arm of the House of Commons, and, without affording him the privilege of a trial, commit one of their fellow subjects to custody? He granted it was difficult strictly to lay down the limits within which this House must defend its own honour and the character of its Members; but the question was not what they would be justified in doing—the question was, what it was prudent for them to do. Let him say, in passing, that he had never heard any Gentleman who had been made the subject of a libellous attack conduct himself with so much moderation and prudence as the hon. Member for Hereford. He was perfectly justified in the course he took, because certain definite acts of corruption were charged against him, and it was therefore fitting that that charge should be challenged in the face of the House of Commons. But as to the question of partisanship, the hon. Member for Hereford had given his own answer, and no person could have listened to that answer without being satisfied that it was complete and conclusive. What was the principle on which they regulated their conduct in the House? Was it their practice to bring comments of a libellous nature before the House? No. They passed them over in silence, trusting to the good sense of their countrymen to do them justice; and if the comment was of a nature that re-

quired an answer, they gave that answer in their place in the House, and were satisfied to abide by the verdict of the House and the country. Now, what was the question of which Mr. Wilks had made a partial retractation. He had retracted the charge of corrupt acts—that had entirely disappeared, but there remained the charge that the hon. Member had showed a certain *animus*—was a partisan, in fact, and that his partisanship was open and patent. That was now the whole charge. Well, it was a material point to consider carefully and deliberately, whether they would undertake to call to the bar and commit to prison every person, who through the medium of the press, chose to say of one of themselves that in the exercise of his duties in Parliament—duties not specially performed on oath but general duties—he was under the influence of notorious and patent partisanship. It appeared to him that the power of arbitrary, or rather of discretionary, imprisonment which the House possessed could only be exercised when it was necessary to defend the House of Commons from reproaches that would weaken their power to discharge their legislative duties. Those powers were not in harmony with the constitution or the safeguards which it provided for the preservation of personal liberty, and were consequently of no value to them except up to the precise point where their exercise was supported by general public opinion. It was not for them to commit themselves to doubtful issues. It would not do for them to take the language of Mr. Wilks and endeavour to extract from it something beyond its plain meaning. It would not do to say that there was a syllogism in the proposition. It would not do to say that there was a "therefore" in the case, and that there might be some fragment or shred of the accusation still remaining. It might be the opinion of the right hon. Member for Kilmarnock that it was a prudent thing to commit everybody who charged them with being partisans to Newgate. He differed from him entirely. Such a course might be easy enough in the first step, and perhaps in the second; but they would find themselves involved in increasing embarrassment at every step. He had ventured to declare those opinions because, with all his respect for the high authority of the hon. and learned Solicitor General and of others who had spoken in that debate, he was convinced that they ought to limit their interference to extreme cases, such as where corruption was clearly charged, and that it would be unwise to claim those exceptional powers, when the licence, though it might be outrageous, still did not exceed that which was exercised in ten thousands of instances by the newspaper press—exercised without sufficient regard to reason or justice, exercised in a way that was a source of great pain to themselves and to their friends, but still exercised upon the whole for the benefit of the country.

Mr. ELLIOT said, there could be no doubt that an impression had prevailed in the Committee-room throughout the inquiry that the Chairman was in favour of the Caledonian line. He did not mean to say that the hon. Gentleman intended to encourage such an impression, but he did believe that the hon. Gentleman was acting upon the principle not unknown to many hon. Members of that House, that where an old established railway came before a Committee, it was the duty of the chairman of such Committee to prevent, as far as he could, the establishment of a new line which was likely to compete injuriously with the old. The great bulk of the evidence was in favour of the line which was rejected by the Committee, and which line was supported by petitions from every town, with one exception only, in the district through which it passed. When the line was thrown out, therefore, no doubt it created an extraordinary amount of disappointment and irritation, and many people felt that they were greatly injured by the decision of the Committee. Still, he believed the hon. Member for Hereford was in no respect influenced by improper motives, although he might have been by an improper principle.

The CHANCELLOR of the EXCHEQUER said, he wished to recall the attention of the House to the question which was really before it, and which was a very simple one. He quite agreed with the opinion that had been expressed, that it would be a most unwise expedient for Members of that House whenever they found a statement affecting themselves personally, and which they believed to be libellous, to bring the matter under the consideration of the House. He believed every one would coincide with that opinion, and if in the present case only partisanship, or even violent partisanship, had been

imputed to the hon. Gentleman, it would not have been a discreet act to call upon the House to assert its privileges. The charge, however, which had been made against the hon. Gentleman was not one of partisanship alone, but it was one alleging corrupt motives as the cause of the partisanship imputed. Well, then, the printer and publisher of the paper in which the libel complained of appeared were summoned to the bar, and the person who had been declared guilty of what had been characterized by the House as a false and scandalous libel had an opportunity of substantiating or retracting the statement which he had made, both of which alternatives he refused, and he was then committed to the custody of the Serjeant at Arms. His next step was to present a petition in which he withdrew, though grudgingly, the most painful portion of that which had been declared a libel; but there was another portion, which, if it had been brought forward alone, perhaps would not have been declared a libel, but which, in conjunction with the other portion, had been declared a libel, which he did not withdraw. The House could not allow such conduct to pass unnoticed, nor could it abstain from requiring that fair and decent apology which he should have thought any person would, under the circumstances, have been prompt to offer. There was no course in life more unwise than for an individual, whatever his position might be, if he found it necessary to make an apology, to make it grudgingly. Now, Mr. Wilks had been in the wrong, not only as regarded that portion of the charge which he had retracted, but wrong in that portion which he had not. What said the petitioner in his petition? He said—

"That, in refusing to make this retractation when at the Bar of your honourable House on Friday last, your petitioner was actuated by the impression that he was called upon to withdraw the entire article, and thereby to confess that there was no ground for the dissatisfaction which he knows to prevail very extensively in the district affected by the Bills rejected."

Now, no doubt he had a right to confess that there was dissatisfaction prevailing in the district, but he had no right to refuse to confess that there was no ground for that dissatisfaction, unless he was prepared to offer evidence as to what was the ground of that dissatisfaction. In his opinion there was only one proper course open to the House. The House had declared that a certain individual had published a certain paragraph which was of a libellous nature, and of which a certain portion was now withdrawn, leaving a certain portion unretracted, which, perhaps, the House would not have deemed libellous had it stood alone. Now, the House could not, he thought, recognize the principle that a person might make a grave accusation against a Member of that House, and then, if it were noticed, escape scotfree by the withdrawal of a single sentence. The question was one not affecting the hon. Member for Hereford alone, but it was one relating to the conduct of tribunals of the House in the transaction of the business of the country, and it was of great importance to induce the public to have continued confidence in those tribunals. Mr. Wilks had had the advantage of the advocacy of a most ingenious and able Gentleman, and one who took a very amiable and genial view of human conduct, and he could not help thinking that the right hon. Member for Ashton (Mr. M. Gibson) would, upon reflection, consider that in this, as in all other cases where a person was really in the wrong, and had behaved unjustly to another, he should make a full apology, and that Mr. Wilks ought to come forward and express his regret for the whole of the libellous matter which had been read at the table of the House, and then they would be able with great willingness to free him from the imprisonment in which he then found himself. At the same time it would be a very inconvenient course to allow Mr. Wilks again to appear at the Bar. The proper way of communicating with the House was the established mode of petition, and he hoped that by to-morrow this person would present a petition containing an unqualified retractation of a charge which every one felt to be most unjust, and then they would be able to do that which every Member of the House would be most willing to do, namely, to order him to be discharged from the custody in which he at present found himself.

MR. AYRTON said, the right hon. Member for Ashton had distinctly stated that Mr. Wilks was ready to withdraw every charge of corruption which he had made against the hon. Member for Hereford. When that had been done there, would remain nothing but the general strictures on the conduct of that hon. Gentleman contained in the article in question, and surely it could not be the wish of the House to compel the petitioner to retract

not only the paragraphs which had been complained of, but the entire article of which they formed part. Libellous comments on the conduct of Members of Parliament were so frequent that it would be quite absurd to bring the publishers of the newspapers in which they appeared to the bar of that House. Mr. Wilks ought to be allowed to amend his petition by withdrawing every charge of corruption against the hon. Member; and it was wholly unnecessary to keep him in custody from day to day while the House was criticising somewhat hypercritically the language of his retractation.

COLONEL WILSON PATTEN remarked, that if the person in custody was permitted to withdraw his petition, in order to present an amended one to-morrow, in which he retracted generally all corrupt insinuations, such course would satisfy the honour both of the hon. Member for Hereford and of the House, and would also obviate the evil so well pointed out by the right hon. Member for Oxford University (Mr. Gladstone). It was not desirable that the House should evince too great an eagerness to rebut every charge of partisanship or unfair leaning that was brought against it.

MR. FITZROY said, that the proposition of the Solicitor General, if agreed to, would attain the exact result desired by the hon. and gallant Gentleman who spoke last. The petition having been presented the day before, and ordered to be taken into consideration that day, it was too late now to withdraw it. As that document was now found to be only a partial recantation of what the House had declared to be a scandalous libel, it would be wise to discharge the order for the further consideration of the petition. It would then be open for Mr. Wilks to present another petition containing a complete and sufficient retractation, when the House would doubtless be prepared to set him at liberty.

MR. MILNER GIBSON, in explanation said, he could not even now clearly understand what it was that Mr. Wilks was required to do. If he withdrew the charge of corruption, would that be sufficient?

MR. HORSMAN said, it was obvious that, although the House could not call on Mr. Wilks to retract his opinions, still if that gentleman had alleged certain facts on which he grounded his imputations, he ought to be required to retract those facts. Now, Mr. Wilks had not only asserted that the hon. Member held stock of the Caledonian Railway, and had evinced notorious and patent partiality in the Committee, but that he had been rallied for such conduct both in the Committee-room and out of it. If these assertions were withdrawn the conclusions based upon them would, of course, fall to the ground with them.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Ordered,

That the Order for the Consideration of the Petition of Washington Wilks be *discharged.*

DEATH OF SIR WILLIAM PEEL.

QUESTION.

In reply to Admiral WALCOTT,

SIR JOHN PAKINGTON: I understand the question of the hon. and gallant Member to be, whether any special information has reached the Admiralty with regard to the melancholy death of Sir William Peel. My answer is, that my only intelligence of that lamented event is derived from the telegram which reached the Government early yesterday morning, and which has since appeared in the newspapers of to-day. The Admiralty have received no special information on this painful subject.

MILITARY ORGANIZATION.

RESOLUTION.

CAPTAIN VIVIAN said, he had to claim the indulgence of the House while he called his attention to a question of vast importance, involving the system on which the whole military organization of this country rested. In bringing it forward he had no desire whatever to embarrass Her Majesty's Government. Indeed, he could not conceive how such a discussion could be embarrassing to any Ministry of which his right hon. Friends the present Secretary of State for War and the present First Lord of the Admiralty were members. During the last Session of Parliament the hon. and gallant General at the head of the War Department deemed it his duty to bring under the notice of the House the necessity for clearly defining the relative duties and responsibilities of the various military departments. On that occasion the right hon. Gentleman the present First Lord of the Admiralty spoke

strongly in favour of the views urged by the gallant General; and he found also that on a previous occasion—namely, in March, 1854, the right hon. Gentleman, speaking on the subject of military expenditure, expressed his opinion that the administration of the army would be carried on more efficiently if it were conducted under one responsible authority. This subject had been repeatedly debated in the House, and had been submitted to the consideration both of Committees and Royal Commissions. In 1837 there was a Commission to inquire into the civil administration of the army, which in its Report made several very important suggestions, and laid down distinctly the principle of consolidation. The Report of that Commission was signed by Lord Howick, (the present Earl Grey), Viscount Palmerston, Lord J. Russell, Lord Strafford, Sir John Hobhouse, and Lord Monteagle. It might be considered extraordinary that the Minister of that day, Lord Melbourne, did not attempt to carry into effect the recommendations of the Commission. That Minister, however, was so forcibly struck by the expressions of opinion contained in the Report that he was desirous to embody their suggestions in a Minute of Council; but unfortunately he did not possess such a majority in that House as encouraged him to make changes that were sure to give rise to discussion, and therefore, from motives of expediency, nothing was done. Warnings had been subsequently given to several successive Ministers that on the first outbreak of a great war we should inevitably suffer serious disasters in consequence of the unsatisfactory state of the military departments. The war with Russia came, and those predictions were verified, for he might safely say that the greater part, if not the whole, of the misfortunes that occurred in the Crimea were mainly to be attributed to the maladministration of the military departments at home. As matters then stood there were no fewer than five distinct heads of departments in the army, all of them more or less independent of each other, and exercising a part of the functions of a Minister of War, but none of them invested with snfficient authority to enable them to carry out satisfactorily or efficiently the duties of their respective departments. A few short months of war showed that a system so cumbrous and complicated in its machinery could not be carried out, and raised so strong a feeling both in that House and the country against the administration of military affairs that the Government of the day was compelled to make the changes that soon after took place. He need scarcely say that changes made at such a moment and under the influence of a panic were hastily gone about, ill digested, and ill conceived. A Minister for War was hurriedly created, and the office of Master General of the Ordnance, the oldest military institution of the country, having existed from the time of Henry VIII., was abolished. The duties of the Ordnance Office were divided between the Minister for War, to whom was intrusted the civil administration of the army, and the Commander in Chief. The Secretary at War was put under the Minister for War in an inferior position, and the Commissariat was transferred from the Treasury to the office of the Quartermaster General. The great office of Commander in Chief was left untouched; and, considering that we were then engaged in a war which was taxing to the uttermost the military resources of the country, he thought that it was wise and prudent not to attempt to interfere with the head of the executive of the army. Great inconveniences, if not great misfortune, might have resulted from such a change at such a moment; but, at the same time, it was felt very strongly that they were leaving two great functionaries in such a position as necessarily to create and perpetuate rivalries between them—one a civilian, the other a soldier, both of them obtaining their authority directly from the Crown, but one of them responsible to that House for his acts, while the other was nominally responsible to the Crown, but virtually independent and irresponsible. It was felt that the position of the Commander in Chief would in a great measure depend on the character of the Minister who presided over the War Department, and that if the Minister for War was a man of strong mind and originality of character, the Commander in Chief might sink into a cipher. That differences might arise between the two functionaries intrusted with the military discipline and financial administration of the army had been felt so early as the year 1813, for they formed the subject of a Minute in Council, signed by Lord Liverpool, and issued by the command of the Prince Regent in that year. His Royal Highness in this Minute declared that, various representations having been

made to him of differences existing between the two offices of Commander in Chief and Secretary at War in regard to their respective public duties, he was pleased to command that the line of separation between the duties of the aforesaid offices, which either usage or the provisions of an Act of Parliament had introduced between the financial and account departments on the one hand, and the military discipline of the army on the other, should continue to be observed. His Royal Highness further commanded, that no new order or regulation should be issued by the Secretary at War without previous communication with the Commander in Chief. Owing to the good feeling and tact of those who had presided over the Horse Guards and the War Office since the alterations of 1855, there had been none of those jealousies which might otherwise have arisen. He felt such respect for the Royal Prince who now presided over the Horse Guards, and for the right hon. Gentleman the present Minister for War, that he was confident none of these differences would arise, so far as they were concerned. Nor, as far as the public knew, had any such arisen; but was it wise to leave two great departments so entirely dependent upon the good feeling of their heads for the state in which they found themselves? He would admit that in some respects the alterations of 1855 were great improvements, but in other respects they were the reverse, because they stopped short of the point at which they were directed. Altogether there was a strong feeling that the changes of 1855 were only a small instalment of that military reform which the country desired. The control of the Artillery and Engineers was taken away from the Master General of the Ordnance, the civil administration of these arms being given to the Minister of War and the military administration to the Commander in Chief. A Commission had inquired into this subject some years ago, and among those who had given evidence before it was a relative of his, Sir Hussey Vivian, who had accurately foretold the consequences of dividing the civil and military administration of the Engineers and Ordnance corps. Sir Hussey Vivian said there would be great difficulty in separating the civil and military duties of these officers, and he did not see how they could carry on their duties under two masters. In Ireland and the Colonies these officers, besides their civil and military duties, had the superintendence of barracks. If they were to discharge their civil duties under one officer and their military duties under another, Sir Hussey Vivian said they would be subject to receive conflicting orders. He thought it would puzzle Sir J. Burgoyne to say under whose orders he was at present. He believed that Sir J. Burgoyne administered the patronage of his office, but that all his orders were issued in the name of the Commander in Chief. As regarded the engineer officers, they were left in such an amphibious condition that it was impossible to say to what element they belonged. The letters patent issued when the office of Minister for War was created set forth that Her Majesty granted to him the administration of the army, except as related to its military command and discipline. The whole military control and discipline of the army would therefore appear to be vested in the irresponsible Commander in Chief, while the Minister for War had nothing to do with the military administration, and was only concerned with its financial and civil administration. Viscount Hardinge said before the Sebastopol Committee that the power of the Secretary of State entirely overruled that of the Commander in Chief. Lord Panmure said in the House of Lords that in his opinion the whole patronage and discipline of the army were under the irresponsible control of the Commander in Chief. He thought the opinion of Viscount Hardinge the more correct of the two, and he believed he should be able to show that the Secretary for War interfered with the discipline of the army which the Commander in Chief carried on a large portion of its civil administration. In short, he should be able to show that the whole of the duties of the two departments were so confused and jumbled up together that if they were left in their present position there would be no safeguard against a recurrence of the disasters which in the last war, as he maintained, were almost entirely attributable to the maladministration of military affairs. With regard to promotions, he believed the form which was gone through to be this:—The Commander in Chief submitted to the Secretary for War certain names of officers whom he recommended for promotion. The Secretary for War gave his approval. The names, having received the approval of the Secretary for War, were then submitted by the Commander in Chief to the Sovereign. When the Sovereign's approval had been

Captain Vivian

given, they were returned to the Secretary for War who gazetted them, and who signed the commissions, which were also signed by another subordinate officer. If the Commander in Chief had to obtain the sanction of the Secretary of War to all promotions, he thought that the Secretary for War should accept the whole responsibility, and that he, and not the Commander in Chief should submit the names for the Sovereign's approval. With regard to the land forces for the year, the number was settled at a Cabinet Council, and the Secretary for War, as the mouthpiece of the Cabinet, obtained the approval of the Sovereign. In due course he sent to the Commander in Chief the number of men, and requested him to take the approval of the Sovereign on that number: so that the Commander in Chief had to go through the ridiculous form of asking the approval of the Sovereign to that which had already been decided on, perhaps weeks before, between the Sovereign and Her Ministers. The only object of these idle forms was to give an appearance of independence to the Commander in Chief, which, in reality, he did not possess. If a general officer were required for command in the Colonies or in India, the Commander in Chief submitted the name of some general to the Secretary for War, and if the Secretary for War approved, it was then submitted to the Sovereign. He did not approve this divided responsibility. On the other hand the civil administration of the army was in a great measure carried on by an irresponsible officer, the Commander in Chief. The Quartermaster General, for instance, moved troops at his pleasure from one part of the country to another, and put the country thereby to great expense. The education of the army was one of the greatest anomalies of the present system. It was divided between the two departments, for the control of the military schools at Woolwich and elsewhere was entirely in the hands of the Secretary for War, while the Commander in Chief was in fact, President of the Council of Education. The Commander in Chief appointed a Vice President, and received the reports of the Council; although, if questions were asked in the House, the Secretary for War would be supposed to be responsible for the acts of the Council, over which he had no control whatever. It was a state of things which the Duke of Newcastle had described in the Sebastopol Committee as involving the Secretary for War in a legal responsibility, though he could not be held morally responsible for acts with which he had nothing to do. What the public wanted was direct moral responsibility for all public acts in all the public departments. Last year a Committee was appointed and was still sitting to inquire into certain proceedings connected with the Land Transport Corps. That Committee stated in their report of last Session "that they felt it their duty to call attention to the want of unity and combination which appeared to have characterised the relations of the Secretary of State for War with the Commander in Chief with reference to the formation of the Land Transport Corps." Great hardships occured from the want of a proper understanding between those two great departments. Dr. Andrew Smith, the head of the Medical Department, when examined in 1856 before the Sebastopol Committee, was asked whether the change which had been made in 1855 had had any other effect than to give him one master less; and, he replied, there might be one master less certainly, but not more than one. If we were to be involved in another European war there was no doubt that the same confusion would again arise. In the Contract Committee now sitting evidence was given daily which showed the most extravagant and useless expenditure of public money for want of some controlling power over the different departments. For their own protection the Secretary of State's Department and the Commander in Chief's Department were obliged to keep themselves perfectly separate, and responsibility was made a shuttlecock between them. He did not wonder at the noble Lord the Member for Tiverton saying on a former occasion, "You cannot raise up a wall of brass between the two offices." The fact was that each department was obliged to raise up a wall of brass for themselves. If such were the present state of the two departments, it was important to consider what was the correction needed. It was a saying of the First Napoleon, "One bad General is better than two good ones," and in this sentence was contained the whole pith of the remedy to be applied. The advocates of the Secretary of State's office and the Commander in Chief's, both agreed in the expediency of concentration, each wishing to see the full powers centred in their own office. The question, then, was in which office the concentration was to be made. Now, he thought, an irresponsible Minister

was not one that was likely to find much favour with the House of Commons. He thought, therefore, that the supreme head of the War Department ought to be an officer responsible to Parliament, who would be ready to answer all questions and reply to all criticisms. He did not wish to go into details; but different plans had been proposed from time to time and maturely considered. Earl Grey, some years ago, had made a Motion in the other House on this subject, very much in the same terms as those of the present Resolution. On that occasion Earl Grey quoted from a Report made to him by the late Sir Willoughby Gordon, a military authority of great weight, in which it is stated that the first step towards a reconstruction of the department ought to be to place the Secretary for War, the Commander in Chief, the Secretary at War, the Master General of the Ordnance, and the Paymaster General in one office—each officer transacting his own departmental business, but the whole conferring together under the presidence of the Secretary of State. The right hon. Member for Wilts (Mr. Sidney Herbert), in a memorandum left at the War Office, and in his evidence before the Sebastopol Committee, also spoke strongly in favour of this view of the pre-eminence of the Secretary of State. He suggested that a Board should be formed of all the officers through whom the army was governed, presided over by a Secretary of State, who should have the control of the Commissariat. The right hon. Gentleman and others did not desire to trench on the authority of the Commander in Chief, but to place him in the position in which he ought to stand, and to secure for the public direct responsibility for all matters connected with the administration of the army. The position of the Commander in Chief over the army should be something like that of an engineer of a steam ship; who has the care and superintendence of a great deal of delicate machinery, but is under the control of the captain, who in turn is answerable to the owners for the safe navigation of the vessel. It was said, however, that the result of the arrangement which he proposed would be to change our Royal Army into what some persons were pleased to call a Parliamentary Army, and to diminish the prerogative of the Crown. But what was the position of the Crown at present, with regard to the army? The most that could be said, was that it got a yearly lease of the army, for it was the House of Commons which passed the Mutiny Act, under which, discipline in the army was enforced, and voted the Estimates by which that branch of the public service was maintained, and there was scarcely a day on which questions were not discussed which directly related to the patronage and discipline of the army. Again, he was told that it would bring the patronage of the army under the control of the Minister of the day, and that it would open the door to Parliamentary and political corruption. He did not think that this was an objection which would bear investigation. At present the system of competitive examinations was adopted in the scientific branches of the service, while the patronage which still remained in the hands of the Commander in Chief might be divided under the three heads of first commissions, brevet appointments, and staff appointments; and he did not apprehend, after the public attention which these matters had excited, that that patronage was likely to be abused. He hoped that he had said nothing in the course of his remarks that could give offence to any person. He admitted, if the present system of military administration were to be continued, that it could not be intrusted to safer hands than those which at present wielded it. If he might say so without presumption he should say that his Royal Highness the Commander in Chief had won public favour by the great personal courage which he had evinced in the Crimea; that he had gained the flattering title of "the soldier's friend" by the attention which he had shown to the wishes and requirements of the soldier; and that since he had been at the head of the army he had shown administrative powers of the highest quality, being always ready to listen to suggestions for reform, and to adopt them if they were practicable. It was unnecessary to say anything of the great abilities of the distinguished officer who now held the appointment of Secretary for War; but, great as were the talents of those two persons, if the old vicious principle of duality were allowed to continue, it would be impossible for them to administer the duties of their departments with satisfaction to themselves or advantage to the country. He begged to move :—

"That although the recent consolidation of the different Departments of Ordnance, Commissariat, and Secretary at War has to a certain extent improved the general administration of Military

Captain Vivian

Affairs, a divided responsibility still exists; and that, in order to promote greater efficiency, the Departments of the Horse Guards and War Office should be placed under the control of one responsible Minister."

Question proposed.

GENERAL PEEL said, he fully admitted the great importance of the subject which his hon. and gallant Friend had brought forward, and the able and temperate manner in which he had treated it. His hon. and gallant Friend stated that on former occasions he (General Peel) had himself called attention to this very question. That was quite true, and he had no hesitation in saying that no one could be more convinced than he was of the great importance of defining the duties of the different departments; but, at the time that he brought forward the question, he stated that he was perfectly satisfied with the definition of those duties which had been given by Lord Panmure in a speech in the House of Lords, and by the then Commander in Chief in his evidence before the Sebastopol Committee. In both those cases the duties and responsibilities of the several offices were clearly defined, and all that he stated then was that he thought there should be some more official record of those duties than was contained in speeches in the House of Lords and in evidence before Committees. On acceding to his present office, however, he found that the patent by which he held that office, and which had been already read to the House, did, in a general way, clearly lay down the duties and responsibilities of the department over which he had the honour to preside. The duties of the Commander in Chief were laid down with equal precision and clearness in the patent of his appointment. He had also a memorandum drawn up by his noble predecessor, which clearly defined the duties and responsibilities of the Secretary of State for War, and, he must say, that he never found any difficulty in learning what his duties and responsibilities were, although he had great difficulty in performing those duties. But, as the noble Lord the Member for Tiverton had truly said upon the occasion to which his hon. and gallant Friend had alluded, by far the best security for the effectual performance of the general duties of the Secretary for War and of the Commander in Chief would be found to consist in a cordial co-operation between the heads of those departments. He could bear full testimony to the truth of that remark; for having been almost every day in personal communication with his Royal Highness the Commander in Chief, he could safely say that no difficult question as to the limits of these duties had arisen between them—that nothing had occurred to produce any differences between them. The duties of the Commander in Chief embraced the discipline of the army, the patronage of the army, entrance into the army, and the ordinary promotion in the army. It was, however, the duty of the Secretary of State for War, when an army was about to take the field, acting as the organ of the Cabinet, to appoint the person who was to command that army. On that subject the Secretary of State for War always had a communication with the Commander in Chief, with the view of securing the services of such a person as might be most fit to take that command. The appointments of all the superior and staff officers were recommended, in the first instance, by the Commander in Chief. The Secretary of State for War had the power of approval, and after that approval he must become responsible for those appointments. That, he believed, had been the case in every instance. As to many of the ordinary appointments and promotions in the army, the only duty of the Secretary of State for War, he apprehended, was to take care that, whenever a proper opportunity offered, the list of officers on half-pay should be reduced with the view of lightening the burdens of the country; but the selection of those officers rested entirely with the Commander in Chief. The Secretary of State for War never exercised any discretion in the selection of officers brought in from half-pay. Everything connected with the management of the army, with the exception he had mentioned, was left in the hands of the Minister for War, acting in conjunction with his colleagues in the Cabinet. When an army took the field it was the duty of the Secretary of State for War, the Cabinet having, in the first instance, mentioned the number of men to be engaged, and the nature of the services to be performed, to communicate upon the subject with the Commander in Chief, who then took the pleasure of the Crown as to the different regiments to be employed. In the same way it was the duty of the Secretary for War to communicate with the Commander in Chief respecting the extent and nature of the equipment of the army. These things having been arranged between them, it became the duty of the Secretary for

War not only to furnish the required supplies, but also to be answerable afterwards for the keeping of the proper reserves and everything needful for the army engaged in the field. He believed that the greatest benefit possible had accrued from the recent concentration in one establishment of the different departments of war. Whenever anything was required it could be obtained at once and on the spot, without sending requisitions, as heretofore, from one war department to another. There could be no doubt now as to what were the respective duties of those employed in the War Department. The Resolution of his hon. and gallant Friend stated that there were divided responsibilities in that department, and recommended that the different offices should be placed under the control of one responsible Minister of State. Now, he could not assent to that. At present, the command, discipline, and patronage of the army were controlled by the Crown through the Commander in Chief. If they were to place that control in the hands of a person who was to be a Member of that House and a Minister of State, he must, of course, become a member of the Government of the day. He must be a political partisan, and change with every Administration; and therefore, just as soon as the Commander in Chief had become acquainted with the character and capabilities of the officers over whom he presided—just as soon as he was able to exercise some discrimination in the selection of those officers, he would most probably have to retire from the Ministry and from the War Department in favour of a successor who would have all that knowledge to acquire. But, what was still worse, he would always be liable to the suspicion, although perhaps without foundation, that he had made the patronage of the army subservient to certain political purposes. The country, instead of having the advantage of a person at the head of the army not connected with any party, would merely have a person connected with the Administration of the day. The difficulty in that case would be to find a person duly qualified to fill the important situation of Commander in Chief. for his own part, he thought it would be found to be the most difficult thing possible to place the office of Commander in Chief in a better position than that in which it now was. Everybody must admit that his Royal Highness the Duke of Cambridge performed the duties of that office in a most able and satisfactory manner. His practical knowledge of service in the field and the great interest in which he took in everything connected with the army were well known to everybody. It was a great advantage to have a person in his high position at the head of the army. As to the particular duties of the Secretary for War, he believed those duties to be clearly defined. Everything relating to pecuniary affairs, to the establishment and maintenance of the army was committed to the Secretary of State for War. All matters relating to the administration and government of the army were vested in the Commander in Chief. He was aware that there was no person directly responsible to that House for the manner in which the duties of the Commander in Chief are performed. He was only responsible to the Crown, and it was not impossible that if a complaint were made of the manner in which he exercised his patronage or managed the discipline of the army there would be no means of bringing his conduct under the control of the House. But he would deprecate it as the worst possible change that could be made, should the discipline and command of the army should be subjected to constant discussions in that House. Discussions of that nature had already been carried to the full verge of propriety in that House. Questions were often put respecting this or that promotion. The due prerogative of the Crown was thereby interfered with. His hon. and gallant Friend had alluded to various points, as to the clothing of the army and the different departments now placed under the control of the Secretary of State for War. He (General Peel) was not going to defend the administration of the clothing department as it existed when he entered upon office; but he would observe that the very first thing that he did upon entering on office was to alter that system altogether. A new plan had been devised and would be speedily carried into execution, by which he trusted that the evils which had been complained of would at once be removed; and he might make the same observation with regard to the commissariat and other departments. Nothing could be so difficult as to organize in times of peace any establishment which upon the breaking out of war had to become suddenly expansive. He might state, however, that gentlemen had been appointed to consider the present organization of the Commissariat Department, with the view of

ascertaining what improvements could be made in it. The ground upon which he objected to the Resolution of his hon. and gallant Friend was that it proposed to place under one head the two departments of the Commander in Chief and the Secretary for War. He objected to the discipline and command of the army being placed under a Minister of State for War. That Minister of State might be either Commander in Chief or Secretary for War. It would be equally difficult to find a proper person in either of those offices to discharge the duties of such consolidated office. It would be difficult for any Government to find any mere partisan capable of properly discharging the duties of Commander in Chief; and it was perfectly impossible to submit the duties of the command and discipline of the army to a civilian. Perhaps he had not been long enough in office to form even an opinion as to what improvements might be made in the administration of the numerous departments. The complaints which his hon. and gallant Friend had referred to as having been laid before the House long ago by means of blue-books had been remedied long before the recent alterations. All the evidence taken by the Committee which sat in 1837 had led to the desired improvements. [Captain VIVIAN: What as to the evidence taken before the Sebastopol Committee?] With regard to the evidence of the Sebastopol Committee he could only say that a Committee had been appointed with the view of remedying all the evils of which evidence was given before it. His right hon. Friend the Member for Wiltshire (Mr. Sidney Herbert) had presented two reports upon the medical establishment. Those reports had only recently reached the Treasury, and as Dr. Smith had recently resigned his post of Director General of the medical department of the army, which he had filled with great zeal and ability, he would take care to have appointed in his place a gentleman under whose guidance the recommendations contained in them would receive full consideration and be acted upon. For his own part he had no objection to the Motion of his hon. and gallant Friend, except that portion of it which proposed an amalgamation of the offices of Commander in Chief and Secretary for War.

LORD ADOLPHUS VANE-TEMPEST said, that whatever might be the result of that discussion, he thought that the House and the country owed a debt of gratitude to his hon. and gallant Friend for calling attention to the subject, as well as for the ability and temper with which he had introduced it. One part of the Resolutions of his hon. and gallant Friend admitted the advantage which had arisen from the consolidation which took place under the arrangements of 1855, but expressed the opinion that much yet remained to be done. Now, there was no one connected with the army or interested in its welfare who would not give a cordial assent to that proposition. As regarded the next part of the Resolution, which proposed to consolidate the offices of the Commander in Chief and the Secretary for War, he was somewhat inclined to agree with the opinion expressed by the right hon. and gallant General. It was true that the secret of the efficiency of the French army arose in a great degree from the fact that every individual connected with the army, from the Minister for War to the hospital orderly in a distant station, was an army man, and in the army were all his interests and sympathies. A system of rigorous military centralisation of this nature was no doubt productive of efficiency, but it was unsuited to a country like this, in which a jealousy of a powerful standing army prevailed, in which the feeling of individual liberty had taken deep and strong root. The public in England would not be debarred from interference in military matters, which was sometimes carried to unfortunate results when writers in the press were in the habit of offering empirical proposals for the improvement of the service, which they had not the courage to endorse with their own names. Under the circumstances, he felt it would be impossible to obtain the consent of the House of Commons to placing the whole administration of the army under the control of a military man; and therefore the fact that, if the two offices were consolidated, the whole army would be under the control of a civilian, was an insuperable objection to the proposal of his hon. and gallant Friend. There were, however, many reasons why it would be of advantage that the whole administration of the affairs of the army should be examined into, with a view of defining the responsibilities and duties of each department. The right hon. and gallant General had told them that the most cordial co-operation existed between the illustrious Duke, the Commander in Chief and himself. This was not to be wondered at, for they were both distin-

guished officers, and had only the interests of their profession at heart; but there might occur instances in which an individual might be placed at the head of the War Department, not on account of ability or knowledge, but for the sake of the supports he might bring a Government on account of his influence or debating powers. He had heard a report which he believed to be true, that when a gallant General was appointed to a command in China, of whom no one could dispute the fitness, although, indeed, a certain powerful journal was pleased to attack him with insult and vituperation, the Commander in Chief first learned from the columns of *The Times* that General Ashburnham had been appointed to command the Chinese expedition. The evils of which the hon. and learned Member for Sheffield complained, as being caused by the double government of India, were also caused by the double government of the army, and that hon. and learned Gentleman would add to the debt of gratitude which the country already owed him if he were to exert his eloquence to procure the placing of the army under a Board presided over by a Minister responsible to Parliament. In former times there were five persons concerned in the administration of the army—the Master General of the Ordnance, the Secretary at War, the Commander in Chief, the First Lord of the Treasury, and the Secretary for the Colonies. In 1855 the office of Master General was abolished, and the Artillery was placed under the Commander in Chief; but up to the present day it was undecided under whose control were the Engineers, or from whom Sir J. Burgoyne received his instructions. In former days the Commander in Chief had a considerable control over the transport, the victualling, and the clothing branches of the army, and the Secretary at War, who was the representative of the army then in that House, occupied a position comparatively inferior to that of the present War Minister. Now, however, if we had a civilian at the head of the army, his power and authority as a Cabinet Minister, would enable him to overrule the Commander in Chief. An example of this occurred during the Crimean war. Viscount Hardinge having sent out an order directing a regiment to leave the Cape, the Governor of the colony refused to allow the regiment to leave until he had received an order from the War Minister. Instances of this kind showed that the administration of the army was not what it should be; and though that administration might be satisfactory while the gallant General held his present position, it could not be satisfactory with a civilian at the head of the War Department. The jealousy entertained towards military men would not admit of the adoption in this country of the French system, which was the most efficient, and under which the whole control of the army was placed in the hands of a military man, assisted by other military men at his council board. Therefore a compromise must be sought in order to secure a representation to the civil element; and the best arrangement under the circumstances would be to assimilate the administration of our army to that now so successfully adopted for the navy. A Board should be appointed, composed of the Minister for War acting as President, the Commander in Chief, and representatives from the different branches of the service. The patronage of the army ought, however, to remain entirely in the hands of the Commander in Chief. Our army would no doubt always maintain the high reputation it now enjoyed, but in the event of another war, our military system, unless it were placed on a better footing, would again inevitably break down, as it had done before, not as regarded our regimental system or the character of our regimental officers, but in regard to the departments at home. He had long witnessed and deplored the evils of the present complicated and anomalous arrangements, and he was earnestly anxious that that discussion might lead to the adoption of a better constitution for our War Department, which, while maintaining the control of the Commander in Chief, and abstaining from infringement on the prerogative of the Crown, would yet, by the introduction of judicious reforms, increase and improve the efficiency of the British army.

MR. HORSMAN said, that, after the able and conclusive speech of the hon. and gallant Mover, those who were in favour of his Motion had little left them but to express their general concurrence in his views, and their hope that they would receive from the House the attention they so well deserved. The question of the administration of the army was no longer a mere military one, because both as legislators and civilians they must all feel a deep interest in it. They must all feel that their Votes for the army expenditure—an item that was the heaviest brought before the

Lord Adolphus Vane-Tempest

House—imposed on them as great a responsibility as that which they had to sustain in regard to the efficiency or inefficiency of any other department. Formerly the army was not a popular institution in England. It was supposed to have been an arm which might be relied upon in resisting the advance of popular rights; but recently the gallant exploits of the army in the Crimea, and elsewhere, had brought about a change in public opinion, and unpopularity had given place to universal pride in its achievements and universal sympathy with its sufferings. Its officers had to endure more than any other class from the system of maladministration which the noble Lord who spoke last had deplored. Their most distinguished services were not adequately rewarded, nor were the ablest men raised to those posts which the public interest required that they should fill. The gallant Officer who had brought forward this subject had referred to the consolidation of the military departments which occurred in 1855, tending, as it had done, to increase the efficiency of the army and to concentrate responsibility; and he now asked the House to extend the same principle somewhat further. In 1855 they were led to expect that there was to be a system of clear and intelligible responsibility, to attain which the power was to be concentrated under one head. The reasons which previously existed for not carrying those improvements further were no longer in operation. The relative duties of the Commander in Chief and the Secretary for War might appear clearly defined to the right hon. and gallant General (General Peel), because he was perfectly familiar with the subject; but so far as this House and the country, or even the army generally, were concerned, there was no reason to suppose that any more distinct definition of those duties existed now than last year. On that occasion, when the present Secretary for War brought this subject under notice, he was followed by the First Lord of the Admiralty and the President of the Board of Trade, who thought the division of power so indistinct, the duties so obscure, the authority so undefined, that they called upon the then Government to put the two offices on a clearer and more intelligible footing. This was all that was now asked for. He agreed with the noble Lord who had just spoken that the real test of the efficiency of the present system would be another war. The old system might have gone on for years had it not been for the Crimean War, which exposed all its rottenness and weakness. There was not the smallest desire to impugn the administration of the army offensively as regarded any individual. But it was contended that the worst form of double government was here maintained; and a general feeling pervaded all classes that our present military administration was a most unsatisfactory one; that it gave us an inefficient army, and that it was not creditable either to Parliament or to the country. "Leave the Commander in Chief," was said, "with all his military authority; let his discipline and patronage be untouched; but let us have no double government, no divided responsibility, but a Minister who is responsible to Parliament and who has commensurate power; let him be the responsible head of the military department, and all others be subordinate to him." That was the old constitutional system; and the "duality of administration," as it had been called, was of very recent introduction. What were the arguments, the facts, and the authority on the other side? The right hon. and gallant Gentleman resisted the Motion because he understood the distribution of the duties in question, and because between him and the Commander in Chief no difficulty was likely to occur. But the system could not depend on the accidental event of the nature of the individuals in temporary occupation of office. They wanted a sufficient degree of responsibility, on the part of army officials, to that House; but where was the House to look for remedy, and where was it to attach responsibility? He hoped the Government would complete the consolidation commenced in 1855. The Resolution of his hon. and gallant Friend was a reasonable one, and the opposition to it could not be substantiated by any sound argument. It invited the House of Commons to endeavour to rescue the army from the inefficient administration under which it had so long been suffering. The country, he believed, felt it was time that some interference should take place; that it was necessary for the sake of the army itself, for the national interests, for the character of the House; and he trusted the Government would not persist in their opposition to the Motion.

Mr. H. B. JOHNSTONE remarked, that no one had yet stood up to say anything with regard to the manner in which the militia had been treated. However, as an independent Member of Parliament

and a country Gentleman he felt bound to declare his opinion that no useful body of men had ever in England been treated worse than the militia. He had had occasion to seek an authority to whom he could make some statements relative to matters with which that body was concerned, but he had been unable to find out his master. He had been referred from the Horse Guards to the War Office, and from the War Office to the Horse Guards. He believed that the services of that force would soon be required again, but he was afraid that if the present system continued the men would not be forthcoming when they were wanted. He should have therefore, great pleasure in giving his support to the proposition of the hon. and gallant Member for Bodmin, for he thought that divided responsibility was an evil, and more particularly in military affairs. He could not see why 10,000 militiamen should have been disbanded and sent to their homes, many of them to starve.

SIR FREDERICK SMITH said, he regretted the difficulties experienced by his hon. Friend the Member for Canterbury (Mr. H. B. Johnstone), but if his hon. Friend's business related to military matters he should have gone to the Commander in Chief, while if his business had reference to departmental business he should have sought the Minister for War. He (Sir Frederick Smith) thought that the existing arrangement of a Commander in Chief and a War Minister was working well and that the imperfections that were to be found in the details of the departments would disappear as the existing system developed itself. The Commander in Chief regulated all matters relating to dicipline, and they had in Parliament a Minister responsible for all the departments, including that of finance, and who brought forward the Estimates. He was somewhat surprised to hear his right hon. Friend the Member for Stroud (Mr. Horsman) speak of the bad administration of the army; for surely there were no complaints that the management and the discipline of the army were not what they ought to be. He could not understand what was the object of the hon. and gallant Member for Bodmin (Captain Vivian). Did he wish to place the whole army under the Minister of War or under the Commander in Chief? In the naval department there were four or five officers who seemed to work harmoniously together in a Board, but the duties to be performed differed materially from those which devolved upon the heads of the army. He (Sir Frederick Smith) considered that the changes recently made were substantial and good changes, and that it was desirable that time should be allowed for them to operate, while he had no doubt that any slight defects which might still exist would soon be remedied. He believed that the affairs of the country, so far as the army was concerned, were under both the late and present Secretaries for War in very safe hands, and he would therefore vote against the Motion.

MR. SIDNEY HERBERT said, it was a matter of great difficulty for independent Members to make up their minds how they ought to vote upon incidental Motions brought forward on Tuesday nights, but he thought the best course to pursue with regard to administrative questions such as that now under discussion was not to support a Motion if they did not feel confident that were they in office they could at once carry it into effect. He had heard with very great pleasure the able speech of his hon. and gallant Friend the Member for Bodmin (Captain Vivian), but it appeared to him that the speech was directed to one object and the Motion to another. The hon. and gallant Member spoke of an alteration by which the different military departments might be consolidated, and which in his opinion would materially increase their efficiency. He (Mr. S. Herbert) had stated in a memorandum, which had been published, the views he entertained on the subject, and he still adhered to those opinions. There was some time ago a great cry for "consolidation;" indeed many people seemed to be consolidation-mad; but his own opinion was that if such consolidation had existed before the commencement of the Crimean war there would have been a loud cry for division of labour. He did not think the disasters in the Crimea were attributable to any deficiencies in the military Departments, but the want of efficient men to work them. Good men were more important than any system, while military operations on a large scale could only be successfully conducted by men of great ability and experience, and if after half a century's peace, war should break out, men whose only experience had been gained during a period of peace would under the control of consolidated departments be as unsuccessful as they had been under the system in existence at the time of the Crimean war. Let them look at the ques-

tion as it was propounded in the Resolution. It was then asserted that there was at present a divided responsibility. For his own part, he thought there was too much consolidation, but it appeared that the responsibility was complete. The Secretary of State was responsible for everything done by the Commander in Chief; the Commander in Chief was, in fact, his subordinate officer. He (Mr. Sidney Herbert) was not making this assertion without book. When Viscount Hardinge was examined before the Sebastopol Committee he said, "The Secretary of State's authority is supreme; he overrides me in every respect." When he (Mr. Sidney Herbert) held an office very inferior in authority to that of the Secretary of State for War,—when the difficulties of divided responsibility were much more acutely felt,—when the Secretary at War had for time out of mind been at issue with the Commander in Chief, and when he (Mr. Sidney Herbert) had occasional differences with the Commander in Chief for the time being, although not in the position of Secretary of State, but holding the purse strings, he generally succeeded in carrying his point. In one instance, when a somewhat serious difference occurred between himself and Viscount Hardinge, he (Mr. Herbert) was obliged to yield; and why? Because Viscount Hardinge brought to bear against him a direct order of the Secretary of State, of the existence of which he had not been aware, and he was obliged to succumb. But now there was occasion for no arbiter, the Secretary at War was now likewise the Secretary of State; he was himself the supreme authority and his word was law. It had been proposed to render his responsibility still more distinct by abolishing the office of Commander in Chief, and substituting a chief of the staff, who should discharge for the Secretary of State the duties now performed by the Commander in Chief. He (Mr. Sidney Herbert) thought, however, it would be revolting to popular instincts that a civilian (for it was a mere accident that the present Secretary of State was a military man) should govern the Army and have the control of arrangements affecting its discipline. In what respect was the authority of the Secretary of State over the Commander in Chief incomplete? It had been said that the patronage of the army was not in the hands of the Secretary of State; but what was that patronage? Why, officers in the army promoted themselves; the senior officer bought out the man above him, and the Commander in Chief had nothing to do with the matter. He merely registered the fact, and—unless there was any marked unfitness in the case of the purchaser—he gave a formal assent to the transaction. Then, what was the case with regard to first commissions? The present Commander in Chief had given up the first commissions entirely for public competition through Sandhurst. He (Mr. Sidney Herbert) would express no opinion as to whether that was a wise arrangement or not, but he thought it was very doubtful, because, although competition might be a very good thing after education, competition before education seemed to him indefensible by any logical reason. The patronage of the Commander in Chief was therefore *nil;* and it might be safely given to the Secretary of State, for there was nothing to give. As to appointments of a higher description—those upon the staffs and appointments of Generals to colonial and other military commands—they had never been made without the previous sanction of the Secretary of State, who possessed a check which enabled him, even with regard to the smallest promotions, if the regulations had been evaded, or if there were financial reasons for declining to sanction them, to stop them at the very last moment, because the names were always sent to the Secretary of State to be inserted in *The Gazette*, and without his sanction they could not be gazetted. He thought, therefore, the responsibility of the Secretary of State was complete. He must say it was an awkward responsibility, for the Secretary of State was sometimes obliged to answer questions about matters of which he knew little, and to defend acts of which he had not complete cognizance; but what Minister of the Crown was not in the same position? Take the case of the Colonial Minister. He might question and rebuke acts of his subordinates who were scattered over the world; but, unless their conduct had been so flagrant that he deemed it his duty to recall them, or publicly to reprimand them, he supported the officers who were responsible to his department. He (Mr. Sidney Herbert) concurred in the opinion of his gallant Friend with regard to the manner in which the War Department had been consolidated. He thought the mistake had been in consolidating it so much, and that its authority should have been extended to

the Ordnance without abolishing the office of Master General. In abolishing the office of Master General, and continuing that of Commander in Chief, they had abolished an office which was infinitely more important than that which was retained. The department of the Commander in Chief dealt mainly with the *personnel* of the army, and consisted principally of routine, but the Master General of the Ordnance had under his control the manufacturing department of the army—the preparation of arms, stores, accoutrements, fortifications, defences; and the duties of his office were far more difficult and responsible, and required certainly much higher qualifications than were necessary in the case of the Commander in Chief. The office was also a great prize, which, he thought ought, in fairness, to have been available to the army, and he confessed he had seen its abolition with regret. Formerly the Secretary of State had two military advisers—the Commander in Chief and the Master General of the Ordnance. They had now as Commander in Chief a Prince of the Royal Family, a very gallant soldier, a very upright man, and one who deserved high credit for the manner in which he discharged the duties of his office. It had been considered by the late Duke of Wellington, who, it was said, exaggerated very much in his own mind the unpopularity of the army, that it was requisite that a man of great renown, like himself, or some person of illustrious birth, should occupy the office of Commander in Chief to preserve the army against democratic attacks. There was no fear of such attacks now, for he believed that the army in all its branches was thoroughly popular. By the abolition of the office of Master General of the Ordnance, the Secretary of State had been deprived of one important source of military advice. The Secretary of State was now a check, and a most powerful check, upon the Commander in Chief; but with regard to the Ordnance he was the only check upon himself, and they had, therefore, lost the advantage of an extraneous check on that department. He thought the better course would have been to place all the *personnel* of the Ordnance under the Commander in Chief, leaving the *matériel* under the control of the Master General, and he believed public business would have been greatly facilitated by the existence of two such departments. He knew that complaints were made of the cumbrous system now existing at the Horse Guards, and it was said that it now took three times longer to answer a letter than under the old system. Many of the duties formerly performed by the Master General were now discharged by clerks, and questions were answered and decisions were given by persons to whose opinions on such subjects military men had not been led to attach any weight. With regard to the Motion itself, he must say he did not think there was now a division of responsibility. He believed the Commander in Chief was thoroughly subordinate to the Secretary of State, and that the Secretary of State was thoroughly responsible for every act of the Commander in Chief. He could not, therefore, vote for the Motion, because it seemed to him to contain statements incompatible with the facts.

Colonel NORTH said, he should have no objection to the Motion if the Minister for War could be, as was invariably the case on the Continent, a military person, and not liable to be changed with every change of Government. But if the head of the army was to be a civilian—a Member of the Cabinet, and going out of office with every change of the Cabinet—he was sure it would end in the total break-down of our military system. He would vote against the Motion, because he was opposed to the very possibility of what might be called a Parliamentary Army; for that he felt assured would prove the destruction not of our army only, but of the honour and glory of the country.

General CODRINGTON said, that there were two views of the question, one theoretical and the other practical. No doubt that, theoretically, one undivided responsibility was what was wanted by the public in all the institutions of the country, more particularly in reference to matters of finance, and therefore, according to theory, the whole of the army should come under one undivided responsibility. As, however, the management of the finance would never be given up to the executive of the army, what, in a practical point of view, was the alternative that presented itself? Why, that the army must be placed either under a civilian inexperienced in military matters, or under a Board, similar to the Board of Admiralty, and he thought that, in either case, the change would be disadvantageous. Would it not lower the position of the Commander in Chief, and make him less looked up to by the rest of the army, if

is decisions on matters of military detail were overruled by a civil authority? Neither did he think that the desired responsibility would be attained by the formation of a Board for the government of the army, and he asked whether, under the present Board of Admiralty, many things did not happen in the navy with respect to which it was difficult to fix the individual responsibility? Therefore, he desired to see the army remain under the Commander in Chief, though he agreed with his hon. and gallant Friend (Captain Vivian) in thinking it desirable that the responsibility should be more defined, if not in words, at all events in practice. He conceived that to the Commander in Chief should specially be given the command of the army and the control of its discipline, and that it would be a farce to hold the Secretary for War, a civilian, having many other things to attend to, responsible for the details of the army. Let there be an understanding, either tacit or expressed, that the Commander in Chief should be responsible for all those details which naturally fell within his office, and the Secretary for War responsible for the finance of the army; but to put the Commander in Chief under a civilian would entirely do away with that cordial feeling which enabled two men to act harmoniously together more effectually than any regulation that could be adopted. Though nominally the theory of the hon. and gallant Officer who made the Motion was very good, and though the House of Commons would greatly wish to bring everything under its own ken and control, yet he thought that to bring the office of Commander in Chief and the patronage and rewards of the army into discussion in that House would be a proceeding injurious in its effects, not only to the army, but also to the House itself. To the second part of the Resolution he could not agree, because it would give rise to many evils, and bring within the scope of mere party discussions what had much better be kept beyond their range.

VISCOUNT PALMERSTON said, that though he fully agreed with those who had paid high compliments to his hon. and gallant Friend for the very able and dispassionate manner in which he had handled this important subject, he could not concur in the Resolution which he had proposed. Those who argued in its favour had had objects which appeared to him to be, to some extent, incompatible with each other. His right hon. Friend the Member for Stroud (Mr. Horsman) for instance, argued very strongly in the early part of his speech for a more accurate definition of the duties of the Commander in Chief and of the Secretary for War; but at the conclusion of his observations he urged the union of these two offices, and therefore the abolition of any distinction between the duties of the two officers. A great deal had been said with respect to the complications of our system, the subdivision of offices, and the breakdown which in the earlier part of the Crimean war resulted therefrom; and they were told that the same thing would occur again whenever war broke out, and therefore it was necessary to make the change which was now proposed. That argument was like saying to a man, "Four or five years ago you had a very ill-put-together carriage, and it broke down with you; since then it has been repaired and rebuilt, and therefore it will break down the moment you attempt to make another journey in it." Hon. Gentlemen forgot that the system which produced the destitution and the other evils which afflicted the army in the early part of the Crimean war was abolished in 1855, and that the result of the consolidation of the departments which then took place was, that when the army came under the command of his hon. and gallant Friend who had just addressed the House (General Codrington) it was, as regarded all that concerned its well-being and good condition in the field, a model army. Therefore hon. Members ought to dismiss from their minds all the arguments which had been founded upon the mischances which resulted from the former subdivision of offices, and to look only to those military arrangements which now existed. It was quite true that formerly we had the Commander in Chief, who controlled the discipline of the Line; the Master General of the Ordnance, who was charged with that of the Artillery and Engineers; the Secretary at War, who was at the head of the accountant branch of the army; the Secretary of State for the Colonies, who was also Secretary of State for all the great arrangements of war; the Treasury, which controlled the Commissariat and the Ordnance, which had an office of account separate from that of the Secretary at War. The Secretary at War was frequently not a Member of the Cabinet; there were, therefore, a multitude of authorities, and it was not at all surpris-

ing that among them there should be conflicting opinions, independent action, and confusion. In the year 1855 we put the whole discipline of the army, including the Engineers and Artillery, under one head, the Commander in Chief; the office of Secretary of State for War was separated from that of Secretary for the Colonies; that of the Secretary at War was merged in the office of Secretary of State for War, who had transferred to him the Commissariat and the entire management of the militia, and acquired the superintendence of all the civil departments connected with the supply of the army. As matters now stood, as the right hon. and gallant Gentleman the Secretary for War had shown by reading his patent, everything that related to the civil service of the army, to supplies of all kinds, whether of stores or other *matériel*, was under the control of the Secretary of State for War; while the Commander in Chief had the sole arrangement of the discipline of every branch of the military service. If there was to be any division—if we were not, like continental nations, to have a Minister for War who should be paramount over everything, he could conceive none which would be more proper and more advantageous than this. It had been urged against the right hon. and gallant Gentleman the Secretary of State for War that last year, when out of office, he advocated the drawing of a more accurate line of distinction between the offices of the Secretary of State for War and the Commander in Chief, but that now that he was in office and knew practically what that line was, he was satisfied that it was sufficient. This was no proof of inconsistency on the part of the right hon. and gallant Gentleman; it only showed that, being now more intimately acquainted with the real state of things, he found that it was somewhat different from what he imagined it to be when he only looked at it from without. If, however, any evils of detail, such as that affecting engineers to which his hon. and gallant Friend had referred, arose from the operation of the present line of distinction, he had no doubt that those who were at the heads of departments would find no great difficulty in remedying them, and that they would feel it to be their duty to do so. On all these grounds, therefore, it appeared to him that, generally speaking, the line of division between the functions of the Secretary of State and the Commander in Chief was now sufficiently established. Then came the main question as to whether you should merge the two offices and place them under one chief. What had been stated in the course of the debate showed that that could not be done consistently with a due regard to the public interests. Every military man would tell you that you could not place a civilian at the head of the discipline of the army. The army would not pay respect to a civilian as Commander in Chief; they would not value his praise, they would not care for his censure. They would say, "He is a civilian, and knows nothing of these things; we know much better than he does whether we deserve praise or censure." The spirit of the army would be destroyed, and the emulation to obtain the approval of the superior which now exists would cease. Then, again, a civilian would change with the changes of Government; there would be no permanence, no unity of system; one Secretary of State would undo what another had done, the army would be in a state of perpetual change, and thus great inconvenience and great detriment to the military service would be caused. "Oh! but then," it was said, "you could have a military man in this office." If you did, he would change with the Government, and there would be all those evils of instability to which he had already referred. Further than this, he must observe, without intending any disparagement to military men, that their habits and employments generally withdrew them from public life, and that it might not be easy for a Government to find a military man who should combine with high military qualities and long standing in his profession that general knowledge of public affairs which would make him a useful Member of the Cabinet. It therefore seemed to him to be essentially for the interests of the service that you should not have one man to be what in foreign Governments was called the Minister of War, who combines in his own person the control of the civil departments of the army and also of the military discipline and patronage. It was then said we might have a Board; a Secretary of State changing with successive Governments, but who should have under him as subordinate members of a Board, the Commander in Chief, the Master General of the Ordnance, and so forth. He was not one of those who thought a Board a very good instrument of administration.

It had undoubtedly answered in the navy, and although his hon. and gallant Friend might wish for its abolition in that case, he certainly did not. Nevertheless, he did not think that as a rule a Board was a good instrument of administration, and certainly if the Commander in Chief was to be only the subordinate officer of a Board presided over by a civilian—if he were to be reduced to the condition of a Lord of the Admiralty, he did not think that the army would feel for him that respect which it was essential that the person who was at the head of the discipline and patronage of the army should command. The conclusion to which he came, therefore, was that the present arrangement was in principle the one which it was most desirable to maintain. Hon. Gentlemen spoke of the Commander in Chief as an irresponsible officer. He was irresponsible in so far as he was not represented by any person in that House, but he (Viscount Palmerston) could not constitutionally admit that any person who gave advice to the Crown upon the public service was an irresponsible officer. The truth was, that the Cabinet—the Ministry of the day—were the parties who were responsible for everything that was done in any department of the State, and though they might not and ought not to interfere in the daily and ordinary administration of the office of the Commander in Chief, yet on any material points affecting the interests of the army there would always be previous communication between the Commander in Chief and the responsible advisers of the Crown, and in case of difference their opinion, if deliberately, fully, and firmly expressed, was sure to prevail. It was true that House ought to have a control and superintendence over every department of the State; but the functions of the House were those of control, not of administration, and if there was one department of the public service more than another in regard to which it would be prejudicial for the House of Commons to take upon itself the administration of affairs, that department was the army; for, if the officers of the army had to look to friends and supporters in that House to have their interests promoted, their advancement accelerated, and their faults and errors screened, the army would cease to be that efficient body that they were proud to know it was, and would fall into a state of anarchy and confusion, by which the public interest could not fail to suffer. The result of these views was, that he could not agree to the Motion of his hon. and gallant Friend. He thought the union which he proposed of the offices of the Commander in Chief and the Secretary for War would be a union incompatible with the interests and efficiency of the army, and that it would be better to maintain, as at present, a division between the two—having a Secretary for War directly responsible for the administration of the civil branches of the service, and a Commander in Chief who was also responsible—for he could not admit that he was not—for his administration of its discipline and patronage.

CAPTAIN VIVIAN in reply said, the Secretary for War, the right hon. the Member for North Wilts (Mr. S. Herbert), and the noble Lord the Member for Tiverton (Viscount Palmerston), had altogether misinterpreted his intention in introducing this Motion. They held that he was desirous to place the Commander in Chief in a very inferior position to that which he now held, and to bring the control and patronage of the army under the House of Commons. Now, he had carefully guarded himself in the remarks which he made on these points. He stated that it was not his intention to trench on the authority of the Commander in Chief as regarded the control and discipline of the army, and that he had no desire to bring the patronage of the army under Parliamentary influence. He simply wished that the Commander in Chief should be placed before the public in the position which the right hon. Gentleman (Mr. S. Herbert) said he now held, and, if in reality he did not hold that position, then it was for the House to say whether he should or should not. He hoped the House would gave its sanction to the Motion which he had thought it his duty to bring forward.

Question put,—

"That although the recent consolidation of the different Departments of Ordnance, Commissariat, and Secretary at War, has to a certain extent improved the general administration of Military Affairs, a divided responsibility still exists; and that, in order to promote greater efficiency, the Departments of the Horse Guards and War Office should be placed under the control of one responsible Minister."

The House *divided*:—Ayes, 106; Noes, 104; Majority, 2.

List of the AYES.

Agnew, Sir A.	Anderson, Sir J.
Akroyd, E.	Ayrton, A. S.
Alcock, T.	Bagshaw, R. J.

Baines, rt. hon. M. T.
Barnard, T.
Bass, M. T.
Baxter, W. E.
Beale, S.
Biggs, J.
Black, A.
Bland, L. H.
Brady, J.
Bright, J.
Browne, Lord J. T.
Butt, I.
Caird, J.
Calcutt, F. M.
Campbell, R. J. R.
Collier, R. P.
Coningham, W.
Conyngham, Lord F.
Cox, W.
Craufurd, E. H. J.
Crossley, F.
Dalglish, R.
Dashwood, Sir G. H.
Davey, R.
Denison, hon. W. H. F.
Dent, J. D.
Dillwyn, L. L.
Duff, M. E. G.
Duke, Sir J.
Elmley, Visct.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
FitzGerald, rt. hon. J. D.
Forster, C.
Fox, W. J.
French, Col.
Glyn, G. G.
Greene, J.
Gregory, W. H.
Gregson, S.
Grenfell, C. W.
Griffith, C. D.
Hadfield, G.
Harris, J. D.
Hay, Lord J.
Headlam, T. E.
Hencage, G. F.
Horsman, rt. hon. E.
Jackson, W.
Johnstone, hon. H. B.
Kershaw, J.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Langton, H. G.
Lindsay, W. S.
Mackie, J.
Mackinnon, W. A.
Marshall, W.
Martin, J.
Mellor, J.
Morris, D.
Napier, Sir C.
Paxton, Sir J.
Philips, R. N.
Pigott, F.
Ramsden, Sir J. W.
Ramsay, Sir A.
Rawlinson, Sir H. C.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Salisbury, E. G.
Schneider, H. W.
Smith, J. A.
Smith, J. B.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Trelawny, Sir J. S.
Trueman, C.
Turner, J. A.
Waldron, L.
Weguelin, T. M.
Westhead, J. P. B.
Whatman, J.
White, J.
Willcox, B. M'Ghie.
Williams, W.
Wise, J. A.
Woodd, W.
Wyld, J.
Young, A. W.

TELLERS.

Vivian, J. C. W.
Goderich, Visct.

List of the NOES.

Adams, W. H.
Adderley, rt. hn. C. B.
Alexander, J.
Bailey, C.
Baillie, H. J.
Ball, E.
Baring, rt. hon. Sir F. T.
Bernard, T. T.
Bernard, hon. Col.
Beecroft, G. S.
Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blake, J.
Booth, Sir R. G.
Botfield, B.
Briscoe, J. I.
Brocklehurst, J.
Buchanan, W.
Buller, J. W.
Cartwright, Col.
Child, S.
Close, M. C.
Cobbett, J. M.
Codrington, Gen.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Collins, T.
Corry, rt. hon. H. L.
Cubitt, Mr. Alderman
Disraeli, right hon. B.
Edwards, H.
Elphinstone, Sir J.
Elton, Sir A. H.
Ferguson, Sir R.
FitzGerald, W. R. S.
Forde, Col.
Gard, R. S.
Graham, rt. hon. Sir J.
Greaves, E.
Gray, Capt.
Grogan, E.
Gurney, J. H.
Haddo, Lord
Hamilton, Lord C.
Hamilton, G. A.
Hardy, G.
Hassard, M.
Hayter, rt. hn. Sir W. G.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Hill, hon. R. C.
Hodgson, W. N.
Hornby, W. H.
Hotham, Lord
Jervoise, Sir J. C.
Knatchbull-Hugessen, E
Knight, F. W.
Lennox, Lord H. G.
Lygon, hon. F.
M'Clintock, J.
Mainwaring, T.
Malins, R.
Manners, Lord J.
Miller, T. J.
Miller, S. B.
Mowbray, rt. hon J. R.
Naas, Lord
Newport, Visct.
Nisbet, R. P.
North, Col.
Ogilvy, Sir J.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palmerston, Visct.
Paull, H.
Peel, rt. hon. Gen.
Power, N.
Pugh, D.
Pugh, D.
Puller, C. W.
Rolt, J.
Rust, J.
Scott, Major
Seymour, H. K.
Smith, Sir F.
Spaight, J.
Spooner, R.
Stapleton, J.
Stephenson, R.
Steuart, A.
Sullivan, M.
Tancred, H. W.
Tempest, Lord A. V.
Trollope, rt. hon. Sir J.
Verney, Sir H.
Waddington, H. S.
Walcott, Admiral
Walpole, rt. hon. S. H.
Warren, S.
Wickham, H. W.
Wilson, J.
Woodd, B. T.
Wynne, W. W. E.

TELLERS.

Jolliffe, Sir W.
Taylor, Col.

ISTHMUS OF SUEZ CANAL.

RESOLUTION.

MR. ROEBUCK, in rising to call the attention of the House to the subject of the Suez Canal, said that the Motion he had to put upon the paper apparently concerned only a canal, but in reality there was bound up with it the honour and interest of England. He believed it would be found on investigation that the honour of England had been sacrificed, that her great name had been dragged in the dirt, and that we had behaved in a selfish and base manner in regard to this affair. In order that he might make out these assertions he would, with the permission of the House, introduce a short description of the state of things connected with the canal. At the time when this matter was first broached the Turkish empire was in the process of dissolution. It was in that state that the great feudatories of that empire were one by one becoming independent, and among them one of the most formidable was the Viceroy of Egypt. This great feudatory of the Turkish empire very nearly united Turkey to Egypt by destroying the independence of Turkey, and becoming himself the Sultan of Turkey. This country prevented that result, and the name of

Suzerain remained to the Sultan, the Viceroy of Egypt continuing to be called his feudatory. While the relations between Turkey and Egypt were in this unsatisfactory condition there arose the question of making a canal across the Isthmus of Suez, and one of the conditions required to enable parties to carry that project into execution was the assent of the Sublime Porte. Thereupon came the interference that he deprecated. The power and influence of England were employed to induce the Sultan to withhold his assent to the project, and it was on the fact of our influence having been so employed that he asked the House to pronounce an opinion. He would begin by laying down two or three general propositions, which he trusted would be distinctly answered by those who opposed him. The first was that facility of transport from one part of the earth's surface to another was for the benefit of mankind at large. His second proposition was that a canal across the Isthmus of Suez would facilitate the intercourse between Asia and Europe. If his premises were correct his conclusion could not be denied, and it was that the formation of a canal across the Isthmus of Suez was for the happiness of mankind. Now, the proposition he deprecated was, that what was for the interest of mankind was not for the interest of England. He contended that the House of Commons had nothing to do with the physical difficulties lying in the way of this project, or with the commercial circumstances connected with it. If those who proposed its construction would persuade capitalists to lend their money for a canal it was no part of the duty of the House of Commons to act as the protector of the capital in private hands. Let capitalists do what their prudence suggested. All that the House of Commons had to do was to consider the political aspects of the question. He might be told that the House had to do with the physical and commercial features of this question, and that, in agreeing to a railway from one part of England to another, Parliament did inquire into the commercial circumstances of the project. That was true, and Parliament acted wisely in so doing, because a railway was not made without conferring powers upon individuals which they would not otherwise have possessed, and Parliament had a right to consider whether it was for the interest of the country that those individuals should possess those powers. But no such inquiry came before the House in regard to the canal across the Ithmus of Suez. All that they had to consider was whether the formation of such a canal would be for the interest of England. He was prepared to maintain that the interest of England herein was entirely identical with the interest of mankind. The traffic with India had always been a matter of concern with the people of Europe. Before the passage round the Cape of Good Hope was discovered our commercial transactions with India were carried on overland and through the Mediterranean. After the discovery of the passage round the Cape of Good Hope the commerce with India was transferred to that route, thus showing that, although the passage was so much longer, the merchant was repaid the cost of the longer voyage by the ability to send his produce in a ship that was not obliged to discharge her cargo. A lesson might be derived from this fact that was applicable to the present question, because they were now told, that although the canal would aid the merchant in carrying the produce of Europe to India without transferring the cargo, yet that the railway across the Isthmus was a better mode of transport than the canal. His answer was that this had nothing to do with the question. The railway might be a better mode of transit, but that House had only to consider the political interest of England, which could not be injured by a safe and easy transit from Europe to India. If there were one thing that distinguished man and gave him almost Divine attributes it was when he conquered Nature to his own uses, and made her power minister to his wants. Among the most marvellous of his conquests was his ablity to make the very globe he trod upon minister to his happiness, and if by his art and science he could do away with the difficulties which the formation of the world threw in his way he was placed in a position almost Divine. He then showed himself worthy of the position he occupied on earth, and exercised the faculties God had given him in a worthy manner. If, however, in this race for supremacy petty jealousies, a little crooked policy, and mean passions were elicited, it was little for the glory of the nation in which they were displayed. The people of England had a greater traffic to India than all the rest of the world put together. If any one were to be benefited, they would be benefited; but, at the time when, by the improvements of art and science, they were able to conceive the project of cutting through the Isthmus of

Suez there came a Minister who told the people of England that it was not for their interest that the project should be carried out. The Minister who counselled the people of England to throw in their weight against the scheme was the noble Lord the Member for Tiverton; and to support that view the hon. Member for Whitby (Mr. Stephenson), altogether travelling out of the province of an English legislator, said, that, scientifically speaking, it was a mad project. [*A laugh.*] He heard a laugh; but it only convicted the author of it of utter ignorance of his duties as a legislator, which were to consider the political interests of England. The noble Lord put it on that ground. He did not say that the project was physically impossible, but he distinctly said it was not for the interests of England that the canals should be made. He would grapple with that point. Our dominion in India depended on our maritime superiority. The moment we ceased to be the ruling maritime Power, that instant we lost our dominion in India. Did we, by making a canal across the Isthmus of Suez, lose our maritime superiority? No; but it was said that there were times when the Mediterranean was in possession of a French fleet. So it was; and one of the most remarkable instances of the result of that state of circumstances was the expedition of Napoleon Bonaparte to Egypt. The consequence was that our naval superiority was vindicated, and we shut up Napoleon and his army like rats in a trap. If for a moment the French were superior in the Mediterranean, no doubt they could, if they pleased, go through the canal. But so they could round the Cape of Good Hope, if they were superior in maritime force. But let the House consider the consequence of a French fleet going through the Isthmus of Suez and a superior English fleet pursuing them, they would be caught in the Red Sea like rats in a trap, and our maritime superiority would be vindicated. The danger arising from the expectation that at some moment France or some other Power might be superior in the Mediterranean was altogether illusory, and, in fact, we were sacrificing the interests of England and of mankind to a wholly imaginary danger. The traffic of India within a very few years had doubled, and the traffic of England with India was greater than that of all the rest of the world combined. If any one, then, would derive benefit from the easy transit of goods to India it was England. Our mercantile enterprize would be benefited more than that of any other part of the world. We should make India what we wished to make it—namely, an integral part of our own empire, and it would be as if we had brought India so many thousands of miles nearer England. Upon all the broad principles of policy, both as regarded England and as regarded the world, the proposition which he maintained was true. What he wished the House to declare was

"That the power and influence of England ought not to be employed in order to induce the Sultan to withhold his consent from the formation of a canal across the Isthmus of Suez."

He could not help thinking that a great part of the opposition which had been raised to the canal had arisen from the fact that it originated with Frenchmen. The Chancellor of the Exchequer said last night that when he came into office the relations of England and France were such that we were upon the eve of a war—that the policy which the Government was obliged to pursue was so different from that of the noble Lord the Member for Tiverton, that there was danger of raising the ire of the French people, and bringing on war. He would ask the Chancellor of the Exchequer whether, with that notion, he was at all aware what was the state of feeling in France in consequence of the opposition to the formation of the Suez Canal—whether he was aware that there was a feeling in France that we were an insolent, an insular, a grasping, and a selfish people, and he would then ask whether our interposition to prevent a great work which was for the benefit of mankind did not justify that feeling on the part of the French people. He might be told that this was a matter in which the House of Commons ought not to interfere. That was a favourite argument with many hon. Gentlemen. He had seen the House of Commons quiescent in matters in which if it had only moved its little finger great injury would have been prevented. He had seen war declared, war carried on, peace concluded, and no mention made of the matter in the House of Commons. Those who represented the people of England would do well to represent to the nations of the earth, that the people of England did not partake of the selfishness of their past rulers, and that those rulers had mistaken the feeling of the people of England, and misrepresented them. If there were one thing more than another which would conciliate the people of Europe, and among them the

people of France, it was showing that the English were a magnanimous people; that they did not oppose that which was for the happiness of their brethren, and that they were willing as a nation to assist in enabling man to conquer nature. In that point of view the work contemplated by the Viceroy of Egypt did him honour. They were very much in the habit of talking of the Egyptians and their ruler as barbarians. Barbarian if he were, he had set us a bright example. He had said, "My country stands in such a way that it is an obstacle in the facility of transport from one part of the earth's surface to another. I will, to the utmost of my power, lend my aid in order to get rid of this difficulty. I will not consider my own private interests. I am told that I have railways and canals which will suffer, but, notwithstanding, I am prepared, for the benefit of mankind, to give the nations of the earth means of transport across my country." There was another part of the earth's surface placed in the same circumstances—namely, the Isthmus of Panama, and at this moment they found the people of the United States, of France, and of England, taking a great interest in making a canal and railroad across it. But if it were to the interest of mankind that the obstacle of the Isthmus of Panama should be done away with, it was ten times more important that the Isthmus of Suez should be cut through, because the Continent of India would be reached much more rapidly, China would be got at much more easily, and the greater part of the commerce of the world would be greatly facilitated by such a construction. The route across the Isthmus of Panama would certainly open up the western shores of America, and perhaps our distant possessions in Australia; but our distant possessions in Australia would be brought nearer by the formation of a canal across the Isthmus of Suez than ever they could be by a canal across the Isthmus of Panama. In fact, by the Suez project Australia, the Indian Archipelago, China, India, the eastern shores of Africa, and all up the eastern shores of the Bay of Bengal, would be brought nearer, and he thought that no one could doubt that a very much larger proportion of the earth's surface would be opened up to commerce by a canal across the Isthmus of Suez than across the Isthmus of Panama. He sought in vain for any tangible argument against this project. He could not imagine what was the reason of the noble Lord the Member for Tiverton for opposing the scheme, for anything more puerile, he had almost said anile, than such a course could not be conceived. Some people said it was a crotchet of the noble Lord's; but was a crotchet to stand in the way of the execution of the greatest physical work ever undertaken since man was upon the face of the earth? If this canal were cut, not only would Asia, Africa, and Australia be brought nearer to the rest of the world, but a great highway would be established which would be the civilizer of mankind. Men talked of our institutions here for civilizing mankind, of our combinations for christianizing the world, but all of them sank into insignificance in comparison with the means of spreading civilization, which the formation of this canal presented. Intercourse between man and man was the true mode of civilizing mankind. It was said that this canal might be the means of separating Egypt from Turkey; but that idea was entirely opposed to all the lessons of history. Mountains might separate nations, but rivers never; they had invariably been the means of uniting mankind. He thought, then, that the proposition he had laid down, in the commencement of his speech, was true, that to facilitate transit from one point of the earth's surface to the other was for the happiness of mankind; that the formation of a canal across the Isthmus of Suez would greatly promote that object; that, therefore, the formation of such a canal was for the happiness of mankind, and that what was for the happiness of mankind could not be contrary to the interests of England. Before resuming his seat, he would call the attention of the House to the circumstances under which this canal was brought before the world. The present Government called themselves great friends of the French alliance, and they would find, if they came to talk with their own Ambassador, or with any intelligent Frenchman, that this matter had a very important bearing on the alliance. The conduct of the noble Lord the Member for Tiverton on this question had excited universal attention abroad, and he hoped that the present Government would not follow the example of opposing in office what they had supported on the other side of the House. The Viceroy of Egypt, when first this scheme was suggested, had taken the most impartial means of ascertaining whether the physical difficulties were insurmountable or not. He had employed a Commission of Engineers from France, England, Prussia, Austria, Spain, and Sardinia, to survey the route and to re-

port on the project, and the concurrence of these eminent men in the feasibility of the plan was not to be upset by the mere *ipse dixit* of one Member of the House of Commons, however eminent. Common sense must tell every one that the cutting this canal was for the interest of mankind, and he hoped the House, therefore, would give its sanction to his Resolution, which he would now conclude by moving.

MR. MILNER GIBSON seconded the Motion.

Motion made and Question proposed,—

"That, in the opinion of this House, the power nd influence of this Country ought not to be used in order to induce the Sultan to withhold his assent to the project of making a Canal across the Isthmus of Suez."

MR. DARBY GRIFFITH said, he could not understand how it could be the policy of this country to oppose any obstacle to a project which would facilitate the commercial intercourse of the world. With regard to the facts of the case, from being well acquainted with the locality, he was very much inclined to agree with the views of the noble Lord the Member for Tiverton, as to the physical and engineering difficulties of the scheme. No one could be more sensible of those difficulties than himself. In the first place the works would have to be upon a gigantic scale, extending eighty miles from one sea to the other, and constructed under a burning climate, through a country devoid of the means of sustaining life, and altogether destitute of a supply of water. At each end of this long track through the desert they would have to run a channel into the sea, from two to three miles in length, by means of an artificial prolongation of piers to protect the Channel from the action of the waves. On the side of the Red Sea these difficulties might not perhaps be overpowering. But on that of the Mediterranean you would have to bring every stone for the proposed piers from long distances, to deposit which in a shallow and exposed coast would be a work of great danger and difficulty. He, therefore, agreed with the noble Lord, that it was very improbable that this scheme could prove to be a successful commercial speculation. The noble Lord the Member for Tiverton stated one of his objections to this measure to be that it would be extremely dangerous and injurious to our interests to afford such a means of transit to our great rivals in the Mediterranean. He (Mr. Griffith) could not appreciate the value of that objection, inasmuch as the advantages to each would be coequal. He need scarcely remind the House how, during the past year, great numbers of people in this country had trembled for those who were near and dear to them in India, and on the arrival of the news of the mutiny, when it was determined to send an army out to the relief of the English troops there, how great was the public anxiety throughout the kingdom to have those gallant men conveyed as speedily as possible to the scene of action. If at that time we could have embarked the troops in our large steamers, and conveyed them right on to India by the Red Sea, without any break in the transit at the Isthmus of Suez, how much of anxiety would the country have been spared, while the mutiny might have been divested of many of its horrors. It would be in the recollection of the House that at an early period after the arrival of the intelligence of the mutiny it was suggested that we should send our troops by the overland route, and that the noble Lord the Member for Tiverton on that occasion dwelt on the extreme difficulty of establishing adequate means of transit for the troops on the other side of the Isthmus. No doubt that was a subject for grave consideration; but eventually the noble Lord, when at the head of the Government, did adopt that very mode of carrying the troops on to India which he had deprecated in that House as being impracticable. If, therefore, the opinion of the noble Lord had not been found infallible in that case, why should it be held to be so in respect to another manner of crossing the Isthmus. The difficulties had vanished in practice, and in point of fact we were now regularly sending troops in that direction to India. It was unquestionable that if we could have done that from the very beginning of the struggle the people of this country would have been relieved from much of the deep anxiety with which they have regarded it, and incalculable advantages, in point of time especially, would have been gained. Indeed, whether for the purposes of war or commerce, there could scarcely be a more valuable boon to England than the construction of a canal across the Isthmus. The noble Lord (Viscount Palmerston), on some recondite and far-fetched political ground, thought that such a project would be injurious to the interests of our communication with India; but the objections of the noble Lord were so wholly opposed to

the liberal and commercial spirit of the age that he (Mr. Griffith) really could only consider them as the remnant of an obsolete and exploded policy. The noble Lord held that a canal of that kind would tend to a separation between Egypt and Turkey; but he contended, that the facilities of access it would afford to the ships of war of the Sultan and his allies could only confirm his authority along the inner coasts of Egypt and the Red Sea. He (Mr. Griffith) contended that a great industrial work of that description could never by any possibility be injurious to Turkey. Adverting to the Amendment which he had placed upon the paper, he might remark that although the Pasha of Egypt had, *eo nomine*, abolished slavery in his own dominions, he had not prohibited the use of forced labour among his subjects, which, in fact, amounted to slavery. From the remotest ages down to the present time all the public works in Egypt had been executed by forced labour, and in dealing with this question it was essential that the House should be careful not to sanction the employment of the power of a despotic Government to procure labour for the execution of a work of this kind at inadequate remuneration. The pay proposed by the promoters to be given to the labourer was that of about ten pence a day, to induce them to go out to labour in the burning desert, finding their own sustenance. He put it to the House, whether such pay was likely to obtain that labour on voluntary terms. He hoped that the House would take care that they did not inadvertently sanction the system of slavery under the guise of labour. He begged, therefore, to move as an Amendment that in any course that this House may sanction in furtherance of the construction of such canal it is expedient that care be taken that the despotic powers of the Egyptian Government be not allowed to be made use of by the promoters of such project to obtain the required labour from the "fellah" at an inadequate remuneration by those compulsory means familiar to the practice of that Government, so as to produce the effects of slavery under the guise of paid labour.

Amendment proposed,—

To add at the end of the Question the words, "And that, in any course that this House may sanction in furtherance of the construction of such Canal, it is expedient that care be taken that the despotic powers of the Egyptian Government be not allowed to be made use of by the promoters of such project to obtain the required labour from the 'Fellah' at an inadequate remuneration, by those compulsory means familiar to the practice of that Government, so as to produce the effects of Slavery under the guise of paid labour."

Question proposed, "That those words be there added."

LORD HADDO said, he had heard with surprise the unfavourable remarks that had been made respecting the Egyptian Government, and he thought that, whatever opinion might be entertained with regard to the Suez Canal, the words of the Amendment were hardly consistent with that courtesy which was due to the Egyptian Government from that House. There could be no doubt that the Viceroy had acted in a very liberal, enlightened, and public-spirited manner, and that he had shown a noble ambition of employing the resources of his country, not upon objects of a personal nature, as had too often been the case with his predecessors, but in a work which claimed the merit of great permanent advantage and of extensive public utility. The present ruler of Egypt had undoubtedly done more to abolish slavery in his dominions and to improve the condition of his subjects than any Mahomedan, and probably any European prince during an equal space of time; and, though we often heard of French influence in Egypt, he ventured to say that to no country had a more friendly disposition been shown, or more frequent proofs of goodwill been given on the part of the Egyptian Government than to England. He had himself witnessed the passage of two English regiments through Egypt on their way from India to the Crimea. They were detained for several weeks at Cairo owing to the want of transports, and during the whole of their stay they were entertained in the most munificent manner at the English hotels, together with the families of officers, at a cost of many thousand pounds. More recently, as a mark of regard for this country, both the Governor General of India and the ambassador to China received the utmost attention and hospitality during their stay in the dominions of the Pasha. He made these remarks because he was sure that the prosperity of Egypt and the disposition of its ruler, on whom so much of that prosperity depended, were matters of deep interest to England, and he felt convinced that it never could be the intention of the House, whatever might be the decision arrived at with regard to the advantages of the Suez Canal, that any apparent want of courtesy should be shown to the present ruler of Egypt, who in carrying on the improvements of his country had shown an en-

lightened regard to the good opinion of Europe and to the approval of this country.

MR. STEPHENSON said, as the hon. and learned Member for Sheffield (Mr. Roebuck) had made special reference to himself in the course of his observations, he begged to occupy the attention of the House for a few minutes. The hon. and learned Gentleman in the commencement of his remarks said that they ought to draw a broad line of distinction between the political and the physical question. Now, with all due respect for the acumen of the hon. and learned Gentleman, although there was no doubt a great difference between the two questions, yet they were both so intermingled together in the present case that the merits of one could hardly be considered without the other. The speech of the hon. and learned Gentleman was so full of generalities, that he found it almost impossible to deal with them. He did not bring before the House a single absolute fact with which they could attempt to argue. He had told them for example, that it was very desirable to facilitate the intercourse between one portion of the globe and another. No one doubted that, but the hon. and learned Gentleman had not satisfied them that this canal would accomplish that object. The hon. and learned Member had assumed that it would, but he (Mr. Stephenson) believed that it would not do so. On the contrary, even supposing its construction to be physically possible, which he, for one, denied, he was prepared to show that the engineering difficulties and the moral difficulties (to which the hon. Member for Devizes' Amendment in part referred) would render the scheme impossible. The hon. and learned Gentleman, in attempting to prove the feasibility of the project, had quoted many authorities, but he had omitted to refer to the opinions of the three gentlemen—one from Austria, another from Paris, and himself from England—who first investigated the subject in 1847. They examined the physical features of the country, and deliberated over the matter in the most cautious manner, basing their observations upon the erroneous supposition that it would be possible to establish an artificial Bosphorus between the Red Sea and the Mediterranean, such as existed naturally between the Black Sea and the Mediterranean. They proceeded upon the assumption that the French levels were accurate which showed a difference of 30 feet in the level between one sea and the other, by means of which a constant current would be maintained through the channel, supposing it to be made sufficient to keep the harbour of Pelusium free from the mud which was deposited by the Nile. Instead of there being a difference of 30 feet in the height, however, it turned out that the two seas were on a dead level, and that no current whatever could be established. The hon. and learned Member, therefore, was almost guilty of a misapplication of terms when he spoke of a "canal," because if this channel were cut, and the water let into it, it would not be a canal, but a ditch. The hon. and learned Gentleman had quoted the late Mr. Rendel as a supporter of the scheme which was now advocated; but he (Mr. Stephenson) could say positively that Mr. Rendel did not support the scheme as now proposed, and he might mention as a proof of this that he did not sign the Report. Mr. Rendel must have been known to every hon. Gentleman in that House, and his authority in such matters was very great. Mr. Maclean, another high authority in matters of this description, also denied the feasibility of the project. As far as the English engineers were concerned, he believed they all agreed with him to a man. With respect to the difficulties in the way of carrying out the scheme, he would only point out the difficulty of cutting a canal through a desert eighty miles in length, with no fruits, no fresh water to be found within that space. He had travelled on foot the whole distance, at least over all the dry land, and consequently felt justified in what he stated. He did not desire to enter upon the political part of the question, but he could assert that as far as the transit of passengers and mails was concerned the proposed scheme would be productive of no saving of time in our intercourse with the East, for, while they could be conveyed from Alexandria to Suez by railway in eight hours, it would require, even if the most perfect canal possible were constructed, at least double that time for vessels going to India to pass through it, for vessels must coal either at Alexandria or Suez. It was said that they had nothing to do with the physical difficulties of the scheme, but he thought the House had something to do with them, or at least he had. If he had sat silent it would be said he had acquiesced in the Motion, and had tacitly admitted that the Suez Canal was a feasible project, whereas his opinion was that if it were attempted at all, which he hoped it would not be, or, at least, he trusted it would not be with English money,

Lord Haddo

it would prove to be an abortive scheme, ruinous to its constructors.

MR. SEYMOUR FITZGERALD said, the hon. and learned Member for Sheffield (Mr. Roebuck) was mistaken as to the grounds upon which he felt it his duty to oppose the Motion. He certainly did not object to the Motion, because the question was not a fit one for the House of Commons to consider. It had been represented as one of great importance to the commerce of this country—to the prosperity, in fact, of the civilized world—and, if so, it was certainly a matter with which the House of Commons was well entitled to deal. If the only objections were to the impracticability of the scheme, or, as the last speaker had stated, the ruinous results that would ensue to those who undertook its construction, he should not oppose the Motion, believing that it was the business of those who entered upon such speculations to take care of themselves. But at the same time those were not considerations to be kept wholly out of sight when they were considering a question of doubtful policy, and certainly the objection did not come well from the hon. and learned Gentleman who had based his support of the scheme entirely upon the grounds that it would be productive of the greatest commercial advantage.

MR. ROEBUCK: I did not ask the House to assent to the scheme, but to abstain from influencing the Sultan against it.

MR. SEYMOUR FITZGERALD said, if the hon. and learned Gentleman did not in terms support the Motion upon the ground of the commercial advantages to be derived from the Suez Canal, yet all who had heard his speech must agree that from beginning to end it was a studied laudation of the scheme; and yet, while it was urged upon them as a desirable scheme upon commercial grounds, they were now told it was of no importance whether or not it would be ruinous to those who undertook to carry it out. The hon. and learned Gentleman said the opposition to the canal had been based upon considerations which were base and selfish. He (Mr. S. FitzGerald) differed from the hon. and learned Gentleman, for it appeared to him that the opposition to the scheme had been conceived in a far different spirit, on reasons and arguments which could only be called selfish and base, inasmuch as they related to the maintenance of the prosperity and greatness of this country, but in no other sense. The hon. and learned Gentleman said the question was first mooted at a time when Turkey was in a state of dissolution, and that advantage had been taken of the support which we afforded her to influence her action upon this matter. He did not think that was a just representation of the position of the Turkish Government, and the hon. and learned Gentleman was not justified in leading the House to believe that the opposition to this scheme proceeded solely from this country. He believed the position of the Turkish Government in reference to this question to be as follows:—The Turkish Government might perfectly rely upon the loyalty of the present Pasha of Egypt, but it could not but regard with feelings of jealousy, if not distrust, a project that must, if carried out, lead to a material, if not a political, separation of Egypt from the Turkish empire. And, moreover, the Turkish Government, regarding the scheme as expensive, and, if not impracticable, at least unprofitable, and thus likely to withdraw that capital which they were so desirous of attracting for the completion of public works, naturally were not favourable to it. The hon. and learned Gentleman laid down certain principles, that the formation of the canal would facilitate the transport of mails, would be for the benefit of commerce, and the happiness of mankind, and therefore it was the duty of the House to support the scheme. [MR. ROEBUCK: I did not put the "therefore."] Every word of the hon. and learned Member's speech bore upon the benefit which mankind would derive from the construction of the canal, through the facilitation of the commercial intercourse between Europe and the East. On that point, however, he would refer the hon. and learned Member to the hon. Gentleman who had just sat down, and who had satisfactorily shown that this project, so far from greatly improving and facilitating the commercial intercourse between this country and India, would not add to it in the slightest degree. But, assuming that the project was practicable, he (Mr. S. FitzGerald) did not think that the commerce of mankind would be benefited by it. Would this be a desirable result, that the whole of our commerce to India should have to pass through a narrow channel some 300 feet wide, which might be easily fortified, so that at a moment's notice, on the outbreak of war, the whole of that commerce might be stopped by a single battery? The hon. and learned Gentleman seemed to consider that the only light

in which this question could be viewed was that of giving increased facilities to intercourse and commerce. But there were other important and political considerations attached to this question, and it was impossible to deal with it solely upon the ground of increased facilities to commerce. To give increased facilities to commerce and intercourse might greatly augment the happiness of mankind by developing prosperity, but there were other not less important considerations. In that House, at least, it might be asked whether the result of such a project as this might not lead to enterprises on the part of other nations, to war and to such events as might be the very reverse of benefits to mankind. What, in fact, was this scheme? He believed the hon. and learned Gentleman knew that at the present moment the coast of Egypt was fortified in such a manner that it would be almost impossible to land upon it. At present it was proposed to make a canal; but the making of that canal involved the concession of a strip of land from sea to sea. If that strip were conceded it was proposed to make a channel 300 feet wide and thirty feet deep. The bank on either side would be in possession of the proprietors of this canal. Now, could anything be a greater obstacle than such an artificially raised impediment as that between the Turkish territory and Egypt? But when the hon. and learned Gentleman talked of giving increased facilities to our intercourse with India, he (Mr. S. FitzGerald) might ask, was it not perfectly clear that this which was to be the channel of that intercourse might, without the slightest difficulty, come into the hands of the enemies of this country? Therefore, so far from improving our intercourse with India, it would be the greatest impediment to it imaginable. Even taking the hon. and learned Gentleman's own view of the question, was it not evident that, for the purpose of keeping that channel out of the hands of those nations who had the start of us in that region, we should be obliged to keep constantly on foot armaments necessarily great, and therefore expensive? He did not desire to be understood as for a moment implying anything like a distrust of our allies; but although we might at present have the greatest confidence in them, it would be the height of folly in us to imagine that our relations with them would never change. We should, therefore, not look with complacency upon a scheme which would give other Powers the most ready and easy access to our Eastern dominions. The hon. and learned Gentleman said, that this project had been taken up with the greatest interest in France, and that nothing would tend so much to cement the good feeling between this country and France as our giving an assent to this project. On that point, he thought the hon. and learned Gentleman had obtained his information from newspapers rather than from any person intimately acquainted with the facts. He had reason to believe that France had ceased to take in this project that interest which the hon. and learned Gentleman seemed to suppose. If this were a vitally important commercial question, one which so much concerned the commerce and prosperity of this country, he thought it was a matter not unworthy of remark that this was not a scheme which had originated in commercial circles in this country; that it had not met with that support which it certainly would have met with, if the merchants and traders of this country thought it was so commercially important and valuable as the hon. and learned Gentleman represented. It was a matter worthy of some remark, that that which had been represented by the hon. and learned Gentleman as a most important commercial enterprise, had been undertaken for years without having received the support of the most commercial nation. Was it not surprising that it had not been undertaken by the most commercial nation, but had received its principal support from the principal military Power in Europe? He did not intend by that observation to make any covert insinuation whatever against that Power; he merely used it as an argument, to show that the hon. and learned Gentleman had greatly overstated his case, when he stated that this was a project which ought to receive the undivided support of this country, because it was one which must greatly contribute to our commerce and prosperity. He had very shortly put before the House the grounds upon which he thought it was his duty to ask the House not to assent to the proposition of the hon. and learned Gentleman. This was not the first time that this question had come before the House of Commons. It was one upon which a very decided policy had been adopted by the Government of this country. The noble Lord the Member for Tiverton had expressed his opinion in no unintelligible terms upon it. It was therefore a question with which the present Government had to deal, not as

one of first impression, but one on which it was their duty to pursue the policy adopted by those who preceded them. It was one which they must consider not only with reference to its own merits, but also with reference to the course which this country had for a considerable time adopted. He would put it to the House whether, merely for the sake of those commercial considerations to which the hon. and learned Gentleman had alluded, they would run the risk of those political dangers to which he (Mr. S. FitzGerald) had adverted. He hoped, therefore, that the House would not assent to the Resolution.

MR. MILNER GIBSON said, he wished to know whether Her Majesty's Government had any objection to lay on the table of the House the correspondence that had passed between the Government of England and other Governments in reference to the project of the Suez Canal. They were informed that for fifteen years the Government of England had been employed in preventing the Sultan from yielding to the wishes of other Powers, and from granting a firman for the making of this canal. Now, he should ask for the despatches between England, France, and Turkey on this subject, because then the House could clearly understand what had been going on, and whether the Foreign Office had been pursuing a policy really consistent with the true interests and welfare of England. He was sorry to find that the hon. Gentleman the Under Secretary for Foreign Affairs had taken up the policy that he found ready made for him at the Foreign Office, probably in the pigeon-holes in that office, in company with all the stereotyped arguments each successive Government used upon these questions. He thought his hon. and learned Friend the Member for Sheffield had done a public service by bringing before the Parliament of England this important question, for it was only by such Motions as the present that the Government could be induced to depart from a policy of long standing. The hon. Member for Whitby (Mr. Stephenson) had made a speech which, coming from so high an authority, must necessarily have great weight with the House; but all he should say with respect to it was, that it would be an admirable speech if it were addressed to a person who was about to take shares in a canal to be made from Pelusium to Suez. That, however, was not the question which the House was called upon to consider, inasmuch as hon. Members were not asked to express their opinion as to the physical possibilities of making the proposed canal or of the commercial advantages which were likely to flow from the adoption of the scheme. Of the particular project which had been indicated by the Commission which had inquired into the subject in 1855, the hon. Member for Whitby did not, he believed, even upon engineering grounds, express his disapproval; that disapproval being confined to some other project which the Commission itself had condemned. [MR. STEPHENSON: My opinions upon the question apply to the most recent scheme.] The opinions of his hon. Friend were no doubt entitled to great weight, but he was sure he would not differ from him when he stated that the most eminent engineers were liable to be deceived when dealing with questions which were both new and difficult. The hon. Gentleman himself, for instance, was mistaken in his opinion with respect to a certain bridge across the Niagara. But, be that as it might, the expediency of entering upon the proposed scheme as a commercial speculation was not the question before the House. The Motion of his hon. and learned Friend sought to affirm that the power and influence of this country ought not to be used in the endeavour to induce the Sultan to withhold his assent to the proposition of making a canal across the Isthmus of Suez, and he (Mr. Gibson), as one who was in favour of the independence of the Ottoman empire, which he understood to be one of the most cherished objects of the statesmen of England, should give his support to that Motion. He desired to see the Sultan left to the exercise of his own free will in the matter, and he could not help thinking that that was a wiser course to pursue than by undue interference with his policy to bring him, as would probably be the case, into collision with the other Powers of Europe. He trusted some Member of the Government would answer his question with respect to the production of the correspondence to which he had referred, while he might be permitted to remind his hon. Friend the Under Secretary of State for Foreign Affairs that he laboured under a mistake in supposing that the commercial interests of England had not viewed the proposed scheme with favour. To his own knowledge the contrary was the fact, and in corroboration of that assertion he might state that at meetings which had been held in London, Liverpool, Manchester, Glasgow, Leith, Newcastle, Edinburgh, Aberdeen, Belfast, Cork, Birmingham, Hull,

and Bristol, Resolutions had been passed encouraging the promoters of the project. The principle that such a project was contrary to the interests of England had found no favour at those meetings, and he could not help feeling, under those circumstances, that it was very desirable the House should, by the decision at which it should arrive, prevent all undue secret interference with the free action of a foreign Power. He did not ask the House to encourage the Sultan to grant a firman, or to say a word in favour of the canal, but simply to leave him to the exercise of his own unfettered judgment in a matter with respect to which he, so far as the interests of his own country were concerned, must be the person best able to decide. As to the separation of Egypt from Turkey as a consequence of the proposed scheme, he should only say that it would, in his opinion, be as well to speak of the separation of England from Scotland by the Caledonian Canal. Indeed, he was prepared to maintain that the separation between Egypt and Turkey was at present rendered more complete by the existence of the desert than it would be if a canal were constructed along the banks of which a considerable population would be sure to spring up, reducing to a state of cultivation, land which was now barren. Such a result as that would be a clear gain both to Egypt and Turkey, and would benefit materially the general interests of the Ottoman empire. Under these circumstances, he hoped the spirit of the policy of the noble Lord the Member for Tiverton would not continue to influence the Foreign Office; that he would be held to have permanently retired from that quarter; and that Her Majesty's present advisers would consider themselves free to act on their own judgment, and be induced to take a policy more conducive to the advantage of the country.

VISCOUNT PALMERSTON: Sir, I beg to assure the right hon. Gentleman (Mr. M. Gibson), that I don't mean to retire so quietly as he seems to imagine, and although I do not pretend to continue to be the Foreign Minister of this country, yet as the hon. and learned Member for Sheffield (Mr. Roebuck), has more than once alluded to me in the course of the speech which he has made this evening, I trust I may be permitted to state again to the House the opinions which I entertain upon this subject. The hon. and learned Gentleman has stated that he has endeavoured to ascertain what the reasons are which induced me to object to the proposed scheme; that he has made inquiry of everybody upon the point, and that no one could give him the information he sought. Now, I may, I think, very naturally ask the hon. and learned Gentleman why he has not addressed his inquiries to me? His mode of proceeding reminds me of the old story of the man who told another that he had been looking for him all the world over for the last two years, the simple reply to which remark was, "Why did you not come to Swansea? I have been there the whole time." If the hon. and learned Gentleman had consulted me, I should been happy to inform him why his scheme is one to which I have been unable to give my support; and I may, perhaps, add that I last year stated in detail the reasons why I was disposed to arrive at that conclusion. The most charitable view which I can take of the scheme, the most innocent light in which it can be regarded is, in my opinion, that it is the greatest bubble which was ever imposed upon the credulity and simplicity of the people of this country. Setting aside, therefore, all considerations of a political and commercial nature, my firm opinion, founded on the engineering and geographical reasons which have been so ably stated by my hon. Friend the Member for Whitby (Mr. Stephenson) is, that although perhaps it may be too bold to say that this is a project which could not be carried out at an enormous sacrifice of money and human life, as a remunerative commercial enterprise it is, as I said before, in reality nothing more than a mere bubble. The right hon. Gentleman who has just sat down, however, has stated that the project has excited great interest throughout the country, and has mentioned towns in which meetings have been held and resolutions passed approving the scheme. Anybody who listened to the observations of the right hon. Gentleman might very naturally suppose that those meetings were spontaneous movements on the part of the inhabitants of the towns to which he has referred. But is that the case? Nothing like it. Those meetings have been got up by foreign projectors for their own purposes, and although they have passed resolutions, I should very much wish to know by what amount of subscriptions those resolutions have been followed. The hon. Member for Whitby (Mr. Stephenson), as well as the hon. Gentleman who moved the Amendment to the present Motion (Mr. Griffith), has very clearly explained the great physical difficulties which lie in the

way of cutting a trench, such as is proposed, through fifty miles of desert, with all the obstacles which have to be surmounted in procuring labourers, and the means of affording them subsistence when you have secured their services. Taking into account, also, the shallowness of the sea at each end, and the necessity of having recourse to a large outlay in order to provide the requisite means of access for seagoing ships, I am quite satisfied that it will be impossible to make this work pay the expenses of its construction. With respect to the commercial advantages of the scheme, the hon. Member for Whitby has shown that the delays necessarily incident to the passage of steamers through the canal would be such that there is every reason to suppose progress by railway would be more rapid, while it must be borne in mind that steamers are the only class of vessels which could with advantage be employed, inasmuch as the winds, which during a great part of the year blow steadily down the Red Sea and Indian Ocean, would render the passage of sailing vessels through the canal inconceivably slow, while at the same time such passage would be attended with much danger on account of the coral reefs, which line each side of the Red Sea. We are told now that for fifteen years we have been exercising a moral constraint upon the Sultan of Turkey to prevent him giving his sanction to this scheme. Now, I can assure those who hold that opinion that they are entirely mistaken. No doubt the British Government did at the outset express its opinion that the project was one which ought not to receive the sanction of the Sultan; but the right hon. Gentleman the Member for Ashton is mistaken if he supposes that his Imperial Majesty has not since then been perfectly at liberty to act and judge for himself in the matter. It is a mistake to suppose that the Turkish Government are not quite as much opposed to that scheme as any English Government could be, for it is a matter which concerns them much more nearly and much more deeply than it concerns us. We felt it our duty to explain to the Turkish Government, when we knew that other influence was at work in favour of the scheme, what dangers it involved. The right hon. Gentleman says that he is as much prepared as any man in England to maintain the independence of the Turkish empire, but he forgot to say anything about its integrity. Now, to maintain the integrity of the Turkish empire is of as much importance as to maintain its independence, and to maintain the connection between Egypt and Turkey is of at least as great importance as regards English interests as it is of importance to some other powers to maintain the connection between Turkey and the Principalities. Why, Sir, every one who hears me will recollect the importance that was attached to maintaining the connection between Turkey and Egypt when we sent an expedition to Egypt to restore that connection, which had for a time been disturbed, and the reasons which led to the expedition being sent out are as cogent now as they were at the time to which I refer. Every year which passes, ever communication which we receive through Egypt, must show us the importance and the advantage of maintaining a connection between Egypt and the neutral State, and of preventing her falling under the influence of any preponderating Power which might at some time be hostile to us. I believe that, as has been well stated by the hon. Gentleman the Under Secretary for Foreign Affairs (Mr. S. FitzGerald) has said, people in general are ignorant of what has been taking place in the Mediterranean frontier of Egypt in late years. At the time of the battle of Alexandria great difficulty was felt in effecting a landing in that country, but that exploit, and a great military exploit it was, was accomplished. Since then every place where a landing could be effected has been scientifically fortified, not according to Egyptian plans, but according to plans laid down by scientific men of other countries, carried out by engineers of another country, and I believe, although I cannot positively assert it as a fact, expedited by means of funds supplied by another country. I am afraid to say how many guns those fortifications mount, but I believe three or four thousand, and those fortifications, manned by an army of 20,000 men, would in all probability render Egypt incapable of being overcome by any Turkish forces, or by the forces of any other country. Then, again, under the specious pretence of a work for agricultural purposes, the barrage of the Nile has been completed, which, while it pretends to be for the purpose of controlling the inundations of the Nile, would, in reality, be found to be a work available in no slight degree for military and defensive purposes. There is one quarter, however,

by which an army might march—nay, has repeatedly marched—on Egypt, and that is along the coast of the Mediterranean, and this project has for its obvious purpose the barring of that passage to any Turkish army which might be employed to restore the empire to the Sultan, by opening a great military canal 300 feet broad, and 30 feet deep, laid with batteries. The right hon. Gentleman says that waters join countries. Well, so they do, countries which are in harmony with each other, and also districts of the same country; but should this canal be constructed, and should the Pasha of Egypt at any time wish to sever the connection between Turkey and Egypt, and to erect Egypt into an independent State, the possession of a barrier such as I have described, defended by foreigners who might side with the Pasha, would render any attempt upon Egypt most precarious for the Sultan of Turkey, and would render much more probable that event which I think it is the interest of England to prevent—I mean the detachment of Egypt from Turkey. That was the argument which we urged upon the Sultan, and he himself seeing the force of it, has acted upon it. But, Sir, I say also that we have an interest of our own in this matter which we cannot disregard, and to which the hon. Gentleman the Under Secretary for Foreign Affairs has adverted. It is not to our interest that there should be open between the Mediterranean and the Indian Ocean a water-passage at the command of other Powers, and not at ours. If the passage which we at present have were taken from us, we should be obliged to go to India round the Cape of Good Hope, and it would be absurd to shut our eyes to the probable damage to our interests if a sudden rupture should take place, and to the facility which, if this scheme were carried out, might be afforded to an enemy in case of war. Such an event may not happen for a long period of time, but when we have been recently told that within the last three months we have been on the verge of war without any one knowing anything about it, I do not think that we ought, to the danger of the interests of the country, to indulge in philanthropic reveries, or be led away by a too generous wish to promote the prosperity of the human race. I do not say that the hon. and learned Gentleman, who has brought this question before the House, has stated that the national interests of the country ought to give way to philanthropic schemes; on the contrary, he founded the whole of his argument upon the question of the political interests of England, and I think that I have shown that this scheme is contrary to those interests. We are told that all we are asked to do is to abstain from interference; but can any man shut his eyes to the fact that this scheme has practically been scouted by the wiser commercial men of this country? ["No, no!"] I beg pardon, it has been damned with faint praise. That is, it has met with words of favour from those who were most unwilling to put their money in it. The object of the Resolution appears to me to be to obtain a Parliamentary title for a scheme the shares of which are not marketable, and I trust that the House will not lend itself to a speculation of that kind, and agree to a Resolution which I maintain is at variance with the interests of England. I hope that the House will have sufficient confidence in those who have had, and who have, the direction of affairs in this country to believe that there would not have been a continued opposition to this scheme on the part of the successive Governments unless they had been satisfied that it was a scheme at variance with the political and national interests of the country.

MR. J. C. EWART observed, that the originators of the scheme had come to Liverpool, where they had held a public meeting, which was not very numerously attended, although the merchants of that port were always anxious to hear of any project for the advancement of trade. Resolutions had been passed in favour of the scheme, it was true, but at a public meeting the Resolutions were sure to be passed out of courtesy, and that had, he believed, been the case as regarded the present scheme. The general feeling in Liverpool was that the whole affair was nothing more than a bubble, and he did not think that many persons in that town would be willing to take shares in the undertaking.

MR. GLADSTONE: In my opinion the House would be much misled if it were induced by what has just fallen from my hon. Friend (Mr. Ewart) to attach any serious importance in the consideration of this question to the remarks of the right hon. Member for Ashton (Mr. M. Gibson) upon the holding of public meetings. I do not think my right hon. Friend (Mr. M. Gibson) intended to urge this upon the House as a reason why we should adopt the Resolution of the hon. and learned

Member for Sheffield; but he urged it, if I understood him aright, as an answer to the objection taken that the scheme of a canal was universally condemned here by commercial men. I must say it was a matter of courtesy that the public feeling of foreign countries should be set right on this point; and, in answer to my hon. Friend (Mr. J. Ewart), who says it is so easy to get up public meetings in this country, I must remind him that there are limits upon those facilities. About a year or two ago, shortly after the peace, we had announced in this country very widely, and probably with some powerful influence to back them, extended schemes for railway communications in Russia. Was there any movement in Liverpool to support those schemes? If it is so easy to get up public meetings in Liverpool, why did not the promoters of the Russian railways go down there, and in this way endeavour to excite public feeling in favour of those schemes? I think my hon. Friend (Mr. J. Ewart) has very considerably exaggerated his case when he says that it is so easy to induce gentlemen in a place like Liverpool to come forward and pass Resolutions in favour of any scheme whatever. As a Liverpool man myself I don't think this is so, and—

MR. J. C. EWART: I did not say for any scheme whatever. I merely observed how easy it was to get up public meetings.

MR. GLADSTONE: Yes, public meetings in Liverpool on commercial projects. Well, I don't wish the fact to be exaggerated, but my hon. Friend must admit that it was right in the right hon. Member for Ashton to controvert the absurd statement that the scheme was not universally condemned by the people of this country. That, however, is a matter entirely secondary and irrelevant to the question we are to-night discussing. Nor has the point now before us been justly stated by the noble Viscount. That point is not whether we are to give our sanction either to a bubble scheme or any scheme at all; it is simply whether we are to protest against the use of the political influence of this country for the purpose of preventing the making of the canal across the Isthmus of Suez. The Resolution of the hon. and learned Member does not ask the House to take any part whatever, direct or indirect, small or great, in giving favour, countenance, or approval to the scheme of this canal. What is asked is that you should put an end to the vicious system of which I am afraid my noble Friend (Viscount Palmerston) has been the main author—the system of arbitrary and gratuitous interference for the purpose of preventing the execution of this canal, on grounds which are either null or valueless, but which are in reality much worse, because they go to place England at issue with the world, and to commit us to a contest in which we must necessarily fail. That is the question; and that is the allegation which I make in answer to my noble Friend. If he says that the effect of the Resolution will be to give encouragement to the scheme, I really must answer that it gives no other encouragement than naturally ensues from the withdrawal of an improper, an undue, an illegitimate opposition by illegitimate means to this project. The hon. and learned Gentleman does not intend that the House of Commons should, in any form or degree, make itself responsible for supporting the scheme. The question is, whether the House of Commons, being now challenged on the point, shall make itself responsible for that which it has never yet done—namely, for countenancing the opposition to this project, which has been conducted from time to time by the executive Government without the sanction and without the approval of this House. One word as to the nature of the opposition by the executive Government. That opposition was not originally founded upon the absurd pleas and pretexts which are now alleged for its justification. It was originally a question, not of obstructing the means of communication between Europe and India—not of denying that there was an advantage in bringing them together if you could—but it was a question of competition between the railway and the canal. The canal was in the main a French, the railway was in the main an English scheme. For the moment there was a competition between these two projects, and naturally enough the English Government—having greater confidence, as it was bound to have, or as it was natural it should have, in the engineers of its own country—recommended the railway in preference to the canal. The objections now urged by the noble Viscount, if they are good for anything, are good against the railway as well as against the canal. The possession of the railway would be an advantage to hostile Powers in sending troops to India almost as great as the canal. Is there any doubt at all about that? Has not the noble Viscount

told us that one of his great reasons for resisting the formation of this canal is, because it will be used by other Powers in hostility to this country for the purpose of sending hostile armaments to India. Well, the railway likewise offer facilities for sending hostile armaments to India. The plain state of the case is this:—Here is a scheme which upon the face of it is beneficial to mankind. I am quite sure that my hon. Friend the Member for Whitby (Mr. R. Stephenson) will be the last to deny this. My hon. Friend is perfectly in his province when he gives us his reasons why he is led to conclude that the scheme is impracticable. He is perfectly justified, with his reputation and knowledge of the subject, in stating here, as a scientific man, that having considered this scheme he regards it as physically impracticable. Nothing can be more fair and just than the part thus taken by my hon. Friend. For my own part I only feel obliged to him for his opinion, and every Englishman will be prejudiced in its favour, for it appears that this is becoming, in a considerable degree, a question between English and continental engineers, the authority of the former being generally against, and of the latter generally in favour of, the project. Let that controversy be fought out, but fought out in the proper form, in the proper place, and upon the proper grounds. Do not let us have Governments and ex-Governments coming down to instruct us here upon the nature of bubble schemes. The noble Viscount says that any one who has listened to the observations of the hon. Member for Whitby must feel that this is a bubble scheme. Now, I must say that I have too much respect for the judgment of my hon. Friend, to think that he, as a scientific man, would feel his opinion on a scientific question strengthened one jot by a vote of the House of Commons. Such a vote would not add one jot to the value of a scientific judgment upon the practical merits of the scheme. Let us, therefore, dismiss from our minds the notion that we must declare this to be a bubble scheme. If it is a bubble scheme, allow the bubble to burst. How are such projects best cured? What did you do with the Thames Tunnel, which even now remains unfinished? Why, invoke the influence of Government for the purpose of protesting against bubble schemes? I protest against the judgment of the noble Viscount and of the Under Secretary for State as irrelevant when they talk about a bubble scheme. As a commercial project, let the Suez Canal stand or fall upon commercial grounds. But the noble Viscount is not satisfied with denouncing the scheme in this way. He alleges political reasons, and has transmitted some of his own views to the present Foreign Office on this point. What are those reasons? He has announced two. One of them is, that the canal will tend to the dismemberment of the Turkish empire by the separation of Egypt from Turkey, and the other is that it will tend to the dismemberment of the British empire by separating India from England. My noble Friend when First Minister of the Crown — with, I should have thought, very questionable prudence sent forth into the world these two reasons. Now this is a matter upon which whatever may be done in Liverpool and other places, a deep interest is felt in France and on the Continent. That is not to be denied. When you isolated and separated yourselves from France on the question of the Principalities you fell back on Austrian support. I do not ask you the value or the comfort of that support when you come to require it in the day of need. But have you that Austrian support at all on this point? No! There is not a State in Europe which does not declare the opposition of England to this project—which I say is not the opposition of the English people, or (until to-night) of the British Parliament, but is only the opposition of the executive Government, in secrecy and in darkness — there is not a State on the Continent of Europe which does not denounce the policy of this opposition as unwarrantable, and as a selfish policy. But the noble Viscount sends forth his two reasons. We are to oppose the Suez canal scheme because it will dismember Turkey, and have a tendency to dismember the British empire. He gives the first place in his speech in this House to the dismemberment of Turkey. In his mind that is the first reason, and the dismemberment of England is the second. [*Cries of* "Oh, oh!"] I beg pardon; I am stating strictly what fell from my noble Friend, and I hope therefore that the time of the House may not be wasted by compelling me to enter into an explanation. That is the order of precedence in which my noble Friend states his reasons, but other countries will not view these reasons in the same light. Is it not, on the contrary, perfectly plain that all Europe will

conclude the real ground of your opposition is because you suppose the canal to be injurious to the British empire, and that the alleged interest of Turkey is hypocritically thrust in for the mere purpose of justifying your policy? Those who have examined the question cannot fail to be aware that such an opinion is extensively propagated upon the Continent at this moment; and it is, after all, better that the House of Commons should be told what is actually thought and said abroad about English policy, while there is still time to consider our course, rather than that we should allow ourselves to get involved deeply in controversies upon false grounds, and commit the honour of the country to the maintenance of propositions which are permanently untenable. Is it really true that either one of those reasons constitutes a *bona fide* political ground for offering political resistance to a project essentially commercial, and which apparently promises great benefit to the whole world? Is it true that this canal is to effect the dismemberment of Egypt from Turkey? Does the connection of Egypt with Turkey really rest on the power of the latter to march armies across the Isthmus of Suez into the former? Is the House of Commons disposed to adopt that view? Do you think that at this moment the reason why Egypt is subordinate to Turkey is because, if she refused to pay tribute or violated the Sultan's rights, the Sultan could send troops across the Isthmus to put down and conquer the resistance of the Pasha? That may be the noble Viscount's opinion, and if he or any other Member of this House entertain it, I grant they may consistently act upon it. I think, however, that that opinion cannot be supported. Egypt is subordinate to Turkey, not on account of the strength of the Sultan, but on account of the interests of Europe and the guarantee of the European Powers; and the means of maintaining the connection between the two are precisely as strong and as efficient whether this canal is made or not. I will say this in regard to the Turkish empire. In my mind no method could be more unwise or more suicidal of attempting to uphold either the independence or the integrity of the Turkish empire than the making the connection with that empire irksome and burdensome to the provinces of Turkey. And if you really want to strengthen the connection between Turkey and Egypt, or between Turkey and the Principalities—for the principle is just the same—pursue that object by the methods of prudence and conciliation, endeavour to unite those countries in the bonds of affection; but don't go to Egypt and say, "Here is a scheme which we admit, if it can be executed, would tend powerfully to the development of your material resources, but we shall prevent you from reaping its advantages because we think they would weaken your connection with Turkey." So that you lead the Pasha and the people of Egypt immediately to the conclusion that their connection with Turkey involves comparative poverty and degradation to them, because it interferes with their pursuit of the means which are calculated to promote their own strength and prosperity. So much for the noble Viscount's first reason. As to his second reason, I must confess that it is with a sentiment of pain that I advert to it. My noble Friend and the Under Secretary for Foreign Affairs both say that the opening of this canal will be dangerous to the British empire in India, because it will enable Foreign Powers to get the start of us in sending hostile armaments to India when they have occasion to quarrel with this country. Sir, I enter a respectful but most serious protest against the whole spirit and tenor of this language. I can conceive nothing more unwise with respect to the maintenance of a good understanding with the nations of Europe, and nothing more ill-judged with respect to the interests of England. In the first place, I am unwilling to set up the Indian empire of Great Britain in opposition to the general interests of mankind, or to the general sentiment of Europe. And I say that is what you do if, in reference to a question properly commercial, you insist on taking it off the commercial ground, and on dragging it into the political arena, opposing the execution of a commercial work, while you declare it to be impracticable, because you think it will open new dangers for the British empire in India. I deprecate altogether the system of insinuation and innuendo involved in the allusion to these dangers. I hold it to be an ungenerous, a most unwise and imprudent system. But I deny altogether the existence of these dangers. I say that if this canal had been open last year, had it been practicable—a question not now before us—we should have had the deepest reason for gratitude to those who might have executed it.

What would the difference have been with reference to the great struggle which you have been carrying on in India if, twelve months ago, instead of the dilatory route by the Cape of Good Hope, you had been able to send your troops direct to India? Why, the benefit of this canal, if practicable, great as it would be to the rest of the world, would be greatest by far to England. Who would have the control of the Red Sea? Who has now got the control of that sea at its southern issue? Who has occupied Aden on the one side and Perim on the other? And who has given great offence to foreign countries by the occupation of the latter station? Who have yet, perhaps, to render some account to this House for that proceeding, to state the reasons which may have justified it, and the policy which may have rendered it both necessary and right? But, naturally enough, very considerable soreness was excited abroad when it was seen that England undertook to occupy first of all the one side, and next the other side of the Red Sea by fortified posts, and then opposed herself, partly on the ground of danger to her Indian empire, to what is apparently a commercial project for the benefit of mankind. What is the Power that would really possess this canal if it were opened? Is it not a canal which would necessarily fall within the control of the first maritime Power in Europe? It is England, and no foreign country, that would obtain the command of it. I know well that on subjects of this kind it is hardly fair to expect a majority of the Members of this House either to take the pains or to have the opportunity to acquire extensive information. But the hon. and learned Member for Sheffield (Mr. Roebuck) has challenged the expression of your opinion upon it. He asks you whether you will declare yourselves parties to the policy which has been pursued for a certain time by the executive Government—a policy founded on resistance to a project viewed by Europe as commercial in its nature. The political reasons which you advance are, I believe, as regards Turkey, utterly unsatisfactory to the whole public opinion of Europe—I don't say whether or not it is unsatisfactory to English public opinion. The reasons with regard to India are of a kind calculated to create in Europe a sentiment of irritation, of jealousy, and even of hostility to the existence of British power in India. And, further, I must say, whatever may be the judgment pronounced to-night, I am convinced, from the state of opinion which prevails on this subject that the policy which has been pursued is not only a false policy, but is so diametrically opposed to the first principles of prudence, and I will even say to the comity and courtesy of friendly nations; it has such a tendency to isolate us on these questions from the rest of civilized mankind,—and this fact will come to be increasingly felt from year to year by the British people, that you will not be able permanently to maintain it. If, then, you are to recede from this policy, the sooner it is done the better. At any rate, for my own part I shall have so hesitation in giving my vote in favour of the hon. and learned Gentleman's Motion, because I feel that the principle on which he invites us to act is both a wise and indispensable principle for the treatment of all such questions; and in this particular case before us it is intimately associated with the interests both of this country and of the other nations of Europe.

THE CHANCELLOR OF THE EXCHEQUER: As this is a question of considerable importance, I trust the House, before coming to a decision upon it, will at least take a calm and dispassionate view of the circumstances which it involves. The Motion of the hon. and learned Gentleman declares—

> "That in the opinion of this House, the power and influence of this Country ought not to be used in order to induce the Sultan to withhold his assent to the project of making a Canal across the Isthmus of Suez."

Now, what evidence have we that the power and influence of this country are at this moment or have been exercised in a manner to call for a Resolution of this nature? I should suppose, were I not acquainted with this matter, either that the hon. and learned Gentleman had received some intimation that Her Majesty's Government were on the point of negotiating a treaty with the Sultan binding him to withhold his consent from the execution of this project, or that papers had been laid on this table which prove that there has been on the part of the Government of this country constraint applied to the Sultan of Turkey for this object. But I am in possession of no evidence to that effect, and the hon. and learned Member has alleged no reasons to make us accept this Resolution. The noble Lord who has addressed us (Viscount Palmerston) said, indeed, that his Government had recommended the Sultan to adopt a certain policy, but the

noble Lord, as I understood him, and as I know from my own acquaintance with the facts, can only have enforced on the Sultan the pursuance of a policy which the Government of the Sultan had already professed. From all that I have been able to collect on this subject the Government of the Sultan entertains opinions regarding it of a decided character, and certainly I am ignorant of any conduct of the present Ministry, and I know of none on the part of the late Ministry, which shows that there has been any undue constraint exercised towards the Sultan either now or at any former time by this country to justify the use by the Right hon. Member, for the University (Mr. Gladstone) of the terms an "improper, undue, and illegitimate opposition" to this scheme. If there is any project going forward in the world which we think injurious either to the interests of England or to the general interests of nations, an opposition to it is surely not an improper, undue, and illegitimate opposition. And I am of opinion that before we are asked to assent to a Motion of this description there ought to be some colourable proof placed before us that there has been some secret or open conduct pursued such as would warrant this House in stepping in, and by such a Resolution as this preventing either the negotiation of a treaty or the adoption of a policy which it believes to be contrary to the interests of the country. What must be the consequence of the House coming to this Resolution? The consequence must be that this project will be, in fact, sanctioned by the House of Commons. Now, whatever may be the ultimate opinion of this country, or indeed of this House, upon the subject, certainly it is a most unwise proceeding that we should impliedly commit ourselves by a Resolution to an approval of a project unquestionably of a doubtful, and in the opinion of many persons of great authority even of a pernicious nature. I therefore trust the House will hesitate before they adopt this Resolution, whatever may be the general opinions upon the subject. Certainly it is of the utmost importance in coming to the candid consideration of this case that we should not throw out of our sight, as seems to be the habit of some of those who have preceded me in this debate the feelings of the Turkish Government themselves. It has been assumed throughout that the Turkish Government are either neutral or favourable to this project, and that it has been only upon the powerful and urgent interference of England that the Turkish Government have upon any occasion expressed their opposition to it. We have likewise been told by the Right hon. Member for Oxford University that, in inducing Turkey, as it were by force, to adopt our views upon this question, we are placing ourselves in opposition to the united sentiment of all other countries, and outraging the comity of nations. But what evidence have we—that is what I want to know—that this project has the approval of all other nations? Throughout these discussions, from the moment this Resolution was launched to the last speech to which we listened, we have heard on the part of the Supporters of this Resolution a series of assertions. It is assumed that Turkey is constrained by force to oppose this project. It is assumed that England is using force. It is then assumed that all other countries are in favour of the scheme. Now, Sir, I am in possession of no evidence that establishes any of these propositions, and certainly least of all the last. There was, however, more than a year ago, information which never reached me in any official shape, but which I shall assume was authentic, that the French Ambassador at Constantinople had expressed himself favourable to this project. Well: we have had many allusions to-night, especially by the hon. and learned Gentleman who introduced the Motion, to the feelings of France upon this subject, and warnings to us who wish to cement the alliance between the two countries not to take a course which would be hostile to the wishes of France. Now, we have had frequent communications with the Government of France, and we have received expressions of their opinions and feelings certainly much more recent than that report of the advice given by M. de Thouvenel to which I have referred. I may be permitted to say that in those expressions of feeling there was nothing of that decided character which has been mentioned by the right hon. Member for Oxford University and others; but, on the contrary, a very candid sense of the difficulties of the whole project, and a very frank confession that the Government of France wished to interfere in no other manner than as every Government would wish to interfere in favour of an opinion, trusting to fair argument and the ordinary mode in which the public sentiment of the world is formed. With regard

to Austria, I must say to the right hon. Member for Oxford University that he is entirely mistaken if he supposes that the Government of that country have expressed any unqualified opinion, or, indeed, any opinion at all, in favour of this project. All we know for certain is, that, after having previously expressed a very different sentiment, Austria had stated that this project ought not to be accomplished, while admitting that it might be accomplished if all the Powers of Europe consented to it. Now, Sir, what I say is, that we ought to leave plans of such great importance to the fair influence of public opinion. I do not object to that; but you do not leave them to the fair influence of public opinion when you ask the House of Commons to pledge itself to an expression of its views, an expression which will announce to the whole of Europe that our conclusion is foregone, that our opinion is settled, and that we are for ever prevented from forming that mature judgment and taking that wise course which time and experience may justify. Again, Sir, whatever hon. Gentlemen may say, and however they may endeavour for the moment to depreciate them, there are grave political considerations connected with this question both as regards Turkey and as regards England. I do not say that their gravity is such that they may not yield to other considerations, if in time those other considerations are deemed more powerful; but, as at present advised, I think it would be a most rash and precipitate step at once to pledge this House to change the course of policy which it has long pursued, and which has been sanctioned by high authority, and to ask us to place ourselves in a position which will prevent us hereafter from adopting that line which we may deem wisest and most prudent. I shall not enlarge now upon the political considerations, which must be obvious to all. I shall not lay down as a principle that political considerations are not to yield, and even frequently to yield, to moral considerations. If I could be persuaded, for example, that the formation of this canal would be a means by which the universal happiness of the human race would be certainly and greatly increased—if I had no doubt that it was an enterprise which, if successfully accomplished, would contribute to the felicity of all the communities of the civilized world—I would at once admit that political considerations, however weighty, should give way to such more powerful reasons. But, after all, these speculations, though they may be reduced to practice, are still speculations only, while the political considerations are realities, and must have great weight in deciding the course we take. Hon. Gentlemen deceive themselves if they suppose that the integrity of the Turkish empire would not be materially affected by the completion of this great work, and they deceive themselves still more if they fancy that the Government of Turkey are not keenly alive to that part of the subject. I agree with the right hon. Member for Oxford University that if the tenure of our Indian empire is to be maintained by a course of policy hostile to the interests of the rest of the world it is in a state of very great danger; but if I am asked to assent to a project the certain consequences of which must be vastly increased armaments on the part of this country, and very doubtful results of a cosmopolitan and philanthropic character to the world, I am bound to consider, before yielding to that scheme, what must be the cost of those armaments, what will be their influence on our taxation, and what may be the general effect upon the distribution of power, as well as our increased chances of becoming embroiled with foreign nations. These are considerations which ought to influence the House of Commons on the present occasion, and which, I think, ought not to be treated in the offhand manner in which they have been dealt with this evening. These are the general feelings which influence me in the course I am prepared to take. I think this Resolution has been brought forward without authority. I think the hon. and learned Member for Sheffield has no right to assume that the power and influence of this country have been, or are now, used to constrain the Porte to oppose this project. I think, also, that if this House is induced to adopt the Resolution it will fetter itself in its future course, and hastily and rashly quit the path which it has been hitherto pursuing, which it has pursued in some degree under the influence of grave political considerations, but which, at the same time, may be departed from at some future period, if time and experience should show that such a course may be taken without injury to the public interests.

The Chancellor of the Exchequer

LORD JOHN RUSSELL: Notwithstanding what the Chancellor of the Exchequer has said, I cannot but consider, and indeed it has been admitted, that for many years the power and influence of this country

have been used to induce the Sultan to withhold his assent from the project of making a canal across the Isthmus of Suez. It has always been acknowledged by the noble Viscount who was at the head of the late Government, and it has not been denied by the Under Secretary for Foreign Affairs in the present Government: I think, therefore, we may accept it as an admitted proposition. In considering this question I am ready at once to dismiss three parts of the arguments which have been advanced this evening. It has been held that this is a bubble speculation; that the physical obstacles to the construction of this canal are almost insuperable, or at least enormous; and that the Turkish Government have such an interest in preventing the completion of the work that they are certain to use all their efforts and influence in order to impede it. Taking all these things for granted, I ask, if this be a bubble speculation, if the natural obstacles are almost insuperable, and if the Turkish Government has reasons of its own for withholding its assent, does it not follow that there is no need for the exercise of the power and influence of England? It is said, however, and it has been often urged, that there are reasons why England should for her own interests endeavour to prevent the formation of this canal. Now, any injury that we might sustain in consequence of its formation must occur either in peace or in war. I cannot conceive that during a period of peace the establishment of additional means of commerce—the formation of an additional highway between different parts of the world—could be injurious to England. If I am told that certain ports of France and other continental countries are nearer to Egypt than England, and that they will gain commercial advantages over this country by the formation of a canal, I answer that our principle is to render commerce as free as possible. This has been our policy of late years. It is a just and generous policy, but at the same time I believe it is a policy most beneficial to England to subject ourselves to any competition by which the commerce of the world can be increased, and I feel confident that England will not suffer in such a competition. But if goods of any description can be exported from France, Switzerland, or Italy, and can be supplied to the Queen's subjects in India at a cheaper rate than English goods of the same or an inferior quality, what right have the executive authorities in England to prevent Her Majesty's subjects in India from enjoying the advantages which they might thus obtain? It is not in peace, however, that the most danger is feared. The greatest danger is apprehended in case of a war. It seems to me that the question simply resolves itself into the consideration whether or not England is to have the command of the seas if, unfortunately, a war should occur. If England were to lose the command of the seas, no doubt troops would be conveyed through Egypt if any project for the invasion of India were entertained. But could they not be conveyed by railway? Is that not a mode of transit of which we have availed ourselves during the past year, and is it necessary to form a canal in order to effect the transport of troops across Egypt? If, however, we possess the command of the seas the danger at once vanishes, and we should be no more exposed to it in consequence of the formation of a canal than we are under existing circumstances. I may remind the House that the mouths of the Nile and the neighbourhood of Alexandria are places where demonstrations of British prowess have been made, the results of which need not lead us to fear for the future. I feel the force of the argument which was urged by the right hon. Member for the University of Oxford, that our opposition to this scheme confirms the idea which is very generally entertained on the continent of Europe, that for our own selfish interests, and prompted by a narrow-minded commercial jealousy, we are ready to sacrifice or to injure the commerce of all other nations. I believe that charge is not a true one, but I am unwilling that there should be any just grounds for it, and I trust, therefore, that the House will assent to the Motion of the hon. and learned Gentleman, for by doing so we shall show that with regard to this subject at least we are ready to meet all the world, and that we have no selfish objects in view.

MR. DRUMMOND said, that having heard the speech of his noble Friend the Member for Tiverton, and knowing that the policy he had announced was the policy which had been pursued by every Government of which the noble Lord had been a Member for several years past, knowing also that the noble Lord who last spoke had been a Member of the same Cabinet, he could not admit a divided responsibility or a limited liability, but must hold that the noble Lord the Member for the City

of London was responsible for what he (Mr. Drummond) regarded as the true British policy on this question which had been declared by his noble Friend the Member for Tiverton. A right hon. Friend of his had said, truly enough, that in his view this was a commercial question, and with those who looked to mere money interests it was a purely commercial question; but if they looked to the intelligence of France, if they looked—not to these abstractions—but to the acts of the French Government, which did not waste its time in idle talk in the Chamber of Deputies, but went at once to work to establish the policy it meant to pursue, they would see that this canal was, as his noble Friend opposite had said, nothing more nor less than a chain of forts—a bar to the access of England to India by that route, and they had to choose upon this and many other questions whether they would prefer cotton to the honour of the country and the integrity of the empire.

MR. BRIGHT said, he would express no opinion upon the general question; but he thought that if the House was to come to any satisfactory decision they ought to have before them the correspondence which had taken place on the subject. He understood from the speech of the Chancellor of the Exchequer that there were no documents in the Foreign Office bearing on the question; but he thought there must be some mistake about the matter, unless the Foreign Office business had been transacted by private letters which had disappeared. He wished, therefore, to ask whether the Chancellor of the Exchequer would lay upon the table any correspondence which would inform the House as to the proceedings of the Government, the noble Member for Tiverton having intimated that during the last fifteen years some correspondence had been in progress. The Chancellor of the Exchequer had, however, spoken as if there were no documents in the Foreign Office indicating what course his predecessors had pursued. He (Mr. Bright) thought the House was in a very unsatisfactory position, and he would be glad if his hon. and learned Friend the Member for Sheffield would not press his Motion to a division, should the Government consent to lay the correspondence on the table. He (Mr. Bright) did not ask for any favour for those who wished to engage in bubble speculations, but he was desirous that the House should know how far the honour and true interests of England had been supported or misrepresented by past Governments.

THE CHANCELLOR OF THE EXCHEQUER said, that the hon. Gentleman had quite misapprehended what he had said if he supposed he had stated that he found no trace of the opinions of his predecessors on this subject. He had said that he could find no evidence of the constraint which had been mentioned. It would be quite impossible to produce any correspondence which would influence the division to-night, but if the hon. Gentleman repeated his question to-morrow he would give him an answer.

SIR JAMES ELPHINSTONE said, if papers were to be produced it would be necessary to lay any information in the possession of the Government respecting the origin and progress of the railway on the table, as well as that relating to the proposed canal, as it was impossible the two subjects could be separated. In 1842, or about that time, Mohamed Ali, the Pasha of Egypt, determined to make a railway from Alexandria to Suez. As soon as the preliminary arrangements had been completed, the agents of the French Government set themselves to work to retard an undertaking which involved such important advantages to Great Britain, and with that view the project of a Suez canal was set on foot and agitated with considerable success, inasmuch as it delayed the construction of the railway for many years. That project was, in itself, perfectly impracticable, and the Government of the day were perfectly right to discourage a scheme which was, in itself, perfectly chimerical, and tended to delay the construction of a railway which formed the only rational and practical means of transit through the country. In 1838, or about that time, an examination of the coast of Egypt was made by Captain Glasscock, then in command of Her Majesty's ship *Tyne*, and that officer's Report of Pelusium and the neighbourhood left no doubt in the mind of any practical person that the entrance from the Mediterranean was impossible.

MR. ROEBUCK, in reply said, he had been asked what evidence he had that there had been any opposition to the Suez canal scheme on the part of the British Government. He answered, that on the 17th of July last year the noble Member for Tiverton stated in that House that for the last fifteen years Her Majesty's Government had used all the influence they

possessed at Constantinople to prevent the scheme from being carried into effect. That was sufficient evidence of opposition on the part of the Government. He must be permitted to say that he had viewed this debate with feelings of great concern, especially in respect of the speech of the Under Secretary for Foreign Affairs. They were anxious to state on all occasions that the alliance with France was an honest and cordial alliance, but throughout the hon. and learned Gentleman's speech, fear, suspicion, doubt, and distrust were evident. [Mr. S. FITZGERALD: No!] No! Did the hon. and learned Gentleman suppose that the French people would draw that conclusion? They would assume that this alliance with France was a hypocritical pretence. ["Oh, oh!"] No doubt that was a very unpleasant statement. He had always regarded the hon. and learned Gentleman (Mr. S. FitzGerald) as an astute Irishman, and he never felt so fully persuaded of the strength of a case as on the present occasion, in consequence of the complete failure of the hon. and learned Gentleman, notwithstanding his ability, in opposing the Motion. The hon. and learned Gentleman had, unintentionally no doubt, misrepresented the proposition before the House from beginning to end. The proposition simply was, that the influence of England should not be employed to induce the Sultan to withhold his consent to making a canal across the Isthmus of Suez. He did not ask the House for any opinion with respect to the canal; but did any one pretend that England had not coerced the Sultan? The power of England, exercised through one of the most imperious Ambassadors, could not be properly designated otherwise than as coercion, and all he asked was, that the Sultan should be left to himself. If the hon. and learned Gentleman believed that the Turk was against the project, he would not oppose the Motion; but he knew that the Turk was under coercion. If the Motion should be rejected, France and Europe would, for the first time, learn through the representatives of the people of England that this country had given its sanction to a policy which, in France and on the continent of Europe, was considered to be selfish, narrowminded, and thoroughly unjust.

Question put, and *negatived.*

Main Qustion put.

The House *divided*:—Ayes 62; Noes 290: Majority 228

CHURCH RATES ABOLITION BILL.

THIRD READING.

Order for Third Reading read.

SIR JOHN TRELAWNY moved that this Bill be read a third time.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. DRUMMOND objected to proceeding with the Bill at that late hour (half-past One), and moved that the debate be adjourned.

SIR JOHN TRELAWNY said, he hoped the hon. Member would not persist in his Motion for the adjournment. The Bill had been amply discussed, and if it was not brought in now another opportunity of passing it would not be easily got.

MR. NEWDEGATE said, hon. Members on the Opposition side of the House seemed determined to send as many measures as possible of this kind to the other House—their object being to put down the independence of that assembly. They intended by the sheer force of numbers and by brute force to invade the independence of the House of Lords, and he, for one, would use every means in his power to oppose them. He, therefore, trusted that hon. Members on that side of the House would claim their right to express their opinions on that the last and most important stage of the Bill.

MR. BRIGHT said, he did not want the House to decide without discussion; as long as he had sat there he had never tried to put down any hon. Member. Tuesdays and Wednesdays were the only days now open to private Members, and there was no chance of their being able to get much business through on either of those days. He would not press this question forward now, if there was any chance of their being able to get another day. He therefore hoped the hon. Member for Surrey would not persist in his Motion for an adjournment.

MR. GLADSTONE intended to vote for the adjournment of the debate, thinking that such an important measure as that ought not to be read a third time at Two o'clock in the morning, especially as a number of hon. Members were anxious to express their opinion. He would suggest that an early day should, if possible, be fixed for the third reading.

LORD JOHN RUSSELL said, he would have been quite ready to vote for the Bill without any further debate, but he thought the suggestion of the right hon. Gentleman

(Mr. Gladstone) was not an unreasonable one. He must say he very much regretted that those who had charge of the Bill had shown so little disposition to accept the suggestions that had been made for a settlement of this question. The matter, however, would probably come before the House in another Session, as it was little likely that the House of Lords would pass the Bill in its present shape.

MR. DRUMMOND remarked, that he saw plain indications of a great anxiety on the part of hon. Members to go to bed.

MR. ROEBUCK said, he wished to know whether the Chancellor of the Exchequer could not give a day for the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he was anxious that the opinion of the House should be taken on the Bill, but thought it rather unreasonable to propose the third reading at Two o'clock in the morning. He regretted that he could not offer a day for the Bill in the present pressing state of public business. There, however, was only one order for Wednesday, June 9, the Tenants' Compensation (Ireland) Bill, and if by some arrangement that could be determined early in the day, the third reading of this Bill might be then taken.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 103; Noes 150: Majority 47.

Question again proposed, "That the Bill be now read the third time."

MR. HUME moved that the House do now adjourn.

MR. COLLIER said, he must stigmatize the opposition to this Bill as factious, and hoped that his hon. Friend would persevere.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 78; Noes 136: Majority 58.

Question again proposed, "That the Bill be now read the Third Time."

Debate arising.

Debate *adjourned* till *Tuesday* next at Twelve o'clock.

House adjourned at a quarter before Three o'clock.

HOUSE OF LORDS,

Wednesday, June 2, 1858.

Their Lordships met and having gone through the business on the Paper,

House adjourned till To-morrow, Half-past Ten o'clock.

Lord John Russell

HOUSE OF COMMONS,

Wednesday, June 2, 1858.

MINUTES.] PUBLIC BILLS.—1° Insurance and Assurance Institutions; Nisi Prius Court (Ireland). 2° Medical Practitioners; Public Grounds and Playgrounds.

ROYAL BRITISH BANK.—QUESTION.

MR. BRADY said, he would beg to ask the Secretary of State if the scale of remuneration for the payment of the witnesses summoned on behalf of the Crown at the trial of the Royal British Bank Directors has been arranged; if so, when may the witnesses expect payment?

MR. WALPOLE said, he would answer the question on Friday.

CASE OF MR. WASHINGTON WILKS.

Order for Consideration of his Petition (presented 1st June) read.

MR. MILNER GIBSON said, he begged to move that Mr. Washington Wilks be discharged from the custody of the Serjeant at Arms, that Gentleman having, in a petition presented late the preceding night, unreservedly retracted every charge which the House had adjudged to be false and libellous against the hon. Member for Hereford (Mr. Clive).

MR. G. CLIVE said, he trusted the House would not think him wanting in good taste in addressing it on that occasion. He had no desire whatever to withhold his assent from the Motion of the right hon. Gentleman, though he could have wished, not for his (Mr. Clive's) own sake, but for the sake of human nature, that the retractation had been as ample as the charge. There were two distinct charges in this case, and if one was withdrawn because it could not be substantiated, and the other words not withdrawn, the impression left on the public mind might be that the second charge was not withdrawn because it could be substantiated. The first charge was one of corruption. That was a stab in the dark. It was impossible to meet it by evidence; and all he could do in respect of it was to meet it with a naked denial. The other charge—that of the display of partiality—was one which, fortunately, could be met. He could bring forward evidence to disprove it. But as it, too, was now withdrawn, he would not be warranted in occupying the time of the House by going into evidence to show its falsehood. He should, therefore, confine himself to stating the fact, in addition to the testimony of the hon. Member for Sand-

wich, given in his favour on a former evening, he was now able to adduce that of the learned counsel who had been engaged in the case on both sides. He had seen Mr. Hope Scott, Serjeant Wrangham, and Mr. Forsyth, counsel for the Langholme, and Mr. Calvert and Mr. Serjeant Bellasis, counsel for the Liddesdale line, that morning, and the three former gentlemen had authorised him to say that it was only immediately before the final decision that they had become aware what his views were. All five gentlemen treated the charge of partiality as one too absurd to be entertained, and were surprised that such an idea could have occurred to any one. No evidence could be more satisfactory than this, and he hoped it would be acceptable to the House. So far as he was concerned, he would cheerfully consent to the liberation of Mr. Wilks, as the House would now see that there was not one word of truth in the charges of corruption and partiality that had been brought against him.

MR. ELLIOT said, he would take the present opportunity of stating that in the remarks addressed by him to the House on a former occasion he had not the slightest intention of making any imputation whatever against the hon. Member for Hereford.

MR. WALPOLE said, that in matters of this kind there were three considerations. First, what was due to the hon. Member whose conduct was impeached; secondly, what was due to the honour of the House; and, thirdly, what was due, when a retractation was made, to the person in custody of the Serjeant at Arms. He (Mr. Walpole) thought, after reading the second petition of Washington Wilks, that the hon. Member for Hereford would, in the eyes of the House and in the eyes of the country, stand fully and completely exonerated from any imputation of corruption or undue partisanship. But if that petition had left any doubt upon the subject, such doubt must have been completely removed by the statements of those learned gentlemen, the counsel on both sides, in the case disposed of by the Committee, of which the hon. Member for Hereford was chairman. In respect of petitions of this sort, he did not think they should measure words too nicely. They ought to look to the spirit and the substance of the retractation. Now, in this case he found the retractation a full and complete retractation of all imputations against the hon. Member, and he found the regret as completely expressed as the retractation. He thought, therefore, that enough had been done to clear the hon. Member from the charges brought against him, and to vindicate the honour and credit of the House, and that, consequently, they might consent to the Motion of the right hon. Gentleman the Member for Ashton.

Ordered,—

That Washington Wilks, in custody of the Serjeant at Arms attending this House, be discharged out of custody, paying his fees.

MEDICAL PRACTITIONERS' BILL.

SECOND READING.

Order for Second Reading read.

MR. COWPER said, that in moving the second reading of this Bill, although he believed there would be no opposition made, he thought it might be advisable to say a few words in explanation of its purposes. He took it for granted that the necessity of legislation on this subject was universally admitted. This was not questioned even by those who objected to the measure. By the common law any person was entitled to practice medicine, provided he was competent, and a number of statutes had been passed from the time of Henry VIII., regulating the powers of the bodies entitled to decide this question of competency. The law, however, were now in an unsatisfactory condition, and required revision, and if there were any objection to such a revision anywhere, it probably arose from those persons who were not members of the medical profession, but who wished to be supposed to belong to it — the class of uneducated ignorant quacks who practised on the credulity of the public, and who hoped, in the present disorganized, anomalous, and chaotic state of the profession to pass for what they were not. There were three objects which all the persons who had prepared Bills on this subject had kept in view. These were—1. To raise to a uniform and sufficient standard the education and acquirements of all persons who entered the medical profession. 2. To have an authoritative register, accessible to ordinary persons, clearly defining those who have attained the prescribed qualification. 3. The removal of all those local jurisdictions which restricted a competent man from practising in any other part of the country than that in which the licensing body which passed him had authority—these three objects should be sought in conjunction. The attempt to secure any one of them singly, would be mischievous instead of beneficial. If registration and an extension of area only

were adopted, a temptation would be created to the smaller bodies to compete with the larger by lowering the standard, candidates might prefer the easiest examination instead of that in the highest repute, if it gave them equal rights; and the corporations which got the fewest fees might be tempted to increase them by indulgence in passing. The University of St. Andrews was accused at one time of giving a degree on the mere payment of fees; that was now altered, but the smaller bodies ought not to have unlimited right of licensing unless security was taken that the education was of a sufficiently high standard. The Council proposed by his Bill, would fill the functions of visitors to the existing licensing bodies, and ensure efficiency of teaching and examination. It had been objected that if the tests of education were raised, the supply of medical men would become insufficient. He believed that was an unfounded apprehension; on the contrary, at present there were more young men entering the profession than could gain a livelihood by it. Provision was made in the Bill for improvement of the examinations, by enacting that the Council should decide whether the examination was sufficient to entitle a candidate to his license. The constitution of the Council would be such as to guard against any suspicion of undue or improper partiality; it would be elected by the different examining bodies, so that if any injustice were complained of as having been done to one of these examining bodies, it would have a representative on the Council to defend it or offer such explanations as might be required; and in the event of the Council being suspected of unfairness or error, an appeal would lie to the Privy Council in the last resort. With regard to the registry, some difficulties had been raised, and he understood that the objection to it on the part of the College of Physicians was, that it did not sufficiently distinguish between physicians and other members of the medical profession. This Bill did not define physicians, but it proposed to extend the power now possessed by the Universities, the Apothecaries, and other societies, of coming under the general term "practising medicine," to persons who were registered under the Bill. He did not believe that it was possible by law to erect physicians into a distinct class, separate from the remainder of the profession; because their position was one which had not been created by law, the position of a consulting physician being, in fact, created by the general opinion of the public who required his services. The term was applied to those who did not practise pharmacy or surgery and who were called in in difficult cases. That position would in no respect be effected by the Bill; consequently he could not see that physicians would, on this account, have any reason to complain. If, however, the plan were adopted, which they themselves had recommended, of providing that every person who wanted to practise medicine should belong to the College of Physicians, the result would be to lower the status of that branch of the profession by the admission of inferior men. So far as any of the privileges they enjoyed under their charter were concerned, the Bill would in no way interfere with them. The Colleges of Surgeons represented that the measure would occasion a diminution in their resources, but that, he thought was an unfounded apprehension. He believed that a large portion of the revenues of the colleges was derived from examinations, but he could not see why the number of those examinations should fall off. Upwards of a hundred petitions had been presented to the House from members of the medical profession in favour of the Bill, and, up to last week, one only against it. He contended, therefore, that the great bulk of the profession, consisting of surgeons and apothecaries, approved of the Bill; that it met their views of medical reform; and that it was calculated to be a benefit to the public at large by securing an improved class of medical practitioners, by removing the anomalies and local impediments which prevented the best men in the profession from moving to any part of the country without let or hindrance, and by securing a register from which the public might learn who were the properly qualified men. In conclusion, the hon. Gentleman moved the second reading of the Bill.

MR. BLACK said, he should oppose the Bill. During the last twenty years a vast number of medical Bills had been brought forward by Members of great influence in the House, and not less than five during the three years he had had the honour of a seat in the House. But up to that moment all attempts at legislation had failed; and looking at the nature of the materials with which they had to deal, he had come to the conclusion that the question of medical reform was an impracticable one. On main object of all the Bills was to provid

a register of qualified practitioners. They would have a volume of 500 or 600 pages, with a number of names in it, some with three or four, and some with six initials appended. But the public would not derive the least advantage from that, and the House was not, perhaps, aware that there was already a register published by Mr. Churchill, the medical publisher, which contained the names of all duly qualified medical practitioners. Another thing which the Bill proposed to effect was, that education should be provided for up to a certain standard; but that was done already by the education now required by the medical corporations. And then it should be remarked that none of the Bills proposed to do away with quacks. The Morisons and the Holloways would still flourish, as, he supposed, likewise would that other quack who bore the appropriate name of Coffin. In his opinion the best medical Bill that could now be introduced was one not to add to the legislation upon the subject, but to repeal all Acts hitherto passed which had given a monopoly to the body of physicians in London, and placed restrictions upon the other branches of the profession. If that monopoly and those restrictions were abolished, he believed that the parties who were now engaged in fighting with one another would be perfectly well satisfied at the results. Give them a "fair field and no favour." That was the best course which could be adopted. If, however, out of the three medical Bills lying upon the table they were to choose one, he should certainly prefer that which was promoted by the hon. Member for Finsbury (Mr. T. Duncombe), for the simple reason that it contained fewer restrictions than the others. What he would propose was that the whole of these Bills should be thrown overboard.

MR. SPEAKER then put the question, "That the Bill be now read a second time."

Bill read 2° and *committed*.

MR. BLACK said, No, six months.

MR. SPEAKER declared the Motion carried.

MR. HEADLAM observed, that he understood the hon. Member for Edinburgh (Mr. Black) to say "no," when the right hon. Gentleman put the question. There must be some mistake.

MR. COWPER said, he was sitting close by the hon. Member for Edinburgh, and had his ears open to catch what was said; but as he had not heard the hon. Gentleman say "no," it was most unlikely to have reached the Speaker's ear.

MR. ROEBUCK said, he had been sitting further off than the right hon. Gentleman, and he certainly did hear the word "no" from the hon. Member for Edinburgh.

MR. WALPOLE said, there had been clearly a mistake on the part of the hon. Member for Edinburgh, but that was no reason why he need suffer, and upon the Motion for reading the Bill of the hon. Member for Finsbury he could assert the principle he was anxious to maintain in dealing with this question.

MR. BLACK said, he believed he had not acted in strict accordance with the rules of the House; but he had concluded his observations with the remark that he proposed all these medical Bills should be thrown overboard. He had also said "no" when the question was put.

MR. SPEAKER observed, that he distinctly heard the hon. Member make the remark to which he alluded; but when the question was put, as the hon. Member failed to say "No" at the proper time, he was obliged by the forms of the House to declare the second reading carried. The question now before the House was, when the Bill should be committed.

MR. COWPER then moved that the Bill be committed on Tuesday, the 8th inst.

Motion made, and Question proposed, "That this House will, upon Tuesday next, resolve itself into the said Committee."

MR. BLACK said, he would move as an amendment, that it be committed on that day six months.

Amendment proposed, to leave out the words "Tuesday next," in order to insert the words "this day six months," instead thereof.

Question proposed, "That the words 'Tuesday next' stand part of the Question."

MR. BRADY said, that great inconvenience arose out of the present system of rivalry between the various medical bodies. Judging from the tone of his observations he could not conceive that the hon. Member for Edinburgh (Mr. Black) had read either of the Bills before the House. These Bills had been well considered in the various medical corporations, and their principles had received general assent. His experience had been large, and he could solemnly assert that no Bill had ever

been before the House on the subject of medical reform which had received a more general assent from the profession. He did not think that this subject had ever received from the House that consideration its importance demanded; and, further, he thought that if the present measure received their approbation, it would tend to elevate the profession and secure a more efficient body of practitioners.

MR. WALPOLE said, perhaps it might be convenient if he was to state the views of the Government on the three Bills now before the House. This question of medical reform, as it was called, had been for a long time under the attention of the Legislature, and for some reason it had been found difficult to bring the matter to a distinct head, so that the House could see its way to adopt one of the different Bills which had from time to time been submitted to it. One reason perhaps why the House had failed to do this was, that no definite plan, either with reference to the evils complained of or the remedies to be applied, had been proposed which had met with general concurrence. The Bill of the hon. and learned Member for Newcastle (Mr. Headlam), the Bill of the noble Lord the Member for Haddingtonshire (Lord Elcho), the Bill of the right hon. Gentleman now under discussion, and the Bill of the hon. Member for Finsbury (Mr. T. Duncombe), all contained principles worthy of adoption; yet in each there were some points to which the House ought not to assent. The difficulties of the case were these:—In the first place, they were dealing with a subject the law regarding which was founded on circumstances which were inapplicable to the times in which we lived. In the second place, in consequence of their dealing with a subject founded on laws in many respects so obsolete, they were involved in many anomalies—and, he might say, many absurdities—with regard to the privileges conferred either on medical bodies or on bodies who had the power of conferring medical degrees—a power that either could not be exercised at this moment, or, if exercised, could not be exercised in a manner advantageous to the community. A third difficulty was this—that, in trying to get rid of these anomalies and absurdities, they were called upon to deal with interests and claims of so opposite and conflicting a character, that in endeavouring to satisfy one they found tehy were totally unable to satisfy another. The House, in trying to deal with this question, had found itself entangled in so many difficulties, that even his right hon. Friend the Member for Carlisle (Sir J. Graham), with all his weight and authority in the House, and supported by one of the most powerful Governments which had been seen for years, found that he was unable to conquer those difficulties, and to frame a measure which would be acceptable. Then the hon. and learned Member for Newcastle (Mr. Headlam) took great pains to succeed, and although he succeeded so far in Committee up stairs as to induce the Members of the Committee to frame a Bill which they thought would be a settlement of the question, he found, to his astonishment, when the Bill was brought down to the House and the discussion recommenced, the Members of the Committee were so embarrassed by the different views set before them, that they actually branched off in different directions and took different sides on matters as to which they had been unanimously agreed in Committee. These circumstances must be his apology why he, on the part of the Government, was unwilling to undertake the question. It was not from want of consideration. He had turned it over in every point of view, and he came to the conclusion that the best thing he could do was to point out as well as he could the different evils of which the community had a right to complain, to draw attention to the different modes by which those evils might be got rid of, and then to see, with reference to the different Bills now before the House, how far they applied the proper remedies. The first great evil, going back to the original state of the law, was that they started as it were from a wrong point. They found the medical profession not in the hands of those who were most competent, but they found that through the middle ages the matter had got into the hands of the ecclesiastical authorities. Those authorities were unwilling to undertake the surgical part of the profession, but they maintained power and authority over the physicians. Hence arose the separation of those two branches of the profession. By means of the Act of Henry VIII. a medical corporation, with powers of exclusive authority within seven miles of London, was created, while the Universities inherited from the ecclesiastical authorities the power of conferring degrees giving a privilege to practise over all parts of the country. Thus they began as it were upon a wrong basis, and they had the

Mr. Brady

anomaly introduced of different bodies in different parts of the kingdom having the power to give licenses to practise. They had the College of Physicians, established in 1511. They had the College of Surgeons, established at a subsequent period, more or less connected with the Corporation of Barbers, and not finally dissevered from that body till the reign of George II., and then, by means of their charter in 1800 and 1843, getting a power which they had admirably exercised of granting diplomas, answering, he believed, all the purposes of their noble institution. Thus they had an authority vested in the College of Surgeons; but that authority was not an exclusive authority which could be enforced in law, like that of the College of Physicians. And they had at this moment this absurd state of things—that by the law, if a surgeon were to prescribe for a fever, he was liable to a penalty; but if he prescribed in reference to a matter of a surgical operation, he was no longer liable to a penalty. At the same time, in Scotland, they had the Universities of St. Andrews, of Aberdeen, and of Glasgow, with a power of conferring degrees which extended over the whole kingdom, and not excepting the area of the capital, because the College of Physicians in Edinburgh had not that exclusive authority which was possessed by the College of Physicians in London. He might show that the rivalry between those colleges, in conferring degrees, led to nominal or worse than nominal examinations. Another point of difference between the two countries consisted in the fact, that in England they had surgeons distinct from apothecaries, while they had in Scotland surgeons and apothecaries combined; and they had colleges of physicians and surgeons, some of them with a limited jurisdiction confined to particular counties, and some of them with a jurisdiction supposed to extend over the whole kingdom; so that they had Scotland with a medical law totally different from that of England. Then if they went to Ireland they found that the Dublin University had the same kind of privilege that the Universities of Oxford and Cambridge possessed; and in addition, the new Queen's Colleges at Cork and Belfast, affiliated to the Queen's University, had conferred on them the same privileges as those possessed by the Universities in England, without defining what those privileges were, or there being any statement of what the meaning of those words might be; and at this moment he did not know whether, by means of those privileges, the new colleges in Ireland affiliated to the Queen's University had not the power of granting to their graduates licenses to practise in other parts of the kingdom besides Ireland. That was a doubtful point; but, doubtful point or not, it was one of those points that could not be sustained much longer. The inference which he wished to draw was this—that instead of continuing this anomalous state of things, instead of preserving an exclusive privilege in one part of the kingdom to the detriment of another, the public should have the right of calling in such adviser as they believed to be the best; and the first great principle that he should submit to the House was that there should be reciprocity of practice in all parts of the United Kingdom. The second point was this—that by the law as it at present stood they had a difficulty in ascertaining who were by law licensed practitioners. Some kind of register therefore ought to be formed, but when they had done this, this register would not indicate to the public whether the party was a duly qualified person to practise. The second point they had to establish therefore was not a mere register of names of persons calling themselves practitioners, but they must endeavour to indicate to the public whether the qualifications possessed by those persons were of such a character that they were entitled to hold themselves out as practitioners. He mentioned that because it would be seen by some of the Bills that different modes had been attempted of ascertaining the fact, whether the persons registered were entitled to practise or not. The third point was, that if they were to have a register of duly qualified practitioners, they must have some authority to supervise and control, and thus they arrived at what was a common provision of all the Bills before them—a Council of some kind. The question then arose, how was that Council to be constituted? One scheme was that the different medical practitioners, or the bodies who had the power of conferring medical degrees, should elect the Council; another proposition was that the Council should be nominated partly by the medical corporations and partly by the Crown. He thought that the latter, which was that proposed by the Bill of the right hon. Member for Hertford, was the best, because a Board so formed would have the confidence of the different medical corporations, and would provide also for the best

interests of the public at large as well as secure that principle of permanence and unity of purpose which was not to be looked for in bodies wholly representative, and therefore constantly changing. If they confined medical reform, as it was called, to these three points—reciprocity of practice, a register of ascertained duly qualified practitioners, and a supervising council—they might accomplish their object without causing a great disurbance in the profession, which would not easily be allayed. If he was right in that, he would venture to call the attention of the House to the mode in which these three Bills differed on this point. First, as to reciprocity. He took the hon. Member for Finsbury (Mr. T. Duncombe's) Bill, and he found that in the 17th clause he gave the complete right to practise in any part of Her Majesty's dominions to all who were entitled to practise in any particular part. That clause in the Bill, therefore, he thought completely recognized one of the principles which he thought should be established. He then took up the Bill of his noble Friend, and he found that reciprocity of practice, and something more, was conferred by the 28th section. [Lord ELCHO dissented.] His noble Friend shook his head, but as he (Mr. Walpole) understood, that section, it gave to every registered licentiate in medicine or surgery a right to practise in medicine, surgery, midwifery, and pharmacy, in every part of the United Kingdom. That provision confounded and blended together the licenses given by the different authorities instead of keeping them distinct. That would be a very detrimental change rather than an improvement, as it would destroy the rivalry between the holders of different diplomas. The Bill of the right hon. Gentleman, the Member for Hertford (Mr. Cowper) also contained a reciprocity clause—the 26th, which simply provided that every person registered might practise medicine or surgery, or medicine and surgery. All the Bills therefore agreed on this point. He came then to the second question—the question of the register. The Bill of the hon. Member for Finsbury (Mr. T. Duncombe) provided for a register, no doubt; but it was one in which any person who chose might have his name entered. There was to be no examination, and the public would have no security for the qualifications of the practitioners. The Bill of the noble Lord (Lord Elcho) provided for two examinations before registration—one by a preliminary, the other by a professional Board; but it was objectionable, as establishing complete uniformity of examination for all branches of the profession. The result would be a low standard of examination instead of an elevated one. The right hon. Member (Mr. Cowper's) Bill aimed at giving distinct powers to the several examining bodies; but it inserted the words "subject to the Council," which would have the same effect of bringing the standard down to a minimum. As to the third point—the Council—the hon. Member for Finsbury's (Mr. T. Duncombe) Bill provided for no Council at all, but the substitute proposed was such that it would throw the apple of discord amongst all the existing bodies. The noble Lord's (Lord Elcho's) Bill proposed an entirely new Council of twelve members, whose president was to be the President of the Board of Health—a Board which was now extinct. He did not think that the composition of this Council would be satisfactory to the existing bodies. The best Council was that proposed in Mr. Cowper's Bill, but the powers given to the Council were too large—they were, in fact, enormous; they would be able to overrule the independent action of the Universities and the existing medical bodies, thus destroying the benefit now derived from the rivalry of those bodies, and reducing them all to a dead level of a poor, meagre mediocrity. But making due provision for the three points he had noticed, they would do more for the benefit of the public, the elevation of the profession, and the satisfaction of the existing medical bodies, than by pursuing any other course. He suggested that they should take Mr. Cowper's Bill as the basis of their legislation on the subject, and duly consider the details in Committee. As he had already intimated, he thought that the form of Council proposed by the right hon. Member for Hertford (Mr. Cowper) which was a mixture of medical representatives with nominees of the Crown, was the best. But he must ask the right hon. Gentleman to reconsider two points in his Bill; the one was the enormous power given to the Council, which he feared would defeat the independent action of the medical bodies; and the other was that there was no provision for keeping alive the distinct and separate action of those bodies. He had ventured to trouble the Committee with these observations because, having given the subject his consideration, he had thought it would be of advantage to the Committee to be informed of his views with

respect to it. He thought that there were three points which they might well adopt —reciprocity of practice; a registry of duly-qualified practitioners; and the establishment of an authority, constituted partly on the representative principle, and partly by the nomination of persons permanently resident in the metropolis who might watch over the regulations made by the Council. If they agreed to do that they would reconcile conflicting interests and would give a greater degree of general confidence to the public than they would do if they left matters as they were. Though not so extensive a reform as some might desire, he believed it would elevate the profession, give satisfaction to the public, would be a safe and prudent step to take, and would not introduce any serious impediment in the way of any further legislation which it might be found necessary to adopt. If his suggestions were approved of, he should be glad to give every consideration to the details of them in Committee. He therefore wished to ask the hon. Member for Finsbury and the noble Member for Haddingtonshire whether it would not be better to take the Bill before the House as the Bill on which some such measure as that which he had pointed out should be constructed? If they were of that opinion, perhaps they would be able in Committee to introduce such alterations into the Bill as they all had in view, and so give the House a chance of at last coming to some decision on the question.

MR. HEADLAM said, he had listened to the speech of the right hon. Gentleman, in some respects, with much pleasure, and to none of the principles laid down by the Right hon. Gentleman in the course of his speech had he any material objection. He should, however, have preferred if the right hon. Gentleman, instead of appealing to the hon. Members for Finsbury, Hertford, and Haddington, to take up the question, had said that he himself would introduce clauses based on the principles which he himself had laid down. [MR. WALPOLE: I have no objection to do so]. He was glad to hear the right hon. Gentleman say so. The medical profession had too much cause to complain of the course which former Governments had taken on this question; for though they had admitted the defects in the present system, they had not only declined to remedy them, but had even interfered with independent Members in their endeavours to do so. The present uncertain state of the law had necessarily led to conflicting interests; but he believed that there was a general desire among the medical profession and the licensing bodies themselves that that uncertainty should be removed. Acting in accordance with their views he had introduced a Bill last Session, which was read a second time by a large majority; and he was only prevented carrying it by the opposition of the then Government. Nevertheless he would not retaliate, but would be glad to give the right hon. Gentleman the Member for Hertford every assistance in his power in modifying his Bill so as to render it acceptable to the public and the profession. He was, therefore, ready to consent to go into Committee on the Bill on some future day. He thought that legislation on the three cardinal points mentioned by the Right hon. Gentleman opposite (Mr. Walpole) would be received with approbation. There was considerable unanimity of opinion in the medical profession as to the reciprocity of practice, and the expediency of establishing as good an education as could be obtained, with an examination which would be at the same time a satisfactory test of proficiency, without being so high as to discourage persons from entering the profession, and so increasing the number of unlicensed practitioners. A Bill, therefore, limited chiefly to these points would stand a better chance of being passed this Session than any more extensive measure. Their aim ought to be, having remedied the practical defects of the present system, to interfere as little as possible with other parts of it. One of his objections to the three Bills was, that they were based on individual theories, which had no chance of being accepted by the country. As far as he was concerned, he was perfectly ready now to vote for going into Committee on the Bill.

MR. T. DUNCOMBE said, he thought the Right hon. Gentleman the Secretary for the Home Department had very fairly pointed out the difficulties, anomalies, and imperfections of the three Bills on the subject before them. Having done that, he thought the right hon. Gentleman, instead of trying to amend one of the Bills by the introduction of certain clauses, was bound to bring in a Bill of his own. Under the circumstances he should certainly withdraw his Bill, and leave the field open to the Government. As the matter now stood it was clear that all their discussions were a waste of time, and that nothing would be done in the matter this Session. His own

Bill, he must say, he thought was at least a step in the way of what had been called medical reform. It established a registry, and gave free practice as a consequence of registry; but the question of medical education was attended with so many difficulties that he scarcely thought the House could be induced to come to any agreement on it. The question of the granting of diplomas was equally difficult. At present, though the examination of the London University was admittedly the best, those who held its diplomas could not practise within seven miles of St. Paul's. The fact was, the whole question was one of fees. Every one practising in London had to pay ten guineas to the College of Apothecaries or the College of Physicians; in the country, it was only six guineas. The charters of these bodies had been granted by Henry VIII. to gratify the caprice of some of his mistresses; and their operation was a nuisance to everybody in London and seven miles round it. He had seen so much of the jealousies and bickerings of the profession that he was not surprised at the unwillingness of the Government to touch the subject. A register such as that proposed by his Bill was the chief thing needed; and as for the medical reform in general, there could not be a worse tribunal in the House of Commons to judge and decide on it. If they stuck to political reforms and clerical reforms there would be work enough, but he would advise them to have nothing to do with the doctors. He therefore thought they ought to leave the public to take care of themselves in medical matters. Of course his Bill and that of the noble Lord opposite would fall to the ground. He should certainly never again attempt to legislate on the subject.

Lord ELCHO said, he would rather see a portion of the Bill of the hon. Member for Finsbury (Mr. T. Duncombe) pass than no Bill at all. That Bill did away with local jurisdiction, and established reciprocity of practice. On the other hand, the registry proposed by the hon. Member would only be a registry of persons who had passed examinations according to the present system, and would give no security that persons placed on it were thoroughly qualified for the profession. It would, in fact, simply be an official Medical Directory. His (Lord Elcho's) own Bill, so far from being based on a theory of his own, embodied the recommendations of a Select Committee, which were made almost unanimously. There were at present twenty-one licensing bodies—eleven universities, nine corporations, and the Archbishop of Canterbury. With regard to the Bill which had been introduced last year by the hon. and learned Member for Newcastle, the manner in which it proposed to carry out his principles was most objectionable. It benefited the corporations by doing gross injustice to the Universities. The great object was to establish an efficient examining body, and by that means to improve the medical education of the country. In legislating with that view, one of the chief things to be guarded against was the rendering too stringent the powers of these corporations; and he would warn the House against the efforts which those bodies would be certain to make to carry out their aim when the Bill got into Committee. After referring to the leading provisions of the several measures before the House the noble Lord said that his object in introducing a Bill with respect to the medical profession had not been that he might attach his name to a measure of medical reform, but that he might prevent another proposition from becoming law which he believed would have been most unjust in its operation. Recognizing in the Bill of the right hon. Member for Hertford the principle of sound medical reform, and believing that it would have a better chance of passing than his own Bill, he should withdraw the measure which stood in his name, and should be happy to render all the assistance in his power in perfecting the Bill of the right hon. Gentleman. In the event of no Bill being passed this year he suggested to the Secretary of State for the Home Department that he should issue a Royal Commission to inquire into the subject.

Mr. LEFROY said, he could not but express his satisfaction at the turn the discussion had taken. He was glad to find that the three Bills were to be merged in one, and that the Government had consented to support a Bill combining the best portions of these conflicting measures.

Mr. GROGAN said, he would congratulate the House on the prospect of a settlement of this long-vexed question. If the Bill should be confined to the three points which had been adverted to by the right hon. Secretary for the Home Department, it would embrace a comprehensive and valuable Amendment to the existing law.

MR. CRAUFURD said, he acquiesced in the withdrawal of the Bill of his noble Friend (Lord Elcho).

MR. BLACK said, he would withdraw his Amendment.

Amendment by leave *withdrawn.*

Main Question put, and *agreed to.*

Committee appointed for *Tuesday* next.

MEDICAL PROFESSION AND MEDICAL CORPORATIONS BILL.

SECOND READING DEFERRED.

Order for Second Reading read.

MR. T. DUNCOMBE moved the second reading of this Bill.

MR. WALPOLE suggested that it would be much more convenient to withdraw it.

MR. T. DUNCOMBE said, he thought it would be better to read the Bill a second time, and let it proceed *pari passu* with the other, for no one could tell what mishap might befall it.

MR. HEATHCOTE suggested that the hon. Member for Finsbury should postpone the second reading.

Second Reading *deferred* till *Wednesday,* 23rd June.

MEDICAL PROFESSION BILL.

WITHDRAWAL OF BILL.

Order for Second Reading read, and *discharged.*

Bill *withdrawn.*

PROPERTY QUALIFICATION BILL.

COMMITTEE—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [13th May], "That Mr. Speaker do now leave the Chair."

Question again proposed.

Debate *resumed.*

MR. BENTINCK said, he rose to move that the House should resolve itself into the said Committee on that day six months. He ought perhaps to offer some explanation to the House with respect to the time at which he brought forward the Motion. He was aware that it would have been more in accordance with the usual practice if he had opposed the further progress of the measure on the second reading; but he believed he could show the House that no blame could fairly attach to him for a departure upon the present occasion from the general custom. He had a right to anticipate that the second reading of the Bill would have been opposed by the hon. and right hon. Gentlemen at present occupying the Treasury bench, as well as by their predecessors in office. But as he had been disappointed in that expectation he had felt that he could not, with any chance of obtaining a full and fair discussion of the subject, have opposed the second reading upon the occasion on which it was carried. The Motion had at that time been successful solely because hon. and right hon. Gentlemen on both sides of the House had abdicated the position they had formerly maintained, and had, for some reason or another, which he did not pretend to be able to explain, thought proper to deal with the subject with an eye to expediency, rather than principle. He was opposed to the measure on two grounds. He opposed it on principle, because he believed that a property qualification was an essential ingredient in the constitution of that House; and he opposed it because it was essentially a portion of a Reform Bill, and because he believed it was not fair to the House to call on its Members to deal with any isolated portion of the question of Parliamentary Reform. He would, in the first place, say a few words on the merits of the proposal itself. One argument—and an argument of a very plausible character—put forward in favour of the measure was that a property qualification had not been found necessary in Scotland. He thought he could show that the argument against the present system, drawn from that exception, was not well founded. In discussing that point he would read a passage from the work of his hon. and learned Friend the Member for Midhurst (Mr. S. Warren) on "Election Law," for the purpose of showing what was the origin of the difference between the law of this country and the law of Scotland upon that subject. That passage was as follows:—

> "This Act, it is to be noted, does not apply to Scotland, where no property qualification was ever necessary. It was contended at the time of the Union, when the matter was discussed, that estates in that country were so small that it would not be easy to find members duly qualified."

He wished it to be understood that in reading that quotation he did not mean to question the wealth of hon. Members for Scotland; he used it merely to show how the distinction, as regarded a property qualification, between that country and England had first arisen. He could quote another high authority upon the same subject. He found that on the 2nd of March, 1855, the right hon. and learned Gentleman the present Attorney General for Ireland, said that he "could not concur in the argument of hon. Gentlemen opposite, that because the non-qualification principle

worked well in Scotland, therefore it ought to be adopted in England and Ireland." That was the opinion of the right hon. and learned Gentleman in the year 1855, and he (Mr. Bentinck) hoped that it would be repeated by him before the present debate was brought to a conclusion. In the second volume of the work of the hon. and learned Member for Midhurst (Mr. Warren), the learned author quoted from Hallam the remark, that the law was notoriously evaded. No doubt that was a strong and clear opinion, but it did not affect the principle of the measure. If the law was so defective that it did not carry out a good principle, that was a reason for amending the statute, and not for repealing it. The same writer (Mr. Warren) referred to the opinion of the noble Lord the Member for the City of London, and other hon. Members, who wished to place the Members for England and Ireland on the same footing as the Scotch Members, on the ground that the object of the Act had not been attained; but, on the other side, it was urged that such a proceeding would open the door to bankrupts, spendthrifts, and paupers. These reasons were considered sufficient for maintaining the law of property qualification, and he had heard nothing to invalidate those arguments. He would ask, was the House prepared to sanction the principle that a large number of Members might be admitted whose property was of such a reduced character that it was impossible for them to devote the whole of their time to the business of the country without ruin to themselves, and whether it was fair to place them in such a position as to render them liable to temptations, which few men were able to resist? It was clear that if men of such limited means were to be admitted, it would be impossible to maintain the principle of freedom from arrest. The object of that immunity was not, as some appeared to suppose, to enable hon. Members to escape just detention for debt, but to prevent the perpetration of tricks which might be played under certain circumstances to prevent an hon. Member from giving his vote on a great question when parties in the House were nicely balanced. If the House were to admit an unlimited number of men who did not possess an independent means of living, such an immunity must be abolished, otherwise the House would become neither more nor less than a refuge for bankrupt and disreputable characters. He admitted that a man might become a bankrupt from misfortune, and without any blame attaching to his character; but it was well known that many cases of bankruptcy were attended with gross fraud; and he would ask, was it right to make the House a refuge for men of that description? Burke, speaking upon this question, said that the road to eminence and power ought not to be made a thing too much of course, that merit ought to pass through some sort of probation; that the Temple of Honour—which of course meant the House of Commons—ought to be set upon an eminence, and that access thereto should be obtainable only by virtue and merit severely tried. He would refer the House to opinions of a more modern date. He regretted that the noble Lord the Member for Tiverton (Viscount Palmerston) was not in the House, and thought it somewhat remarkable that when questions of this kind now came under discussion he was almost invariably absent, whereas he generally took care to be present when he sat on the Ministerial bench. It looked like one of those accidents which were purposely committed. When the hon. Member for East Surrey (Mr. L. King) brought forward this measure on the 12th of May, 1857, the noble Lord the Member for Tiverton told him that he had not shown sufficient ground for the proposed change. The hon. Member now urged the same arguments as on the 12th of May, 1857; but the noble Lord was not present to oppose the Bill as he did when in office. The right hon. Baronet the Member for Morpeth (Sir G. Grey) on the 10th of June, 1857, advised the hon. Member to postpone his Bill, and said that if he did not do so he (Sir G. Grey) would move an Amendment that it be read a second time that day six months; and the noble Lord the Member for Tiverton approved the course taken by the right hon. Baronet. He, therefore, claimed the support of the noble Lord and of the right hon. Baronet against the Bill; and he was also entitled to claim the support of several hon. and right hon. Gentlemen now sitting upon the Treasury bench against the Bill, on account of the opposition which they offered to it while sitting on the other side of the House. The President of the Board of Trade said, on the 2nd of March, 1855, that this measure being a part of the large question of Reform, ought to be deferred until they had the whole subject before them. The same argument had now at least thrice the force it had then, because when his right hon. Friend uttered those words there was very

little expectation that the promise of hon. Gentlemen opposite to produce their Bill would be fulfilled. Now, every one was anxious to see a comprehensive measure of Reform brought forward. At least he (Mr. Bentinck) was anxious for such a measure, because he considered that the Act of 1832 was a complete anomaly and full of injustice, which he wished to see remedied. He could not but express the regret he found at witnessing the singular want of similarity between the opinions formerly expressed on the Treasury bench and on the bench opposite; but he contended that he had a right to appeal to hon. Gentlemen on both sides of the House to support the Amendment.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

MR. KER SEYMER said, that it would be reasonable for him, as a Conservative, to listen to the appeal of his hon. Friend, even if he had not had practical knowledge of the evils which the Bill was intended to cure. He would ask whether anybody could pretend to say that the Scotch Members, who were not compelled to show any property qualification, were not fully equal in respectability, in ability, and even in property, to the Members either of England or Ireland? It might be true that no property qualification was imposed in Scotland, because formerly estates in Scotland were very small; but that was not the case now. Did his hon. Friend propose, as he ought to do, to be consistent, that the qualification should be extended to Scotland? He (Mr. Ker Seymer) had had a great deal of experience upon Election Committees. When a question had been raised as to the sufficiency of the qualification of the hon. Member, whose election was disputed, and it was his opinion that the property qualification was a complete snare. So far from keeping out persons not possessed of a certain amount of property it was entirely nugatory. No person could have any difficulty in procuring a fictitious property qualification for a seat in that House, while many gentlemen who were substantially well qualified by property to sit in the House, had been turned out on account of some nice legal point affecting their qualification. A gentleman relied upon a particular estate to give him a title; but if the ingenuity of the lawyers could make out that there was a charge upon it, then, although they could not prove either bribery or corruption, or undue influence, or treating, against the Member, he might be unseated. Take the case of Harwich. An hon. Gentleman, whose knowledge of Indian matters would have been of great importance in recent debates, was objected to in this way. Her (Mr. Ker Seymer) thought that he was qualified, and so did the hon. and learned Member for Wallingford (Mr. Malins); but the other three Members of the Committee were of a different opinion, and so the House and the country had been deprived of the valuable services of this gentleman. In another case a most unhandsome and ungenerous use was attempted to be made of an hon. Gentleman's connection with the British Bank, but that had happily failed. It was, however, time to put an end to this state of things, and he (Mr. Ker Seymer) should be extremely sorry to think that another general election was likely to take place under the present law.

MR. DRUMMOND said, he still sat in the same part of the House as formerly, and that, he supposed, was the reason he was still of the same opinion. He wanted to know what was the object to be gained by this measure? Suppose they had no qualification—suppose they were even all paupers, what would they get by that? If they divorced property from political power it would be impossible to preserve the framework of society. They had heard some little hints as to what those gentlemen who really desired reform meant to do when they got it. It was to throw the whole burden of taxation upon that Utopian society called "the rich," and then they would soon have the happiness of being reduced to an uniform level of pauperism. The hon. Gentleman talked of Scotland. That argument was worth nothing. Scotland was a most aristocratic country. All the voters were tenants *in capite* of the Crown, and they never presumed to think it possible that one not of that class could be a Member of Parliament. The case was just the same as it was with Jews. There was no law for keeping Jews out of Parliament, because no one in his senses would ever have dreamt of a Jew getting in. The measure now before the House ought not to stop where it did. If they were really going to amend the Legislature no measure would be complete which did not deal with the House of Lords.

There were two points with regard to which it was necessary to meddle with that House. In the first, they ought to follow the advice of Sir Wm. Temple, and suffer no pauper Peers; they ought to suffer no one who was not possessed of considerable property to sit in the Upper House. In the next place they must insist on doing away with voting by proxy. He (Mr. Drummond) considered that the people of this country had been ill-used with regard to the question of reform. They were told that it depended on which benches hon. Gentlemen sat whether they were or were not its advocates. The only persons who were really in favour of reform were the Socialists. [*Laughter.*] Hon. Gentlemen seemed to be very much amused at that; but he did not think they were any more informed as to what was going on than were the upper classes of France before the Revolution. Depend upon it there was an under-current of Radicalism and Socialism in society which hon. Gentlemen little dreamt of. The question was only brought forward by them in order that they might create out of it a little political capital. But the present was a grave matter. It was the first time they had begun to separate political power from wealth; and he could not conceive anything more calculated to lead to a general disruption of the social fabric.

Sir GEORGE LEWIS said, he took a diametrically opposite view of the question to that which had just been expressed by the hon. Gentleman. He did not believe that the property qualification afforded any safeguard for the social, intellectual, or educational standing of those who were elected Members of that House. The real safeguard lay in the choice of the electors, and in the after incidents of an election. The Bill would only make a technical change in the law, but it would remove from hon. Members those pitfalls and snares which had been adverted to by the hon. Gentleman opposite (Mr. Ker Seymer).

Mr. NEWDEGATE said, he was not prepared to reverse the votes which he had given in favour of the maintenance of a property qualification as requisite for admission to seats in the House. He knew not what reason might actuate Her Majesty's Government in the course which they seemed inclined to take, but he was sure of this, that the Members of this House, who have for years voted in support of a property qualification, and who suddenly, and for no assigned reason, reversed their votes, would have an awkward explanation demanded of them by their constituents. The hon. Member for Dorsetshire has argued, that because the Scotch Members are not required to have a property qualification, therefore none ought to be required of the Members for England and Ireland, and he has alluded to the Scotch one pound notes as a peculiarity of that country, which currency Reformers think should be extended to England. He (Mr. Newdegate) was not about to argue whether we ought or ought not to have one pound notes in England, but he begged his hon. Friend to consider why the Scotch have one pound notes when the English have none. It was plain that the Scotch have retained their one pound notes, because they have shown that, owing to their manner of transacting business, and owing to the system of banking which is peculiar to that country, they know how to use these one pound notes safely, and that the retention of them is essential to their material interests; this is a privilege adapted to the peculiarities of Scotland, and he held that it was most unwise to neglect these national peculiarities, or to attempt to enforce an arbitrary uniformity in measures applicable to the three countries. It would be to ignore peculiarities and difficulties which you cannot annul. He therefore answered his hon. Friend's argument by his own instance. "The Scotch have one pound notes while we have them not in England." But his principal objection to this measure was, that it ought not to be an isolated measure, but to form part of a general scheme for the reform of the representation of the people. He thought that a Reform Bill ought to be introduced — a comprehensive scheme of reform such as would enable the people to weigh one provision of the measure against another, and thus to form an intelligent and sound opinion of the general effect of the measure upon the representative system of this country. He condemned this piecemeal system of reform, because it virtually proposes to effect great changes without the knowledge and consent of the people of this country, for men engaged in business and daily avocation cannot keep their attention fixed upon the constant current of measures passing through this House. Piecemeal reform, therefore, is reform carried on behind the backs of the people of this coun-

try, if he might be allowed so to express himself. He objected to this measure on these grounds, but still more strongly because he considered that these isolated measures formed parts of a system of agitation; that they are intended to collect a certain amount of spurious popularity for the movers and supporters of them, and to entail odium upon the House of Lords on account of their rejection. He stated this last night, and he adhered to the same opinion to-day. In conclusion, he repeated that he refused to reverse the votes which he had given against this measure where no new ground for his doing so was shown.

MR. GRIFFITH said, he should support the Bill; but if the property qualification was wrong in 1858 it could not have been right in 1857; and he would remind the House that there was a gentleman at the present moment suffering from the consequences of the law they now condemned.

MR. KNIGHTLEY said, he entirely agreed with the hon. Gentleman (Mr. Drummond) in deprecating the divorce of political power from property. If the right hon. Gentleman (Mr. Walpole) was prepared to give way on this, which formed one point of the people's charter, he should like to know how he could resist another point which was nearly allied to it—namely, universal suffrage. There was obviously a close connection in principle between the qualification of the voter and of the candidate; and accordingly, as no property qualification was demanded from representatives of the Universities, none was required of their constituents. The hon. Member for Dorsetshire (Mr. Ker Seymer) referred to the case of Scotland. He (Mr. Knightley) admitted that the position of Scotland in this respect was rather anomalous; but the law in many other respects was also different in Scotland to what it was in England. It should be recollected that the spirit, the tastes, and the manners of the two countries were of a very opposite character; for example, their sense of decorum would no doubt be greatly shocked at seeing the hon. Member for Surrey, or any hon. Gentleman from Scotland, walking up to that House with nothing but his shirt on, and such conduct would hardly be excused, because in some parts of Scotland trousers were unknown. Reference had been made to the cases of Mr. Carter and Mr. Glover; but, he must say, that in exchanging those gentlemen for Mr. Robert Phillimore and the present hon. Member for Beverley, neither the voters, nor the House, nor yet the country, had had any cause to complain. He (Mr. Knightley) certainly thought that a large professional income was a sufficient qualification; but the fact that it might be desirable to amend a law was no reason why the law should be altogether repealed. The object of insisting on a property qualification was to secure, as far as might be, the independence and the incorruptibility of Members of Parliament, which, important as it was in the discharge of their general duties, was still more important in connection with the delicate functions they had to perform upstairs. An attack had recently been made on an hon. Gentleman in connection with the manner in which he had performed those functions, and they had seen how completely the charges had fallen to the ground. But would that have been the case if the hon. Gentleman had been some unknown, hungry, penniless adventurer? Far be it from him to say that a poor man might not be as honest as a rich one; but if a man was in debt, or in embarrassed circumstances, or wanting possibly bread for his family, the temptations which the position of a Member of Parliament would throw in his way would be too great for human nature. Depend upon it, if they allowed doubts to rest upon their individual honesty, they would soon destroy, never to be restored again, the authority of the House itself as a branch of the Legislature.

SIR WALTER FARQUHAR said, he was opposed to proceeding further with the present measure, on the ground that they had been promised a Reform Bill by the Government next year; and he thought it better that the whole subject should be taken into consideration at one time, than that they should attempt to legislate in this piecemeal manner.

MR. HENLEY: Sir, my hon. Friend behind me (Mr. Bentinck) has done me the honour to rake up some opinions which I submitted to the House upon this subject a couple of years ago. I am happy to inform my hon. Friend that as the same grounds exist at present as induced me to make the observations on the occasion referred to, I hold precisely the same opinions as I before expressed upon this subject, and I am prepared to support those opinions by my vote. I will not now consider the principle of the particular measure before us, whether it is one of a

good or evil character, viewing it as but a portion of a very large and important question, but shall wait until the general measure is before us for our consideration. The noble Viscount (Viscount Palmerston) promised us a Reform Bill some two years ago, but, unfortunately, we have never been blessed with the sight of it. I still, therefore, take the same view of the present Bill as I did in 1856.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 222; Noes 109 : Majority 113.

Main Question put, and *agreed to.*

House in Committee.

Clause 1.

MR. BENTINCK said, Sir, there is one subject I wish to call the attention of the Committee to before we proceed further with this Bill. That subject, I think, is one of a very remarkable character, and one which appears to me to affect generally the character and independence of this House. I allude to the somewhat extraordinary position in which we stand in reference to this measure. The hon. Member for East Surrey (Mr. L. King) has for several years past brought this measure under the consideration of the House. His conduct in relation to it has been ever, I admit, fair and consistent. But I need not remind the House that, up to the present Session, that hon. Gentleman has failed to secure a second reading to his Bill, so decided has been the opposition hitherto offered to its principles by both sides of the House.

MR. LOCKE KING : I beg the hon. Gentleman's pardon. My measure last year was read a second time.

MR. BENTINCK : I stand corrected by the hon. Gentleman, but that does not affect my argument. So decided has been the opposition to the Bill on both sides of the House for years past, that it has never until now reached that stage of Committee in which we now find ourselves. I feel, therefore, Sir, warranted in saying, that the whole character and conduct of the House in respect to this Bill has been entirely changed. I hope, then, we shall have, before this subject is disposed of, a distinct explanation from the Treasury bench, as well as from the front opposition bench, as to the grounds upon which a number of hon. and right hon. Gentlemen occupying seats on both benches have thought proper to take the democratical course in respect to this measure, from which they have heretofore avowedly shrunk. Sir, I think that these explanations are due to the character and the independence of this House. I want to know whether such measures are to be dealt with henceforward upon the grounds of principle or of expediency. If they are to be treated as questions of principle, I want to know what are the particular grounds upon which hon. and right hon. Gentlemen sitting on the Ministerial as well as on the Opposition bench have come to a directly opposite conclusion on this subject to that which they arrived at on former occasions. In my judgment, Sir, these changes of opinion affect considerably the character and reputation of this House ; and, therefore, I think we are entitled to have a distinct explanation of the grounds upon which they have thought proper to vote so directly contrary to the way they have voted on former occasions.

MR. WALPOLE : Sir, after the emphatic challenge which my hon. Friend has thrown out, especially to the occupants of the Treasury bench, it would ill become me to decline making some statement in reference, at all events, to my view of this question ; although I must say I should have thought the statement I had made the other night in connection with this Bill might have been considered as sufficient. Now, let me recal the attention of the House to the course I have taken in relation to this matter, and in doing so I will appeal to the recollection of the House, and if that be insufficient I will appeal to authentic documents, to which any one can refer, whether there has or has not been on my part, that change of principle of which my hon. Friend has complained. When the noble Lord the Member for London (Lord J. Russell) was at the head of the Government he proposed to introduce a Reform Bill. Soon afterwards that noble Lord went out of office. In the Reform Bill which the noble Lord had, however, introduced, this measure for the abolition of the property qualification formed part, though but a small part. The Earl of Derby succeeded the noble Lord in office in the year 1852. Mr. Tufnell, who was then a Member of the House, proposed the introduction of a Bill identically the same in substance as that of the hon. Member for East Surrey. That Gentleman asked the Government of the Earl of Derby what they intended to do in relation to the subject? I said a few words on the occasion, to the effect that,

inasmuch as we had not opposed the consideration of the greater and the general question of Reform by the House when the noble Lord the Member for London proposed to introduce his measure, I thought it would ill become the Government to refuse their assent to the introduction of a small branch of that question, in order that it might be fully considered by the House and the country. The House assented to the introduction of the measure, which, however, was not proceeded with much further. The House, at all events, pronounced no opinion upon the principle of the Bill. When has the question been since brought before us? Never, I believe, except by the hon. Member for East Surrey has the question since been opened. I have read the debate that took place upon the question last year. I certainly then voted against the second reading of the hon. Member's Bill, but I will ask hon. Gentlemen if they have not the facts in connection with the discussion of that Session vividly before their minds? To refer to the authentic records of the time for precise information on the matter, I will ask the House whether the debate that took place last year on the subject did not altogether turn upon the principles just referred to by my right hon. Friend the Member for Oxfordshire — namely, that inasmuch as the whole question of Reform was to be proposed in another year, it was thought much better to postpone the consideration of this small portion of the general subject. That, Sir, was the ground upon which I voted against the hon. Member's Bill; but I deny that I ever expressed any opinion upon its principle. I challenge my hon. Friend, or any other hon. Gentleman, to show that I have ever, at that or any other time previously expressed any opinion upon the principle of the measure; therefore, so far as the principle of the Bill is concerned, I do not think that I have left myself open to the charge of my hon. Friend. But he says that this is either a question of principle or expediency with us, and that he thinks it is essential to the independence of hon. Members to maintain their property qualification. Essential to the independence of hon. Members! Now my hon. Friend knows that Members for the Universities do not require the possession of this qualification. And what is more, the hon. Gentleman's own son, if returned to this House, need not declare that he possessed any property, the sons of county Members being exempted from this law. There is, too, one out of the three parts of the United Kingdom —Scotland—the Members of which are not required to show any property qualification; and I think that if there is any one class of Members in this House especially remarkable for their exercise of an independent judgment on all occasions, the Gentlemen who are returned from Scotland belong to that class. Sir, I have never seen anything in the Parliamentary conduct of Scotch Members that could make us believe this property qualification was at all essential to secure an independence of character. The hon. Gentleman referred us to the book of the hon. and learned Member for Midhurst on "Election Law" for the purpose of showing that, in the time of Queen Anne, the Scotch Members were then so poor that it would be difficult to find a man in that part of the kingdom that could produce a property qualification. Well, then, if independence of character in this House is to be tested only by the value of a man's property, how are we to reconcile the facts to which I have referred with the arguments of the hon. Gentleman? If the argument of the hon. Gentleman be worth anything, it would go the length of saying that we have a number of men amongst us, who are more likely to be led away from the proper course by the undue influences which are exercised over them, because the law does not require them to show that they are possessed of any property. But we know that that is not the case, and that that particular class of Members are, at all events, as little obnoxious to any such charge of undue influences as any other representatives in this House, and, therefore, it is a fair inference that no undue influence will be exercised upon other Members because they come to the table to be sworn, not necessarily without the present qualification, but without being obliged to state that they had it. My hon. Friend the Member for Northamptonshire (Mr. Knightly) has reproached me — good humouredly, no doubt—with being on this occasion a supporter of what he calls the People's Charter. Now I agree with the hon. Gentleman in this respect, that representation ought to rest upon the basis of property, as the best to secure independence of action, and I am anxious that that principle should be brought in mind by the framers of any Reform Bill to be submitted to this House. But I do not think that that exactly applies to the present question. I think, Sir, that in abolishing this property qualification for

Members to sit in this House, we shall be abolishing that which is in a great many cases nothing more than a mere sham. I believe, too, that if that qualification be done away with we shall see as many men of property and independence sent into this House as at present occupy its benches. The practical inconvenience of the present law is this; many persons possessed of knowledge, experience and ability, who enjoy only professional incomes, are prevented entering this House, unless they are willing to submit to this fiction and sham in order to secure their seats. That is an inconvenience which we shall get rid of, if we abolish this property qualification. Now, Sir, I should not have troubled the Committee at this length but for the challenge thrown out by my hon. Friend. The more I think of this question the less value am I disposed to place upon the maintenance of this property qualification. And when I recollect, Sir, that about thirty years ago a certain gentleman was returned as a Member of this House in his absence, by the free and independent choice of a constituency, who incurred the whole expense necessary to such a proceeding — that that person so returned was unable to take his seat here because he could not produce the nominal property qualification required — that that gentleman was neither a pauper nor a bankrupt nor an insolvent, but was one of the ablest literary characters and politicians that ever lived—I mean Southey—when I recollect this fact, and that there are many hon. and independent minded men whom your law prevents entering this House. I say, Sir, that I cannot see any objection to abolishing a useless and even mischievous sham, when at the same time without that sham existing, a property qualification would, in point of fact, be the basis of our representation. For these reasons I am as strongly convinced as I was when I addressed the House upon the second reading of this Bill that in point of reason, in point of principle, and, give me leave to add, in point of expediency, it is desirable to get rid of this sham.

COLONEL NORTH said, his right hon. Friend had stated that the reason why he opposed the second reading of this Bill last year was, that there was a Reform Bill then looming in the distance. He should like to know whether that was not the state of things at present—whether the present Government had not promised a Reform Bill? [Mr. WALPOLE: No; the consideration of a Reform Bill.] He had always voted against this Bill, and should continue to do so, viewing it, as he did, as an encroachment on the institutions of the country; and he was sorry that so many members of the Government with whom he had long had the honour of acting had changed their opinions with their seats. There could be no greater peril to the country than the having in Parliament a body of men who had nothing to lose and everything to gain by a scramble. A short time ago a Member of that House declared in a police court that he did not know where on earth to turn for £40. He would ask, whether a person of that description was fit to represent any county or borough in this kingdom? The privilege from arrest was dishonouring to any body of gentlemen, but more especially dishonouring to those to whom were intrusted the honour and dignity of the country, and therefore he should support the proposition of his hon. Friend near him (Mr. Hunt) for its abolition.

LORD JOHN RUSSELL: It is not my intention to enter into the dispute which has arisen between the right hon. Gentleman and those who sit beside him. All I can say is, that I think the right hon. Gentleman gave an excellent reason for the course which he has taken, and that until better reasons are given against it, he has a right to adhere to it. What I have risen to say, and what I should have said before had not the House been anxious to divide, is, that there is no foundation for the assumption of the hon. Member for Norfolk (Mr. Bentinck) and others, that the property qualification is essential to the constitution of this House. On the contrary, I have always considered that that qualification, introduced by the 9th of Queen Anne, was an invasion, an usurpation, and, in fact, a contradiction of the ancient constitution of this House. According to that constitution, the Members for the boroughs were called burgesses, and were many of them actually burgesses of the places which they represented, and, therefore, they could very seldom have had landed property to the amount of £300. a year. Take some of the most eminent Members of this House—take Mr. Selden, one of the most learned and able men who ever sat here; he was the son of a yeoman. Mr. Somers, afterwards Lord Somers, one of the greatest ornaments of the House, was the son of an attorney; and although I believe his father had £300 a year in land, he himself had not that qualification. Therefore, according to the ancient consti-

tution of this House, these eminent men, qualified by their ability, sat in this House without any obstacle or impediment. You sought by the Act of Anne to shut out men of abilities who had not property, but have you succeeded? It would have been a great misfortune if you had, but you have not, because your law, like those of prohibitory duties, has been evaded. Men of abilities have come in here, and have been obliged to resort to an evasion of that law which you attempt to hold up as essential to the constitution of this House. I think the sooner we get rid of such a law the better. I attempted to get rid of it in 1852; and, as I have since said, I have seen reason to think that it is far better that we should go on with one good measure after another, with a view to improve the constitution of this House. I am glad that the right hon. Gentleman the Secretary of State for the Home Department has discussed this question upon its merits, without reference to that great Reform Bill which the Government are to consider during the autumn. I hope he will take the same course with regard to another Bill of my hon. Friend (Mr. L. King) which is to come on next week—that he will discuss that measure upon its merits, and will make as successful a speech in its favour as he has made upon this subject.

LORD JOHN MANNERS said, but for the remarks of his hon. and gallant Friend the Member for Oxfordshire (Colonel North) he should have been contented with the defence of the Government made by the Home Secretary. His hon. and gallant Friend had charged the Government with having changed their opinions. He begged to assure him that he had not changed his opinions, and that his vote in favour of this Bill was one of the most Tory votes that he ever gave in the House of Commons. He firmly believed that the passing of this Bill would rather tend to strengthen than to weaken the landed and Conservative interests of the country.

MR. HUNT said, that in giving a vote opposed to that of his noble Friend, he had certainly supposed that he was giving a Tory vote. He rose, however, to state that, as he had been informed that he could not regularly move the insertion of the clause of which he had given notice (to abolish the privilege from arrest), he therefore should not press it.

MR. BENTINCK said, he must still beg to refer to the vote of the right hon. Gentleman the Secretary of State for the Home Department against this Bill in 1857 as a proof that he had at different times voted black and white upon the same question.

Clause *agreed to.*

House *resumed.*

Bill *reported*, without Amendments; to be read 3° *To-morrow.*

PUBLIC BUSINESS.—QUESTION.

SIR GEORGE LEWIS wished to know what public business would be taken on the following day.

MR. G. A. HAMILTON said, on the following day the Government proposed first to take the Report on Supply, and after that to proceed with the Civil Service Estimates, except the Education Estimate, with regard to which it was an understanding that notice should be given. On Friday it was proposed to proceed, first, with the Transfer of Land Bill, and then to proceed with the Civil Service Estimates, commencing with that for the British Museum.

House adjourned at a Quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, June 3, 1858.

MINUTES.] *Took the Oaths.*—The Lord Wodehouse.

PUBLIC BILLS.—1ª Prescription (Ireland).

2ª Non-Parochial Registers; Chancery Amendment.

NOTICES OF QUESTIONS BY THE EARL OF KINGSTON.

THE EARL OF ST. GERMANS begged to draw their Lordships' attention to what he thought was a very inconvenient practice on the part of the Earl of Kingston in placing notices of Questions upon their Lordships' paper which he did not ask, and without naming a day on which he would ask them. Those notices embraced a variety of subjects, and had appeared on the paper at intervals for some time past. Among other questions of which the noble Earl had given notice, one was relating to a Custom House officer of Liverpool; another to the appointment of Mr. Sullivan to Lima; another, "Whether the resignation of General Ashburnham, Commander in Chief of the Chinese expedition, was a voluntary act of that officer; or, if not, from what source were the expenses of his return to this country defrayed." Another was, "Whether the whole course

and conduct of Rajah Brooke in the East has not been such as to desecrate the name of England for humanity and justice." He repeated that, to say the least, it was an inconvenient practice to place such notices on their Lordships' paper without asking the questions, more especially when they imputed, as in the case of the Rajah Brooke, serious charges to individuals.

THE EARL OF MALMESBURY said, he was afraid there was no remedy for the inconvenience of which the noble Earl complained, and that such matters must be left to the discretion of noble Lords. Absurd as it might appear, he had seen notices of Motion on the paper a much longer time than those of the noble Earl.

LORD REDESDALE said, it was formerly the invariable practice when a notice of a Question was placed on the paper to add the day on which it would be asked. He thought the noble Earl (the Earl of St. Germans) should have given Lord Kingston notice of his intention to bring this matter under the notice of the House.

EARL STANHOPE said, that under any circumstances there would have been great impropriety in placing on the paper such a notice as that relating to Rajah Brooke.

LORD CAMPBELL said, the Notices in question did not state that the Questions would be addressed to Her Majesty's Government, nor, indeed, to whom they would be put. He fully concurred in the remarks that had been made on the impropriety of placing such notices on the paper. It ought to be borne in mind that their Lordships' paper of business was sent all over the kingdom to every public library, and it might thus be made the vehicle for disseminating the most atrocious libels.

NON-PAROCHIAL REGISTERS BILL.

SECOND READING.

THE LORD CHANCELLOR, in moving the second reading of this Bill, said their Lordships were aware that among the documents admitted in evidence in our courts of law the registers of births, deaths, and marriages, were in many cases exceedingly important and useful; as they were also on other occasions. Until 1837, however, no entries of this kind were admissible in evidence, except those contained in the parochial registers. In that year a registrar-general was appointed, and provision was made for registering births and deaths. But various religious bodies of different denominations were under this disadvantage—that their registers, which they had preserved with great care, were not admissible in evidence, according to the then existing law, prior to 1837. In 1836 a Commission was issued for the purpose of ascertaining the state and custody of the registers of those various bodies, and of authenticating them and placing them in proper custody, so that they might be put upon the footing of other similar registers. The Commission examined 8,500 registers. An Act of Parliament was passed in 1840, which provided for their being placed in the custody and care of the registrar-general, and for their being admitted in evidence under certain conditions. In 1857 the Commission of 1836 was renewed, and an investigation was again made into the state of the registers belonging to various religious bodies. Registers which had not been previously to the number of 262, containing 154,000 entries, were examined, and this Bill was intended to place them upon the same footing as registers affected by the former Act. The measure was one to which he conceived no objection could be made, and therefore he asked their Lordships to allow it to be read a second time.

LORD CAMPBELL approved the Bill, and hoped the Motion would be agreed to unanimously.

Bill read 2ª (according to Order) and *committed* to a Committee of the whole House *To-morrow.*

CHANCERY AMENDMENT BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR said, that he had to ask their Lordships to give a second reading to another Bill of considerable importance. It was one for the Amendment of the procedure of the Court of Chancery. It came up from the other House where it had received the unanimous assent of every legal Member, and it was recommended on the authority of a Commission consisting of persons peculiarly qualified to consider the whole of this subject and to suggest alterations in the law. When he mentioned that on that Commission there were the Master of the Rolls, one of the Lords Justices, two Vice Chancellors, a Judge of the Common Law Courts, Sir James Graham, Mr. Henley, and three of the most eminent counsel

practising at the Chancery bar, their Lordships would feel satisfied that great care and deliberation had been exercised in considering the subject, and that they might feel safe in proceeding on their recommendations. The principle of the Bill was to enable the Court of Chancery to give full and complete relief to suitors who came before it. At present if any person had sustained any injury by the wrongful act of another for which he was entitled to sue for damages, and if he also desired to obtain an injunction to restrain the wrongdoer from continuing the wrongful act, he must apply to the Court of Chancery for the latter; but he must go to a common law Court to obtain damages. The tendency of all recent legislation had been to enable the different Courts to give as far as possible full and complete relief to all who applied to them. Before the passing of the Common Law Procedure Act in 1854 a Court of Common law had no power to compel parties who had been guilty of any breach of duty or engagement to perform that duty or engagement, but could only award damages for any injury that had been sustained. The Common Law Procedure Act gave the common law Courts power to issue a *mandamus* to compel the performance of a duty. Power was also given to those Courts to grant injunctions. Again, there were cases in which persons who were sued had, according to the strict rules of law, no defence to the action, but who had a very good defence in equity, and in such cases the defendant formerly was obliged to allow judgment to go against him in the common law Court, and then apply to the Court of Chancery upon equitable grounds to restrain the proceedings against him. The Legislature thought that course was needlessly complicated, and therefore by the Common Law Procedure Act permitted a defendant to plead an equitable defence to an action. He made those explanations to prove that the Bill he now proposed, to give the Court of Chancery power to award damages, was in strict accordance with the principles upon which Parliament had been acting of late. The power of giving damages would impose upon the Court of Chancery the duty of estimating the injury done, and of ascertaining all the facts relating to the case. This had rendered necessary that portion of the Bill which related to the examination of witnesses. The country was indebted to a noble and learned Friend (Lord St. Leonards) for an improvement in that respect by substituting *vivâ voce* examinations before an examiner for the old mode of taking evidence by interrogatories. Even that improved system was not exactly satisfactory, as in practice he believed that nine-tenths of the evidence in chief was taken upon affidavit, and the offices of the examiner were only called in for cross-examination, and even then his power was very limited. Now, he might also observe that it was extremely expedient that the witnesses to facts should be examined before the Judge by whom a decision on those facts was to be pronounced, inasmuch as great light was often thrown upon the question at issue by the very demeanour of the witnesses, and by the facility which existed of putting interrogatories to them, by means of which all doubt was cleared up. But that object was not at all secured by the present system. Some of the equity Judges, no doubt, bearing those considerations in mind, adopted the principle of examining persons in open court; but some of them objected to it altogether. Moreover, as he had said, the Court of Chancery possessed the power of assessing damages. Those who were accustomed to investigations in our courts of law were perfectly aware that no more important aid could be given to a Judge upon any question, and especially upon a question in which the assessment of damages was involved, than that which was to be derived from the assistance of a jury, and it was therefore proposed in the present Bill to leave it to the option of the Judge to allow a jury to be summoned in courts of equity to decide disputed questions of fact, and those also embracing the assessment of damages. In support of the views which he had just submitted to their Lordships he might mention a remarkable case which had come before the Lords Justices, and in which the parties to the suit were, as was not unusual, completely at issue, with respect to the facts. The Lords Justices had the parties in open court, where they were subjected to a lengthened *vivâ voce* examination, the result of that examination was, that the Lords Justices found themselves quite perplexed by conflicting testimony as to the decision at which they should arrive. They eventually determined to send down an issue to be tried before his noble and learned Friend near him (Lord Campbell) and a jury, and the upshot was that the jury found no difficulty in coming to a conclusion in favour

of the truth of the statements of one of the parties. Their verdict in the matter was perfectly satisfactory; and although it was in opposition to the interests of the persons for whom he (the Lord Chancellor) happened to have been the advocate, yet he had no hesitation in expressing his concurrence in its justice. He had adduced the case as a slight illustration of the advantages which were to be derived from the assistance of juries in trying disputed questions of fact; and he might add, that so important did the principle appear to be to the Legislature, that in establishing the new Court of Probate it had given the Judges the power of calling in the aid of a jury to decide upon those questions. His noble and learned Friend opposite (Lord St. Leonards) entertained, he believed, some objection to certain clauses of the Bill; but he might inform him that he was prepared to assent, when the second reading had been taken, to remit the bill to a Select Committee, in order that its provisions might undergo more careful examination. The noble and learned Lord concluded by moving the second reading of the Bill.

Moved, That the Bill be now read 2ª.

Lord BROUGHAM thought that this Bill would effect an important reform in the law by enabling suitors to obtain to a greater extent than at present a complete remedy for any wrong of which they complained in a single court. He thought, however, that the Judge should not have the option of directing that a jury should be summoned without the consent of the parties.

Lord ST. LEONARDS said, he did not rise to oppose the Bill, of many of the provisions of which he was inclined to speak with favour. He quite concurred with his noble and learned Friend on the woolsack in the opinion that the names of those gentlemen from whom the Report on which the measure was founded had emanated were entitled to great weight; and he was prepared to admit that, so far as it tended to carry out the wish of the public and the Legislature, the Court in which a suit was originally instituted should entirely dispose of the subject-matter in dispute. The Bill proposed to give a Judge in equity, without a jury, the power of assessing damages; and to this he objected, believing that an equity Judge could not exercise that power beneficially, as he had no adequate machinery for the purpose. It was, he thought, a mistake in having a jury in a Court of Chancery, instead of sending an issue to be tried in a court of law which possessed the necessary machinery, and all the necessary experience in the ordinary working of the jury system. He did not object to a Court of equity having the same jurisdiction as a Court of law, so as to be enabled to deal with the subject of a suit in a manner to do full justice to the suitor. There was a portion of this Bill, however, which lost sight of that principle, and not merely gave a Court of equity the same power as a Court of law, but gave it a new and more extended power than had ever yet been attempted. In cases for specific performance of contracts, it was not often necessary to have recourse to both law and equity in order to have a contract specifically performed, and also to award damages. In many cases a Court of equity, when it granted specific performance, did not allow the parties to go to law. This proviso, therefore, gave a power far beyond any which had existed before. He did not oppose the general principle of the Bill, but he trusted that its details would receive the careful consideration of the Select Committee.

Lord CAMPBELL expressed his entire concurrence in the principle of the Bill, which he took to be, one cause to one court. It was a reproach to Westminster Hall that, under the existing system, a cause oscillated from one court to another —from a court of law to a court of equity. He believed that nothing approaching to such a system existed in any other country in the world, and it was a great reproach to the administration of justice. He regarded this Bill as a step in the right direction; but, although great improvements had been effected, much still remained to be done. Where damages were to be assessed in equity, it ought not to be necessary to go from one court to another, employing different solicitors and counsel, and thus incurring a very wasteful expenditure. He thought it was a matter of congratulation that Courts of equity were now able of their own authority to do complete justice to suitors. He should state, however, his belief that what was called a fusion of law and equity was impracticable; but still there might be an equitable jurisdiction given to Courts of law, in order that they might be enabled to terminate satisfactorily suits commenced in the first instance in courts of law.

Lord CRANWORTH was happy to add his testimony to the unanimous feeling ex-

pressed towards his noble and learned Friend for the introduction of this useful measure. The Bill, in its main feature, was the result of the recommendations of the Chancery Commissioners in their third Report, which was presented at the end of the Session of 1856; and he (Lord Cranworth) had, in consequence, felt it to be his duty to prepare a measure—which, however, did not go as far as the present Bill—with the object of carrying out the recommendations of the Commission. If he was asked why he did not bring in that Bill last year, his answer was, that he believed Parliament was so fully occupied by the two great measures for the establishment of the Courts of Probate and Divorce, that he did not think it would have been satisfactorily dealt with. No such obstacle now existed, and he trusted that nothing would occur to prevent this Bill being carried. He did not see any reason why a person who sought specific performance of a contract should not be entitled to have it performed, and also to receive damages for any injury he might have sustained by reason of its non-performance. The Bill proposed to do more than was contained in the recommendation of the Commissioners, because it proposed in all cases to make it competent for a Court of Chancery to summon a jury. This might be quite right; but it was a power which could not be often usefully exercised, inasmuch as in the matters which came before those Courts there were seldom any disputed facts. If the proposed system was adopted, the delays which were now complained of in Chancery suits would be added to, if in every case a jury was to be employed. But as it was only proposed to give the power without making its use imperative, the provision might be a useful one. In the assessment of damages a jury would be useful, but it would be wrong to require one in every case.

Motion *agreed to.*

Bill read 2ª accordingly, and *referred* to a Select Committee.

DIOCESE OF NEW ZEALAND.

QUESTION.

THE EARL OF POWIS inquired whether any measures were now in progress for the subdivision of the diocese of New Zealand? The matter did not involve the expenditure of Imperial or Parliamentary funds, and it was desirable that no undue delay should take place.

THE EARL OF CARNARVON thought he could give his noble Friend a very satisfactory answer, and one which he would be well pleased to hear. Those arrangements which were for such a length of time desirable to have carried out in respect to various sees in New Zealand he had every reason to hope would be immediately completed. The history of the case was a simple one. The original see, as their Lordships were aware, was the see of New Zealand, over which Bishop Selwyn, whose zeal and activity it would be impossible to exaggerate, presided. When he was in England, in 1854, that right rev. Prelate brought the whole matter under the consideration of the most rev. Primate and of the Government here, and he suggested a plan, which was in a great measure agreed to. That plan was the creation of four bishoprics—namely, Wellington, Christ Church or Canterbury, and the two native bishoprics. That scheme was in part carried out in 1856. The bishopric of Christ Church was then founded. There were then, however, no other steps taken in regard to the three other bishoprics, because difficulties in the way of arrangement had arisen—first, as to the metropolitan of the colony, and others of a financial character. Consequently the whole matter hung up for the following year or so. Last year, in 1857, the matter was resumed, and the scheme by that time was in some respects modified. It was then proposed to blend the two native dioceses into one, and to makeNelson a separate diocese. By the present arrangement there was guaranteed £5,000 to be set aside in the case of the Wellington diocese, by the Society for the Propagation of the Gospel; £3,000 was promised from the same source for Nelson; £1,000 was to be added by the Bishop of New Zealand out of his own private resources; another £1,000 was guaranteed by private individuals in New Zealand itself—therefore £5,000 would be forthcoming for each of those dioceses. The native see would be provided for by the munificence of the Church Missionary Society until other arrangements were made. That was the state of things in 1857, when difficulties of a somewhat technical nature interposed. He was, however, happy to say, that within the last month the matter had been pushed forward, and he saw no reason whatever to doubt the probability of all these sees being brought into activity in a very short period.

House adjourned at Half-past Six o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 3, 1858.

MINUTES.] PUBLIC BILLS.—1° Funded Debt. 3° Property Qualification; Ecclesiastical Corporations Leasing.

ISTHMUS OF SUEZ.—QUESTION.

MR. MILNER GIBSON said, the right hon. Gentleman the Chancellor of the Exchequer told the House the other night that he would be able shortly to inform them whether he could lay on the table the correspondence relative to the canal across the Isthmus of Suez. He had now to ask, therefore, whether the Government are prepared to produce the whole of the correspondence that has taken place between the Government of England and the English Embassy at Constantinople on that subject; also, the correspondence that has taken place between the Government of England and any other Foreign Government relative to the same matter?

THE CHANCELLOR OF THE EXCHEQUER: The right hon. Gentleman is quite correct in stating that I said I should be prepared to give a reply to this inquiry; and I have now to say that it will not be convenient to lay that correspondence on the table of the House.

THE GOVERNMENT OF THE ARMY.
QUESTION.

SIR JOHN WALSH said, he would beg to ask the Chancellor of the Exchequer whether it is in the contemplation of the Government to take any steps in consequence of the Resolution which passed the House on Tuesday, in favour of placing the whole administration and control of the Army under the undivided authority of a single Minister?

THE CHANCELLOR OF THE EXCHEQUER: Sir, Her Majesty's Government will be happy always to treat with great and due respect any Resolution come to by this House; but, considering the great importance of the question under discussion on Tuesday, the comparatively small number of Members in the House when the division was taken, and the bare majority by which that decision was come to, Her Majesty's Government do not feel that it is their duty to recommend any measure in consequence of the Vote which the House then advised.

MR. P. O'BRIEN said, he wished to know whether Her Majesty's Government intend to afford an opportunity for another discussion on the subject?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I do not understand exactly the purport of the hon. Member's inquiry. It is not the intention of Her Majesty's Government to take any measure, either in this House or out of it, in consequence of the Vote which the House arrived at on the Motion of the hon. and gallant Member for Bodmin (Captain Vivian) on Tuesday night.

NEGOTIATIONS WITH CHINA.
QUESTION.

MR. KINGLAKE said, he would beg to ask the Chancellor of the Exchequer whether any Despatches have been recently received from Lord Elgin, and especially any Despatches communicating the fact of a rupture of the negotiations which had been opened with the Government of the Emperor of China; and, if so, whether there would be any objection to lay upon the table of the House copies of such Despatches, and of any other Correspondence respecting our differences with China; and whether, consistently with due regard to the Public Service, he can now state the intentions of Her Majesty's Government with respect to the prosecution of our demands against the Emperor of China?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Gentleman is under an erroneous impression in supposing there has been any rupture in our negotiations with China. On the contrary, what the Emperor has done has not been to send a Minister of State to meet Lord Elgin at Shanghai, but to send a message to state that a Minister of State will be sent to Canton, and requesting that Lord Elgin will return to Canton to meet his Plenipotentiary there. Lord Elgin has, however, advanced towards the north. With regard to the second part of the inquiry, as to our intention to prosecute our demands, I beg to remind the hon. Gentleman that we are acting at present with allies, and therefore it would be inconvenient to lay upon the table any instructions, either those given by our predecessors or by ourselves subsequently. We are acting in unison with other Powers, and under such circumstances it would, I repeat, be inconvenient to the Public Service to lay the Papers on the table.

LORD JOHN RUSSELL said, he would give notice that he should ask the right hon. Gentleman to-morrow, whether any demand had been made upon the Chinese Government; and, if so, whether any an-

swer to that demand had been received from them?

BARRACK MASTERS.—QUESTION.

MR. WARREN said, he would beg to ask the Secretary of State for War whether any and what steps are being taken towards improving the condition of Barrack Masters, with reference to the revised scale of pay recently prepared in the Barrack Department?

GENERAL PEEL said, that a new scale of pay had been prepared by the Barrack Department, which had under its consideration the condition of Barrack Masters. There were, however, many difficulties in the way, and no change could take place in the course of the present financial year.

ABSCONDING OF MR. ELLIOT.
QUESTION.

MR. NICOLL said, he wished to ask the Secretary for War if his attention has been called to a report that an officer high in the public service has recently absconded; and if it be true that the principal books and accounts at the Government Establishment at Weedon have for nearly three years been kept on the principle of single entry, during which period a complete stock-taking of stores has not been effected? And in the event of there being some foundation for these statements, if it is the intention of Government to cause an immediate investigation into the whole of the facts of the case?

GENERAL PEEL said, in reply to the question of the hon. Member, it was perfectly true that the principal storekeeper at Weedon (Mr. Elliot) had absconded. He absented himself on Thursday, the 20th May, promising to return on Saturday to pay the workmen their wages. As he did not do so information was telegraphed to the War Department on the following day (Sunday), and Sir Benjamin Hawes immediately gave directions that a detective officer should be employed to apprehend him. It was found that he had travelled to Liverpool, and had sailed on Saturday in the American steamer for Boston. Two gentlemen had been sent down from the Storekeeper's Department to examine the state of Mr. Elliot's accounts. It was found that they were kept in a correct manner by double entry up to the 31st of December, but he had failed to make up his account at the end of the following quarter, and the impress he had demanded for May had not been given to him. It was not correct that no stock had been taken, for, in consequence of a change between the officers at Weedon and Dublin, stock had been taken which had only been finished on the 14th of May. The account so ascertained had not been examined with the ledger, but steps were now taken to do so, and the amount of the deficiency would then be known.

SUPPLY—REPORT.

MR. HORSMAN AND THE IRISH SECRETARY'S OFFICE—EXPLANATION.

MR. FITZROY brought up the Report of the Committee of Supply.

On the Motion that the Vote for the Irish Secretary's Office be agreed to,

MR. HORSMAN said, that the House would not expect him to agree to this Vote without offering some explanation in answer to the extraordinary statement made during his absence by the hon. and learned Gentleman the Member for Wexford (Mr. MacMahon) when this Vote was before the House. He ought, perhaps, to apologize to the House for being absent when the Vote was taken for the salary and expense of the office which he so lately had the honour to fill. His absence, however, from the House was brief and accidental. After the discussion on the speech of the Chancellor of the Exchequer at Slough he went to dine, hoping to be back in time, but the earlier Votes in Supply were gone through so rapidly that when he returned the Vote for the Chief Secretary's Office had been already agreed to. He was then told there had been some discussion on the manner in which he had fulfilled the duties of his office, and next morning he saw by the report in the newspapers that the hon. and learned Member for Wexford had used the following language:—

"He regretted the absence of the right hon. Member for Stroud (Mr. Horsman), who was formerly Chief Secretary for Ireland, but he felt it his duty to say that he thought that right hon. Gentleman was entirely above his office. When the right hon. Gentleman first held the office, he (Mr. MacMahon) wished to see him occasionally on public business, but it was very difficult to find him. He (Mr. MacMahon) perhaps found him once at his office, but he did not think he found him twice. When he intended to put a question in the House, of which he wished to give the right hon. Gentleman notice, it was very difficult to find him there; and at last he (Mr. M'Mahon) abandoned all attempts to give the right hon. Gentleman notice of any question he wished to put."—*The Times.*

Now, this charge, which he thought the House would agree with him in considering a very serious one, amounted to this, that

for two years, during which he held the office of Chief Secretary for Ireland, enjoying its advantages and receiving its emoluments, he was so culpably neglectful of his duty and so habitually absent from his office, that Irish Members of Parliament, wishing to transact business with him, found it impossible to do so, and were obliged to abandon all attempts to transact public business with him. If any man pretending to a character and conscience could hear such a charge without being able to refute it he ought to be ashamed to show his face, and the Minister who was said to have permitted such conduct for two years would have been censurable if he had not dismissed the person who had been guilty of it in two months. Now, he was able to state, not only that the facts as stated by the hon. and learned Member were not consistent with the truth, but that they were diametrically opposed to the truth. He meant of course—[An hon. MEMBER: In a Parliamentary sense.] He did not mean to say anything personally offensive to the hon. and learned Gentleman, but in self-defence he was bound to make a statement, and if the hon. and learned Gentleman should find it offensive he would only have himself to blame. The hon. and learned Gentleman not only stated that he went to see him on business, but he specified the particular business, namely, to give him notice of a question in this House, and that he was at last obliged to abandon all attempts to do so. Now, every Gentleman in that House knew that the usual mode of giving notice to a Minister was not by calling on him, but by writing him a note, or better still, by putting the notice on the Votes. But he would pass that by, and he would take the statement of the hon. and learned Gentleman in its broadest sense, that for two years he endeavoured to transact business with him, and was obliged to abandon any further attempt. Now when he accepted the office of Chief Secretary for Ireland he had to consider his relations with the different political parties into which Irish Members were divided. There were, first, the Liberal Members who supported the Government, with whom his relations were of an intimate and confidential character. There were then the Irish Members who supported the Government now in power, with whom, as political opponents, his relations were not so confidential, although they were characterized by the frankness and unreserve with which Gentlemen even of different political opinions could transact business. He saw many hon. Gentlemen sitting on the other side with whom he had transcted business, and he would ask them if they had ever been able to discover from his mode of transacting affairs with them whether he was a political opponent or not? There was a third section—not a party, but a certain number of hon. Gentleman, perhaps five or six—who sat on the Opposition side of the House, and were owned by neither party. They professed to be elected on the principle of independent opposition, which meant opposition to all Governments which did not make certain impossible concessions ["No!"]—that was to say, it was their endeavour to render, as far as they could, all Government impossible. Those hon. Gentlemen styled themselves Members of the Liberal party; but he invariably and steadily refused to recognize or communicate with them in that character. He knew that the Government which he represented had no sympathy with their views. He knew that the Irish Members had no association or fellowship in their proceedings; and although he was as ready to transact business with them as with any other Members, he still had found it necessary from circumstances that had occurred to fence round that transaction of business with a degree of caution and circumspection which he did not think it necessary to exercise with other Members. The hon. and learned Gentleman said that on one occasion, soon after he had taken office, he was fortunate enough to find him, but he was never successful enough to do so a second time. He was not at all disposed to dispute that statement of the hon. and learned Gentleman. He recollected the interview. It was sought by the hon. and learned Gentleman, and was of some duration. It was upon a matter of public business, and his reply to the hon. and learned Gentleman was, that he could receive no verbal request, and could give no verbal answer; but if the hon. and learned Gentleman would have the goodness to place himself in communication by writing he would reply to him by letter. He did that upon a rule which he had laid down for himself that in certain cases his business communications with Members should be in writing, and recorded, so as to be produced at any moment. [*Cries of* "Oh, oh!"] The House would remember that he was making his statement in reply to a charge made against him by the hon. and learned Gentleman. He was stating the mode of transacting business

which he adopted. If a Member on either side of the House called he was readily admitted. If the hon. and learned Gentleman called he would be referred in the first intance to his secretary, who would ask whether the matter was urgent and could not be communicated in writing, and if it could be so communicated the hon. Gentleman would be requested to write. He was sorry to have to make this statement, but when the hon. and learned Gentleman asserted that for two years he sought and could not find him, he was bound to state the rule which he had been compelled to lay down upon his own discretion, in the exercise of his own responsibility, and for reasons which had been forced upon him and which he should have been prepared to state and vindicate to the satisfaction of the House. Two hon. Members with whom he had frequently transacted business, appeared by their speeches the other night to give some confirmation to the statement of the hon. and learned Gentleman. It was with pain and regret that he heard the impression created in the House that those hon. Members were parties to the statement of the hon. and learned Gentleman, and he was sure that on reflection they would correct it. In defending the vote against an assault upon it, avowedly founded upon the authority of a speech which he had made at Stroud, it was natural that they should endeavour to discredit that authority, and they might convey to the House an impression rather different from that which they intended. He made no complaint of this, but as to the office itself he was prepared to adhere to every syllable of the speech, and to give evidence to substantiate it. He only regretted that he had made the statement so public, because he did it under the impression, which turned out to be erroneous, that the office of Lord Lieutenant was on the eve of abolition. If he had not felt there was some reason to believe that the abolition was intended he should have felt that the statement was inconsistent with the consideration which he felt was due to his right hon. Friend who succeeded him, and to whom he paid that consideration both as a duty and as a pleasure. To show the onerous character of the office, it was stated the other night by the right hon. Gentleman the Chancellor of the Exchequer that the duties of the Secretary of State for Ireland were identical with those of the Secretary of State for the Home Department, but he was sure the right hon. Gentleman who made that statement would, after a moment's reflection, see how inadvertently he had expressed his opinion, and how calculated it was to mislead the House. The Secretary of State for the Home Department had an office in London, he presided over all the duties of the office, every paper was under his eye, and every person who came on business might, if he pleased, have access to himself. The office of the Chief Secretary to the Lord Lieutenant was in Ireland. Its duties were performed in Dublin, and he was sure he was under the mark when he said that out of every hundred papers not more than one came under his eye. The number of letters received by the Home Secretary might be counted, not by scores, but perhaps by hundreds a day. But it was a very high average to say that half a dozen letters came from the Irish office to the Chief Secretary daily. There were about thirty clerks in the office of the Home Secretary. The number of clerks in the office in London of the Irish Secretary was one, and that one was very insufficiently employed. In the interview which he had with his predecessor on taking office, he expressed his great amazement that there was only one clerk. The answer was—"And he has not half enough to do," and his own experience very soon satisfied him of that fact. The day after his appointment, full of new official ardour, he went to the office at ten o'clock in the morning. His reception was such as any gentleman might have met with when he had arrived at an inn early in the morning and there was no one up but the "boots." The fires were not lighted, the rooms were not swept, and when he asked where was his one clerk, he was told that the clerk might be expected to appear about twelve or one o'clock. He felt that all this required great reform. He gave strict injunctions that official hours should begin at ten o'clock, that his clerk establishment should then appear, and he showed indications of such a revolution in the office that he believed every one connected with it began fervently to pray for a change of Government. This went on for some weeks, but he found that until the arrival of the Irish post in the afternoon there was very little correspondence, and that until the Irish Members began to move down to the House between three and four there were no interviews, and he got positively ashamed of the cruelty he was practising on the clerk in making him do

penance from ten in the morning, sitting in solitude with no business to occupy him. After a few weeks he relaxed the discipline, and gave his clerk more liberty, and, in one respect, he took more liberty himself. His own house was in the immediate vicinity of the Irish Office—so close that, sitting in his room in the Irish Office he could see everybody who entered his own house. He therefore did take the liberty of transacting a great portion of the business at his own house instead of at the office. But the strict rule was laid down that everybody who called at the office was told that he was across the way, if they liked to go over, or that if they would sit down he would immediately come over to them. He frequently came over; and there was not an instance in which those who called were delayed so long as nineteen out of every twenty persons who called on official men. He told his secretary also to make it his business to discover the smallest complaint or dissatisfaction upon that ground, and, not once or twice, but fifty times, he asked Irish Members whether there was any objection on their part to his receiving them at his own house instead of at the office, telling them that if there were the smallest desire on their parts that he should do so, he was willing to spend the day at his office. He received on every occasion an answer as sincere as it was courteous, and he thought it was sincere because it was followed by their coming to his house and transacting business just as freely as if he had been at the office at Whitehall. The hon. Member for Clonmel (Mr. Bagwell) stated that he only found him once.

MR. BAGWELL: What I did say was, that I never met you at your office.

MR. HORSMAN said, the hon. Member could not have much knowledge of the system, as he only came into Parliament a fortnight before the dissolution, and therefore he was only a fortnight in office after the hon. Member was elected. In that fortnight the hon. Member came and introduced himself as the newly elected Member for Clonmel. The conversation was general upon Irish affairs. It lasted one or two hours, and at the end the hon. Member thanked him, and told him he had had so agreeable a visit that he hoped to have the pleasure of repeating it very often. He sincerely reciprocated that desire, and one of the losses which he felt he sustained by his subsequent retirement was the loss of so many of those visits which he had been allowed to look forward to with such agreeable anticipations. But though he lost office he had not lost the acquaintance or friendship of the hon. Gentleman. That had continued, and he hoped would continue as long as they were in Parliament together. But during the whole time that he had been in office the hon. Member for King's County (Mr. P. O'Brien) had been in Parliament, and he would appeal to him whether there had ever been any delay in answering his letters, or in fixing an interview, or whether he was aware that any single matter connected with the official business had been allowed to go into arrear. Certainly, with whatever other defect he might be chargeable he was not conscious of having shown any desire to shrink from labour, and he had never expected that the mere transaction of public business on one side of a street instead of the other would have been brought forward as a serious charge against him. The Chancellor of the Exchequer the other evening had made some observations, in a strain of pleasantry, complimentary to him as to the cause of his retirement from office, but that question was so purely personal that he should not be guilty of taking up the time of the House in alluding to it. Had his position, however, been such in the House as to justify him, he should have been most anxious to make a short statement on that point, because he knew there was nothing in his conduct during the whole of his tenure of office which was dishonourable or selfish. During his whole tenure of office, he had never exchanged a single word with any Irish Member or with any of his colleagues which he could feel pain on remembering. He had taken office under the noble Lord at the head of the Government with feelings of great sympathy for the difficulties under which he was placed in carrying on the war; he quitted office with feelings towards the noble Lord equally warm. He was quite aware that any Member, particularly one who had held office, who took any step or made any speech which was unpalatable to any parties in the House, very naturally subjected himself to a great many sinister rumours and to the imputation of personal motives. Of this result of Parliamentary warfare he could not complain, and he would only ask the House to believe that he should be able to meet any rumours in circulation with as complete a refutation, the moment they were brought forward publicly, as he had

been able to give to the statements of the hon. and learned Member for Wexford. He thanked the House for the kindness with which they had listened to him; and if it should appear that he had occupied too much of their time, his only apology was to be found in his respect for the House, and his desire to retain the good opinion and confidence of those friends around him with whom he had long and consistently acted, and which he valued far more than any object of mere party or political connections.

Mr. MACMAHON said, he felt placed in a very peculiar position, singled out as he was by the right hon. Gentleman from among those who had taken part in the debate on this subject the other evening, and who had gone quite as far, or even further, than he had. The right hon. Gentleman who possessed every advantage that political experience and social position could give him, had attacked him, apparently, because he was a member of the smallest party in the House, numbering only some five or six members; and he had passed over entirely the two hon. Gentlemen the Members for Clonmel and King's County. The right hon. Gentleman had, moreover, begun his attack with this advantage, that he had led the House to believe that he (Mr. MacMahon) had made during the right hon. Gentleman's absence, a charge against him diametrically opposed to the truth. The statement which he had made was, that the right hon. Gentleman was "above his business." That was merely a matter of opinion, but he felt bound to retract it at once. He no longer thought that the right hon. Gentleman was above his office, but he should be able to show before he sat down that he was very much below it. The remainder of the charge was, that he had had great difficulty in finding the right hon. Gentleman at his office—that though he might have seen him once, he didn't think he had seen him twice. The right hon. Gentleman had just admitted that this was a perfectly true statement. The right hon. Gentleman's own account was, that he had seen him once under peculiar circumstances, and that he had never seen him again, because he had laid down a rule to treat the party to which he belonged as utterly unworthy of personal communication, and whenever any of the gentlemen belonged to it called at the office, the clerk was ordered to tell them that the right hon. Gentleman could not be seen but only communicated with by letter. He left the House, then, to say whose statement was—not in a Parliamentary but in a moral sense—diametrically opposed to the truth, and whether the statement he had made was not the very truth itself. That he had seen the right hon. Gentleman once and never again, was what he had himself just admitted, and which he had stated was the necessary consequence of a certain line of conduct laid down by him to be observed towards a certain party. He was certainly not so well known either in or out of the House as the right hon. Gentleman, but no one had the slightest pretence or warrant for saying that, so long as he had been in the House his word was not equal to that of any man in the empire; nor had any one the slightest reason for suspecting that he would be likely to make use in public of a communication made to him in private. It was true that he had ceased to give the right hon. Gentleman notice of questions to be put to him in the House, for he had got quite tired of coming down and not finding the right hon. Gentleman there, while his co-ordinate subordinates laughed in his face, as if it were a good "sell." The right hon. Gentleman, he found, was treating him and his friends just as his superiors were treating the great Liberal party. The fact was that he (Mr. MacMahon) was a member of the really independent Opposition in that House—the really independent Liberals, and they were not to be treated with the confidence and courtesy which were usual among gentlemen, because upon the hustings they had pledged themselves to certain measures, in this House had adhered to those pledges, and had not condescended to gain their seats in Parliament upon false pretences. As to the right hon. Gentleman being above his place, that was a complimentary statement, and the right hon. Gentleman instead of being annoyed, ought to have felt flattered by it. No doubt it was an entire mistake to say so. The right hon. Gentleman would have the House think that he was a most efficient Secretary, but the general opinion in Ireland was that he was about the worst they had had for many years. Not very long ago the hon. and gallant Member for Roscommon (Colonel French) had thus spoken in the House of the state of affairs in Ireland when the right hon. Gentleman was there:—"The common description of the Government of Ireland when he (Mr. Horsman) was there, was—Carlisle did

the dancing, Horsman the hunting, and Larcom the business." The right hon. Gentleman was present when those words were used, but the hon. and gallant Member of Roscommon had a party to back him, so the right hon. Gentleman made no reply. To show that he was not singular in the opinion which he entertained of the right hon. Gentleman he would read to the House an extract from a speech made recently at a public meeting in Dublin by Lord Talbot de Malahide, one of the right hon. Gentleman's own order, and whom he could not charge with saying that which was diametrically opposed to the truth. In that speech Lord Talbot de Malahide was reported in the public papers to have said:—

"There never was a Chief Secretary that did less to carry out that administration in a proper manner. They all knew that he never set his foot in the country when he could avoid it; and when he did remain in it he never attended properly to the duties of the office. It was a very extraordinary thing that Mr. Horsman should have spoken as he did of the office, after his own conduct while holding it."

Then he went on:—

"If he (the Chief Secretary) was not an Irishman, there ought to be a *sine qua non* that he made himself thoroughly acquainted with the country, and he would begin by submitting him to one of those examinations now so popular. And, perhaps, some Chief Secretaries they had known would not have been the worse of a preliminary examination in Irish geography. He would have them taught the geographical difference between Cavan and Westmeath, and between Ulster and Connaught."

Apparently a difference which the right hon. Gentleman was unacquainted with.

"He strongly suspected that their late Chief Secretary would not have passed such an examination creditably."

That was said some time since, and the right hon. Gentleman had never contradicted it. When Lord Talbot de Malahide said that he did not think the right hon. Gentleman could have passed a competitive examination, he might at all events have attempted to rebut that charge. He assured the House, with respect to what he had stated the other evening, that he believed at the time that he alleged nothing that was not metaphysically and morally correct. He said that the right hon. Gentleman was above his office, meaning thereby that he looked down upon it as beneath him and unworthy of him. He had in his mind at the time the case of the evictions in Connaught. The right hon. Gentleman, when not in office, was a very vehement denunciator of the oppression of the Irish poor law, and as the right hon. Gentleman was in office when that case came on, he thought that it would be certain to receive a fair and impartial consideration. He called upon the right hon. Gentleman, but no, he would not state what occurred at that interview, because they were alone, and the right hon. Gentleman might deny it. He should confine himself to stating what occurred in the House when the question was discussed. Many persons took part in the debate, among others the right hon. Gentleman's chief, the noble Member for Tiverton (Viscount Palmerston), and the right hon. Member for Buckinghamshire (Mr. Disraeli), while the right hon. Gentleman discharged the duty so long ago described by Curran as appropriate to an Irish Secretary of one of the "mutes of the Castle." He had stated that the right hon. Gentleman was above his office. That was a matter of opinion. It was now clear that he was never equal to it. During the whole course of his career in Ireland he had not left upon the Statute book a single measure worthy of the character of any man pretending to the position of a statesman, much less of one aspiring to be hereafter the premier and leader of the Liberals of this country. It might be said that he passed the Bill abolishing ministers' money. But that was not so; for that injustice was virtually abolished by the Act of 1854, passed by the Aberdeen Government. Well, what had the right hon. Gentleman done? To an Irish Secretary possessed of administrative abilities there was a great field of usefulness open in Ireland. Neither the grand jury system, nor the municipal system, nor other great evils, had the right hon. Gentleman touched; and beyond the merely technical Bills connected with bankruptcy and insolvency (and which by the way were calculated as much to promote jobbery as legal reform) and the little Bill for facilitating the ejectment of cottiers, the only two measures which this great condemner of Irish grievances—this *paulo post futurum* Minister—had passed, were the Crime and Outrage Bill of 1855, and the Peace Preservation Bill of 1856. He thanked the House for the patience with which they had listened to his address, and while he regretted to have occupied so much time in a matter personal to himself, he rejoiced that the right hon. Gentleman had at length been developed in his true colours. He was a type of that class of politicians

who, if not pretending, at all events professed, liberal politics, and who put themselves forward as the denouncers of popular wrongs when they were out of office; but who, when they got hold of the crumbs of office, munched them until they were satiated, and then claimed credit from the public for throwing away the residue. If he (Mr. MacMahon) were to go into the matter fully he could show that the right hon. Gentleman was not entitled to the credit of having, on his own free motion, and from pure motives, resigned his office in Ireland. The right hon. Gentleman was no doubt still anxious for office. He was one of those who hovered about the outer ring of official life, always panting for place. He had once been employed in Ireland. He probably did not expect to be employed there again. His next situation therefore must be in the service of the people of England, and it was quite right that the public of this country should know the kind of character he received from his last masters.

SIR GEORGE GREY said, he could not but regret that the time of the House should be occupied with matters purely and exclusively of a personal character. With repect to the charge of want of courtesy alleged to have been exhibited by his right hon. Friend in his intercourse with Irish Members, he of course had no means of judging of the nature of that intercourse; but with reference to the more general charge, that he had held for two years or more an office of considerable emolument and of high position, and that he had neglected the duties of that office, he was bound to say, that being Secretary of State for the Home Department during the whole of that period, he had always found his right hon. Friend to be well informed on Irish subjects, and that he had never failed to receive from him the greatest assistance in the conduct of Irish affairs. While a sense of justice compelled him to bear this testimony to his right hon. Friend, he could not concur in the opinion which he had expressed, that because in the Irish Office in London there was no duty to be performed at an early hour in the morning, or before the arrival of the Irish post, therefore the office of Chief Secretary ought to be abolished. He could not concur in what his right hon. Friend had said with regard to the duties of the Chief Secretaryship, and the public would be altogether led astray if they imagined that those duties were such as his right hon. Friend had represented them to be.

LORD NAAS said, he did not rise to continue this painful discussion to any length; but it was impossible for him to sit there and take no notice of the declaration of a right hon. Gentleman who had held the office of Chief Secretary for Ireland that its duties were light, insignificant, and unworthy of the energies of a Member of that House. Let him remind the House that the Chief Secretary was responsible in that House for the good government of Ireland. He should like to know how any man who discharged the duties of that office conscientiously could remain in it without making himself perfectly informed upon every important question connected with the government of Ireland. The government of Ireland had not been at all times one of the easiest problems that a statesman had to solve. Some of the most distinguished statesmen of the country had held the office of Chief Secretary for Ireland. The Duke of Wellington held it for two years, Sir Robert Peel for five years, Mr. Goulburn for six years, Viscount Hardinge for one year, the Earl of Carlisle for five years, Sir William Somerville for five years, and the Earl of Derby, he believed, for three years. Could it be for a moment believed that men of their character, position, and intelligence would have consented to hold that office for so long a period if it were, as the right hon. Gentleman (Mr. Horsman) had described it to be, little more than a sinecure? It was perfectly true that the establishment of Chief Secretary was in Dublin, but throughout the whole of the Session it was the duty of the Chief Secretary to be in attendance in that House to answer every question that might be put with regard to the government of Ireland. He believed that no man, even one of such transcendant abilities as the right hon. Gentleman himself, could properly discharge the duties of Chief Secretary without subjecting himself to great labour and patience. He (Lord Naas) did not hold himself up as a model Chief Secretary, but he could appeal to any hon. Gentleman who had ever held the office, to say whether its duties were entirely unworthy of his abilities and attention. So far as the present Session was concerned, many Bills of the highest importance had been introduced, and he hoped to be able to show that he was at least conversant with the objects of those Bills, and also

that the Government of which he was a Member were endeavouring to confer great benefits upon the country by passing those measures. He could not listen to the statement of the right hon. Gentleman as to the duties of the Chief Secretary without giving to it an unqualified contradiction. The right hon. Gentleman was, perhaps, unsuccessful in his office, but he (Lord Naas) hoped that he should never have the misfortune of placing himself, with respect to any section of the Irish representatives, in the same position as the right hon. Gentleman had assumed.

Mr. J. D. FITZGERALD said, he did not desire to infuse anything personal into this discussion, but as the hon. and learned Member for Wexford (Mr. MacMahon) had alluded to him as one of the "co-ordinate subordinates" of the right hon. Gentleman the Member for Stroud, he begged to deny that he had ever sneered at any Irish Member when he was interrogated upon Irish matters. While he held the office of Attorney General for Ireland he had a good deal of personal communication with the hon. and learned Gentleman, and he always answered his questions without the slightest reserve. His right hon. Friend had done himself great injustice by disparaging the office of Chief Secretary for Ireland. In fact, no man in the House had done more injustice to the right hon. Gentleman than himself (Mr. Horsman), when he stated that the duties of that office were insignificant. The right hon. Gentleman appeared to have forgotten that the Parliamentary Session lasted for six months, during the whole of which the Chief Secretary was or ought to be in his place in Parliament to attend to Irish affairs, which required great labour and attention. He could state for himself (Mr. FitzGerald) that as one of the subordinates of the Irish Government during the administration of the noble Lord the Member for Tiverton he had to attend twelve, thirteen, and sometimes fourteen hours a day to his Parliamentary and other duties, and was obliged to abandon his private professional business. His right hon. Friend ought to have recollected that he held the office of Chief Secretary while Ireland was, beyond precedent, quiet, contented, and prosperous; but that notwithstanding that fortunate state of Ireland, his attention ought to have been devoted to the preparation of measures for advancing the prosperity of the country. He might appeal to the right hon. Gentleman's successor (Mr. Herbert) whether he did not find the duties of Chief Secretary far otherwise than such as only demanded his attention two out of every twenty-four hours. The right hon. Gentleman's successor applied himself diligently to the discharge of his duties, and his industry was shown by the five important Bills which he had upon the table last Session relating to Ireland.

Colonel FRENCH observed, that he could see no reason why the right hon. Gentleman the Member for Stroud should have selected certain Members to communicate with by letter, while he was personally accessible to others. If it had been said that the Government of the noble Lord the Member for Tiverton had received the support of the Irish Members in consequence of the adhesion of the right hon. Gentleman the Member for Stroud, it might also be said that the noble Lord had lost the confidence of others in consequence of his selection of an Irish Secretary.

Mr. VANCE said, the right hon. Gentleman the Member for Stroud had no right to make any distinction between the hon. and learned Member for Wexford and the other Irish Members. He should not have risen if the right hon. Gentleman had not appealed to Irish Members sitting on the Ministerial side of the House to say, whether he had not treated them with courtesy during his administration of Irish affairs. The courtesy with which they were treated was a matter of opinion, but his mode of conducting business was a matter of fact. He asserted that the right hon. Gentleman's mode of conducting Irish business was very much calculated to inconvenience Irish Members. The constant practice was to put Irish Bills at the bottom of the paper, so that they did not come before the House till the very latest hour. He had not only to complain of that, but also that when any Irish Member who occupied a seat on the Opposition benches during the late Administration, asked the right hon. Gentleman, whether or not he would proceed with a Bill, it was impossible to extract an answer from him, so that the Irish Members had to be in attendance every night until the House adjourned, lest Irish Bills should be pressed forward in their absence. He had not received such treatment from either the right hon. Gentleman's predecessor or his successor.

Mr. BLAND said, he rose to repeat in

the right hon. Gentleman's presence what he had said in his absence. What he meant to say was, that in the communications which he had had with the right hon. Gentleman he had been treated with the greatest courtesy, but that he was absent from Ireland at times when his presence there might have been necessary, and he was sorry that the right hon. Gentleman had not extended the rule under which he had been treated to all Irish Members.

MR. BAGWELL remarked, that he wished to state that what he had said on a previous occasion was strictly correct. He had not ever met the right hon. Gentleman at his office, although he had at his private residence. He, however, had felt that the observation which he had thus made was uncalled for, and he had written next morning to the right hon. Gentleman to express his regret for having made it.

MR. HORSMAN begged to say one word in explanation. The hon. and learned Member for Wexford (Mr. MacMahon) complained that he had singled him out from the others who had attacked him. The reason of his doing so was, that other hon. Gentlemen told him they had been misunderstood, and that they would state so in the House.

Resolutions *agreed to.*

Order for Committee of Supply read;

THE CONSULSHIP AT MOBILE.
QUESTION.

MR. WISE said, he wished to ask the Under Secretary of State for Foreign Affairs whether Mr. Tulin, recently Vice Consul at Oran, has been appointed Consul at Mobile; whether it be true that a Certificate of Naturalization has been refused to that gentleman; and under what peculiar circumstances, and upon what grounds a Foreigner has been appointed to an American Consulate.

MR. SEYMOUR FITZGERALD said, he had to inform the House that Mr. Tulin, recently Vice Consul at Oran, had been appointed Vice Consul at Mobile. It was true that the Certificate of Naturalisation had been refused to that gentleman, because, in order to come under the Act for the Naturalisation of Foreigners, it was necessary that the persons applying should have been sometime resident in this country. In reference to the last part of the question he had to state, in the first instance, that there was nothing in the law to prevent the appointment of a foreigner to any British Consulate. In this particular instance Mr. Tulin had been appointed solely on account of his public services. His father was for thirty years in the British service. He was well known as having performed most efficient services to the British Government and more particularly as having distinguished himself by his exertions to obtain the relief of the captives detained at Tunis. No one was more deserving of public respect. The present Mr. Tulin had been brought up here; he had been solely educated in England; he had been for many years employed in the service of this country; and it was only because that service had required him to reside abroad, that he had not been able to make himself by residence what he was in every other respect, an Englishman.

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee of Supply. Mr. FitzRoy in the Chair.

(1.) £46,375, Law Charges.

MR. W. WILLIAMS said, he observed that this Vote was £10,000 more than last year. He understood that was owing to the prosecution of the directors of the Royal British Bank, but it seemed to him to be a most extravagant sum.

MR. G. A. HAMILTON said, he hoped the bill of costs would not be so much, but it had not yet been furnished, and they proceeded upon a rough estimate of the expense furnished by the solicitors in the case. Of course the country would have the benefit of any saving.

Vote *agreed to.*

(2.) £150,000, Prosecutions.

MR. WILSON said, he observed there was here a reduction of £100,000 from the sum voted last year. He was aware that savings had been effected under this head in consequence of some inquiries that had been instituted by the late Government into this branch of expenditure. But he could hardly think the saving effected was so great, and, therefore, he wished to know whether this sum of £150,000 was expected to cover the whole expenditure of the year, or whether the hon. Gentleman was calculating upon the use of the unexpended balances from former years.

MR. G. A. HAMILTON said, there was no doubt that this sum would not cover the whole expenditure, but there were considerable balances in hand. He thought

£200,000 would be required for the services of the year. The reductions alluded to by the hon. Gentleman were still going on, and he hoped that in the end a considerable saving would be the result.

SIR GEORGE LEWIS said, the rule which had always been observed was to set down in the Estimates for the year the Estimate of the entire sum that was expected to be spent in the year; and if at the end any portion was left unspent it was made a saving, and returned into the Exchequer. The plan here pursued would not only prevent any fair comparison between the expenditure of different years, but what was of far more importance, it would disturb the balance which the Chancellor of the Exchequer would have to make between his estimated expenditure and his ways and means.

MR. G. A. HAMILTON admitted that the practice was to some extent objectionable, but the same course had been adopted last year.

MR. WILSON said, the Secretary of the Treasury was in error. Relying on the balance that was in the Exchequer, the Government now asked for £150,000, though it was clear that £200,000 would have to be met from the ways and means of the year. The Estimate ought to be a criterion of the probable expenditure. When the Chancellor of the Exchequer told them that he had saved £400,000 on the Miscellaneous Estimates he made a mistake; he would spend quite as large an amount as was spent last year, though he did not take a Vote for the whole sum. The Committee on Public Monies had wisely recommended that the system adopted in regard to the Army and Navy Estimates should be applied to the Civil Service Estimates. That system prevented the Votes of one year from being devoted to defraying the expenditure of another year, and required the balances to be returned to the Exchequer.

SIR HENRY WILLOUGHBY said, this appeared to him to be a very important question, and he agreed with the hon. Gentleman opposite, that the practice was fatal to the whole system of Estimates. He wished to know what was the precise amount of the balance now in hand, and what was the expenditure which the Government really anticipated for the year?

MR. W. WILLIAMS observed, that he thought the principle avowed by the hon. Member for Devonport (Mr. Wilson) of asking for more money than they expected to spend was highly objectionable. In his opinion the Estimates were nothing better than a farce.

MR. G. A. HAMILTON said, he would remind the Committee that the matter was fully explained in the marginal note in reference to this Estimate, which stated that the sum asked for would be sufficient, with the aid of the balances in hand. He could not at the moment state how much those balances were—they were very large—he thought about £50,000. He agreed that the practice was not a desirable one.

MR. WILSON repeated, that unless the expenditure was distinctly stated, there was no proper comparison between different years. Besides, the balances from previous years were not strictly applicable to these purposes. Such a mistake as the present could not have occurred under the Army or Navy Estimates, for the Act of Parliament required that every surplus in those Votes should be returned to the Treasury, and every deficiency should be supplied by a fresh Vote. A Committee which lately sat on the application of public moneys, recommended that the same rule should apply to the Treasury, and his right hon. Friend (Sir George Lewis), before he left office, was about to introduce a Bill to carry these recommendations into effect. He wished to know whether the present Government were about to introduce that measure?

THE CHANCELLOR OF THE EXCHEQUER said, he had stated the other day, in answer to the right hon. Member for Portsmouth (Sir F. Baring) that it was not desirable that the Estimates should continue to be framed in this form. Henceforward the Civil Service Estimates should be prepared in the same manner as the Naval and Military Estimates.

VISCOUNT DUNCAN suggested the postponement of this Vote until they knew the exact amount of the balance from last year.

SIR FRANCIS BARING said, there was a great principle involved in this Vote. As it was, they did not know what they were voting. They were asked to vote £150,000 and the balances; but they did not know how much the balances were. He had no objection to the Vote, but he thought, for the sake of the principle, the House ought to postpone the Vote till they knew what the balances were.

COLONEL FRENCH said, that the Go-

vernment took credit for a decrease in this Vote, while they at the same time intended to avail themselves of the money now in hand.

MR. HANKEY said, he had some time since moved for a return of all the unappropriated balances. If that return had been furnished, this item would have been amongst them. He wished now to ask the hon. Gentleman when that return might be expected.

SIR GEORGE LEWIS said, he did not think it worth while to require the Government to withdraw the Vote, though in its present form it was certainly fallacious. There might be some diminution in its amount this year, but they had no means of ascertaining what that diminution was. He suggested that when the report of this Vote was brought up, the hon. Gentleman the Secretary for the Treasury should state what the actual expenses of the year would be.

MR. G. A. HAMILTON said, he would take care that the required explanation was furnished. He also wished to inform the hon. Member for Peterborough (Mr. Hankey) that the return he had moved for would be produced very speedily.

MR. PULLER said, he wished to say a word upon a point of some importance to the country. The expenses of apprehension of prisoners and the preliminary examinations before the magistrates were no longer allowed by the Treasury. Now, he was not desirous of finding fault with his hon. Friend the late Secretary of the Treasury (Mr. Wilson) for having taken care that none but legal charges were allowed. Still they might make economy too dear. Powers were now given to magistrates in petty session to order the payment of the costs of the apprehension of offenders, and he believed that it was the practice for Judges and courts of quarter sessions to allow these expenses after they had been first allowed by the committing magistrate. He believed, however, that the opinion of counsel had been taken, to the effect that the allowance was illegal; and the result was, that prosecutors having to pay all the expenses, were deterred from going on with prosecutions in all the minor classes of offences. He mentioned this in the hope that the right hon. Gentleman the Home Secretary would take the matter into his consideration and endeavour to provide some remedy for such a very mischievous state of things.

MR. WALPOLE said, the subject of preliminary expenses for the prosecution of offenders had been under the consideration of a Commission. On that Commission were included the right hon. Member for Oxford City (Mr. Cardwell), another gentleman connected with the magistracy and a Master of the Common Pleas, and he was informed they had collected much valuable information. He hoped to be in possession of the Report of the Commission during the autumn or in the course of the winter, and in the meantime it would be prudent to allow matters to remain as they were.

SIR GEORGE GREY said, the great object that ought to be kept in view was to make a fair and reasonable allowance on the one hand to parties who had to give evidence against offenders in cases of prosecution, and on the other to protect the Treasury against a disposition that existed to raise these charges too high. He had to remind the hon. Gentleman behind him (Mr. Puller) that in the rural police the constables were prohibited from receiving fees, being paid by salary.

MR. WILSON said, what the Treasury did was really this: by the arrangement effected in 1846-7, by Sir Robert Peel, it was agreed that whatever expenses were at that time borne by the county rates should be borne by the Treasury. But these preliminary expenses for prosecutions were not then borne by the county rates, and therefore they were refused by the Treasury. But this was one among several instances where there was a tendency to slip charges which were not borne by a locality upon the country at large.

SIR JOHN PAKINGTON said, he must beg pardon of the hon. Gentleman, but his impression certainly was that these charges did form part of the county rates, as an essential portion of the expenses of prosecution.

SIR GEORGE GREY said, he highly approved of the appointment of a Commission, which he had no doubt would make a fair distinction as to the expenses that ought and those that ought not to be allowed.

MR. G. A. HAMILTON said, the Treasury wished to act literally on the principle laid down by Sir R. Peel in 1846, that counties were to be relieved from the expense of prosecutions. There had been two judicial decisions laying down the

meaning of the words "preliminary prosecutions," and it was on these decisions the Treasury now acted.

MR. NICOLL said, he wished to ask if there was any prospect of the appointment of a public prosecutor?

Vote *agreed to.*

(3.) £214,200, Police (Counties and Boroughs and Police in Scotland).

MR. BAXTER said, he was desirous of calling attention to the annual increase of this Vote. There was this year an increase of £68,220, of which he was aware £54,000 was for the establishment of the general police system in Scotland; but he wished to know what was the cause of the increase of £14,000 in England, and whether the Government had formed any estimate of the probable expense of the whole system when it was fully established?

SIR GEORGE GREY said, that the Estimates for the last Session were only for a portion of the year, while those now before the House were for the whole year. The police force in many boroughs was inefficient last year, and no sum had been claimed by them under the Act of Parliament. The estimate he made was £200,000 for England and £25,000 for Scotland. The estimate this year, therefore, nearly amounted to the entire sum that would probably be chargeable under the Act. The police of the country having nearly attained to a standard of efficiency, the Vote would not be greatly increased beyond its present amount.

MR. BAXTER said, that there were many boroughs in Scotland in which the Act was not yet in operation.

SIR GEORGE GREY: Scotland was a year behind England in adopting the Act.

Vote *agreed to,* as were the following two Votes:—

(4.) £200, Crown Office, Chancery.

(5.) £1,500, Crown Office, Queen's Bench.

(6.) £14,519, Sheriffs, &c.

MR. GRIFFITHS said, he had to complain that the Sheriffs, whose office was compulsory, were put to expenses in the execution of the duties of their office, which they ought not to bear. The employment of javelin men was an old pageant that might well be allowed to fall into disuse, especially as the police did the real work. The custom, too, of the Sheriffs going in state to meet the Judges was was uncalled for; in one case he knew of, the Sheriff had to go from the county hall to the railway station—a distance of some fifty yards—in a carriage and four to meet the Judges. He should like to know what right a Judge had to fine a gentleman if he did not as Sheriff meet him with an equipage suitable to his dignity. The expenses necessary for these purposes at present fall upon the Sheriffs and that even without getting the credit of doing so; for the Government made a pretence of repaying them, but did so to so paltry a sum that it was perfectly contemptible the way in which they were treated. He thought that if the expensive formalities now insisted upon were to be kept up, they ought to be supported at the cost of the country, and not at the expense of private individuals, who were often unwillingly obliged to fulfil the office of High Sheriff.

MR. WALPOLE was understood to reply that the office of Sheriff was an honorary office.

Vote *agreed to.*

(7.) £5,940, Registrar of Admiralty and Admiralty Court, Dublin.

MR. W. WILLIAMS asked what duties the Registrar had to perform?

MR. G. A. HAMILTON said, that the Registrar's duties were very extensive—so extensive, in fact, that during the war it was necessary to increase his allowance.

Vote *agreed to.*

(8.) £6,856, Insolvent Debtor's Court.

MR. W. WILLIAMS asked whether the Government saw any difficulty in the way of abolishing these Courts and transferring their functions to the County Courts?

MR. WALPOLE said, that such a transference would interfere with the duties of the County Court Judges. If the hon. Member had asked him whether he did not think it would be advisable to consolidate the Bankruptcy and Insolvent Courts, he would have told him that that was a subject worthy of consideration, and he might have added that it was one which had occupied the attention of the Government.

MR. WILSON said, that the subject had not escaped the attention of the late Government. The whole of the business of the Insolvent Courts in the country had been transferred to the County Courts, but it was found in regard to London that the County Courts were overworked, and that it was not advisable to transfer other business to them.

MR. HADFIELD said, he thought that

the consolidation of the Courts of Bankruptcy and Insolvency would not only render the administration of justice more efficient, but would tend to a saving of expense. He was also anxious to hear from the Government whether it was in contemplation to do away with imprisonment for debt in cases where there was no fraud?

MR. WALPOLE reminded the hon. Gentleman that there could be no present saving of expense by consolidating the Courts, because they could not discharge the Judges and other officers without giving them compensation. But while guarding himself from anything like a pledge on the subject, he might mention that for two months the Government had had under their consideration the question of consolidating the Bankruptcy and Insolvent Courts. It was also under the consideration of the Government whether it would not be wise to abolish imprisonment for debt, where it was unaccompanied by fraud.

MR. J. D. FITZGERALD said, that in Ireland the Bankruptcy and Insolvent Courts had been consolidated, and that the system had proved efficient.

Mr. W. WILLIAMS suggested that vacancies in either of the Courts should not for the present be filled up.

Vote *agreed to.*

(9.) £35,162, Court of Probate and Divorce and Matrimonial Causes.

MR. BUTLER wished to know whether this Vote included the expenses of the Prerogative Office? The Vote was very large.

MR. G. A. HAMILTON stated that the salaries of the officials connected with the Court of Probate were fixed by the Judge on the understanding that they should undergo revision when the new system was fully established. He was afraid that the experiment of the Court of Probate would be in some respects an expensive one, but, on the other hand, the sum received in the shape of fees promised to be very considerable. From the opening of the court in January to the 5th of May the fees amounted to no less a sum than £19,652. It would be the duty of the Treasury, however, to keep down the expenses of the court as much as possible.

MR. HADFIELD inquired whether a Judge had been appointed to the Court of Arches. He complained that the Admiralty Court had not been thrown open to the profession generally, although that was one of the considerations which induced the House of Commons to incur the expense of the Court of Probate. No explanation had yet been given of the circumstance that a Member of the late Government struck out in the other House that clause of the recent Probate Act which abolished the monopoly in the Admiralty Court. The public had given ample compensation, but they had not got what had been promised.

MR. WALPOLE said, that it was the duty of the present Government to carry out the Probate Act as it was passed. The House was aware that the appointment of the Judge in the Court of Arches was in the hands of the Archbishop of Canterbury. Great difficulty had arisen, in consequence of the smallness of the salary, in finding a person willing to accept the office. The Lord Chancellor, however, was in communication with the Archbishop on the subject; but he could not at that moment state whether any decision had been arrived at.

MR. WILSON said, that the understanding when the salaries were fixed was, that the fees should be commensurate to the expenses, so as to make the court, if possible, self-supporting. The present fees had been fixed as an experiment, and on the understanding that they should be revised within a twelvemonth.

MR. WARREN said, that a Bill had been been introduced into the other House for amendment of the Probate Act, and it was his intention when that Bill came before them, to move the insertion of clauses for throwing open the practice in the Admiralty Court to the profession generally, and he trusted he should receive the support of the House.

MR. SALISBURY said, that there was a strong feeling in the profession that the Admiralty Court should be thrown open to the bar generally.

MR. HADFIELD said, he must press for an expression of opinion, from the Treasury bench.

MR. WALPOLE said, he did not recede from the opinion which he expressed last year, that the Ecclesiastical Courts ought to be thrown open to the profession, and he should be glad to hear from the hon. and learned Member for Aylesbury (Sir R. Bethell), who was not then in his place, the reasons why the clause was struck out in the House of Lords, to which reference had been made. Being in ignorance of those reasons it would not become him to

give a pledge one way or the other as to the course which the Government ought to pursue. It should, however, be borne in mind that the Bill, as amended, came down again from the House of Lords, and that the objection to the omission ought to have been urged at that stage.

MR. HADFIELD said, that the hon. and learned Gentleman (Sir R. Bethell) had stated that he had never been consulted in the matter. They had been led to believe, when the Bill came down from the other House, that in this part of it it contained only verbal Amendments, and the omission of this clause had thus escaped notice. The late Attorney General had agreed that the whole monopoly of the proctors should be extinguished if compensation were given.

Vote *agreed to.*

(10.) Motion made, and Question proposed—

"That a sum, not exceeding £57,050, be granted to Her Majesty, to complete the sum necessary to defray the Salaries and Expenses of the County Courts, to the 31st day of March, 1859."

VISCOUNT DUNCAN said, that though the Vote was less than that for last year, there was an item to which he must take objection, namely, the item of £55,000 for the expenses of providing court-houses, fees, stationery, and printing. The item had increased from £45,000 last year to £55,000 this year. By the original Act of 1846 the treasurers of County Courts were required to provide courts out of their salaries, and the principle was adhered to until an Act was passed two years ago with a provision that the Treasury should pay for the building of the courts. Great additional business had been thrown upon the Sheriffs' Courts in Scotland, and those courts were very similar to the County Courts in England; but when a deputation waited upon the present Prime Minister not long ago, the Earl of Derby told them that all such charges as these ought to be met by the districts in which the courts were held. It was most unfair to call upon the people of Scotland to contribute to the maintenance of County Courts in England if the Sheriffs' Courts in Scotland were not to be placed on the same footing.

Amendment proposed—

"That the item of £55,000, being the Expense of providing Court Houses, Offices, Stationery, Printing, &c. for the County Courts, be omitted from the proposed Vote."

MR. G. A. HAMILTON said, he was not prepared to say whether any alteration ought to made in the law as regarded Scotland; but the County Court system was productive of immense benefit in England, and it appeared to him that the public were not paying too high a price for the blessing of cheap and expeditious justice. However that might be, he apprehended that it was provided by Act of Parliament, the 19th and 20th *Vic.*, that County Court-houses should be provided for from the public resources. The result of last year's account was that the expenses of the registers and other matters was £272,000, and the amount derived from fees was £216,000, leaving a deficiency of £56,000, which formed part of the sum they were called on to vote. The total expense of County Courts was £244,000, which would be diminished as the amount of fees increased, and he believed that expenditure would not be grudged. Whether it was reasonable or expedient that there should be an alteration of the law with regard to Scotland was not the question before the Committee, and ought not to be mixed up with this Vote.

SIR GEORGE LEWIS said, he hoped his noble Friend would not press his Amendment; the vote for the registry was only £45,000, although the hon. Gentleman stated the difference was £56,000.

MR. MACARTNEY said, he hoped that the Government would give a pledge to bring in a Bill to repeal the clause which had been slipped into the last Act, imposing this burden on the public funds. He thought the expense of constructing court-houses ought to be defrayed by the different districts in England, as it was defrayed in Ireland.

MR. WILSON said, it had never been intended that the cost of erecting court-houses should be paid by the treasurer of each court personally; and the Act of 1846 merely provided that the treasurer should meet that charge out of the sum derived from fees. He wished to take that opportunity of asking his hon. Friend the Secretary to the Treasury how it happened that the difference between the salaries and the fee fund, which amounted last year to £56,000 was set down at £45,000 for the present year, thus showing a saving of £11,000? There was also a general feeling that the high bailiffs were overpaid officers, and the late Government had thought it right to institute inquiries into the subject. He (Mr. Wilson) had heard of a case where a County Court Judge had appointed his own brother-in-law high

bailiff of his court, who was a medical practitioner living ten miles off. He wished to know whether the present Government meant to pursue their inquiries?

MR. SALISBURY said, that a great deal of expense attending the County Court system might be saved by buying off the high bailiffs, who were of no manner of use.

MR. G. A. HAMILTON said, that the diminution of £11,000 in the salaries, as compared with the fee fund, arose from an estimated increase in the fund to that amount. With regard to the case of the high bailiffs, he had to state that he was engaged in an inquiry into that subject with a view to diminish or to remove what there was some reason to suppose was to a great extent an unnecessary expenditure.

MR. BAXTER remarked, that he believed the Treasury were not acquainted with the state of things in Scotland; unless they wished to have justice come to a stand, they should take steps to provide courts. He trusted his noble Friend would press the matter to a division, unless he got a distinct pledge from the Government that the subject would be considered.

MR. MACARTNEY suggested, that in any changes which were made some provision should be contained for obliging the treasurers to do their duty themselves, and not by deputy.

MR. WILSON said, he could assure the hon. Member that in the whole range of public offices there were no gentlemen who had harder duties to perform than the treasurers of County Courts, and yet, he believed, none of those gentlemen had their duties performed by deputy. Indeed if any case came to the knowledge of the Treasury of one of these officers delegating his duties to a deputy, it would be the subject of severe animadversion.

VISCOUNT DUNCAN said, he found in the 48th clause of the Act passed in 1846, a provision made that treasurers, with the approval of the Secretary of State, should provide court-houses for the courts; and in the second Act he found that the Commissioners of the Treasury were to pay for such court-houses out of any money which might be provided from time to time for the purpose. The question was whether this was a bad thing or not. If it were founded on a bad principle they ought not to grant the money; but if it were granted in England it also ought to be granted in the case of Scotland. The Sheriffs' Court in the latter country were the same as the County Courts in England, and they certainly ought to be placed on the same footing.

SIR JOHN OGILVY said, he should support the Motion of the noble Lord as he contended with him, that if the principle on which the court-houses for the English County Courts were provided was a good one, it ought to be extended to the other side of the Tweed. He also must complain of the meagre amount of information supplied by the printed estimate in reference to the subject under discussion, and to the manner in which the money was to be appropriated.

MR. ADAMS said, that the County Court Act showed that, in truth, the expense of providing court-houses was charged on the fee fund, of which the County Court treasurers were the administrators, and it never did, at any time, fall as a charge on any other quarter. The Committee must deal with this as a good or a bad Vote *per se*. If it was a bad Vote, he could not understand how it could be made more acceptable by extending it to Scotland. Besides, the expenditure to which objection was taken by the noble Lord did not refer to buildings only. On the contrary, he believed it would be found that the proportion of the money applied solely to court-houses was comparatively small.

MR. COWAN said, this was not merely a question of court-houses, but it was a question whether justice should be decently administered or not. The accommodation for the Sheriffs was most deficient in Edinburgh, and he had already brought the matter before Parliament, when he was promised that means should be taken to remedy a state of things so utterly discreditable. The same state of things still continued by which the suitors and the public were put to almost intolerable inconvenience. As an illustration, he might add that the superintendent of police in Edinburgh conducted his business in a cellar. He trusted the noble Lord would persevere in his Amendment.

MR. WALPOLE said, he was surprised at the course taken by the Scotch Members, as it was not long since they had boasted of providing court-houses for themselves. The English County Courts were obtained, not at the expense of the public, but by means of a tax charged on the suitors. For some years those fees were not paid for the Judges or the officers, but

for the building of the County Courts. Ultimately it was thought advisable that the fees should be placed under the control of the Treasury, and that all the expenses should appear in the annual Estimates; but at this moment a large portion of the funds contributed by the suitors was applied to the building of courts. Were Scotch Members prepared to vote for a fee being imposed on Scotch suitors for the building of Sheriffs' Courts? That would place the two countries on a footing of equality. Besides, the question really before the Committee was, not whether it was a reasonable proposition that some new provision should be made for the erection and maintenance of courts in Scotland, but whether it was desirable in the administration of justice, which was now being brought home to the doors of the people of England, to deprive them of those buildings wherein justice was administered. He submitted that that would not be a reasonable course to adopt; but if, on a comparison of the facilities which were afforded to the two countries in respect to court-houses, it should appear that sufficient provision was not made for Scotland, let that form the subject of a distinct proposition to be submitted to the House hereafter.

VISCOUNT DUNCAN said, if hon. Members would examine the Estimates, they would find that in 1857 the amount of the suitors' fee fund was £216,000, while the salaries of registrars and high bailiffs came to £272,000; being a difference of £56,000 or £1000 more than was now attempted to be obtained for the building and maintenance of the courts, and which was, by Act of Parliament, to be provided out of the Estimates. Under these circumstances, he was at a loss to understand on what ground the right hon. Gentleman could state that the suitors' fee fund was applicable to the expense of building and maintaining the court-houses.

MR. DUNLOP said, that they had borrowed the idea of the establishment of County Courts in England from the Sheriffs' Courts of Scotland; but inasmuch as there was no means of providing for the court buildings for the Sheriffs' Courts in Scotland, he did not see why the country should be asked for a large sum of money for the County Court buildings in England. No doubt, it was for the Government to determine how provision should be made for the decent administration of justice. If they said it should be provided for by means of a county rate, or by means of fees, let them bring in a Bill for that purpose; but, on the other hand, if they thought the burden should fall on the public taxes, Scotch Members might fairly contend that Scotland should be dealt with in the same manner as England. Justice was dear to all, and it was highly advisable to afford to the poor man cheap and speedy means of obtaining it; yet, unless the Government would give a pledge that the administration of justice in Scotland should be improved in this respect, he should vote against the Estimate.

THE LORD ADVOCATE said, he sympathised with the desire of the Scotch Members to obtain assistance for the Sheriffs' Courts, but he thought that they might take a much better course than dividing the House against this Vote. It had been admitted to be a sound general principle, that the expense of the administration of justice should be defrayed out of the public funds, but it was quite a mistake to suppose that the expense of the Sheriffs' Courts of Scotland were paid for by a rate; that was by no means the general practice —sometimes the buildings were provided for by a voluntary assessment, sometimes by a local Act of Parliament, and sometimes by a rate. Still, however anomalous the law might be in this respect in Scotland, he submitted that the way to remedy it was, not to refuse to England that which was essential to the carrying out of an important system of jurisprudence, which had recently been established, and which was found to work efficiently.

MR. BLACK said, he only required for Scotland what was just and fair. The course pursued by the noble Lord was the only effectual way of making known the grievance of which he complained.

MR. SOTHERON ESTCOURT said, he must again remind the hon. Member that there was no proposition before the Committee for the benefit of Scotland. If the proposition were to transfer the money from England to Scotland, that would be robbing Peter to pay Paul, but as it at present stood the Amendment would rob Peter, but it would not pay Paul. His noble Friend (Viscount Duncan) having given expression to his wishes, should leave the matter in the hands of the Government.

MR. J. D. FITZGERALD said, he thought it would be very inconvenient to take a division upon the Vote, and certainly the adoption of the noble Lord's Amendment would be disastrous to his own views. There was no proposition before

the Committee to provide court-houses, but the result of the adoption of the Amendment would be to arrest the administration of justice in the County Courts. It was true that in Ireland all the expenses of building court-houses were paid out of the county rates, and he thought England should be placed upon an equal footing with Ireland and Scotland in that respect, but in order to arrive at that end, he would not recommend the refusal of the present Vote, but that a separate measure should be prepared upon the subject.

THE SOLICITOR GENERAL observed that hon. Members who wished for equality should remember that in Scotland the Sheriffs Courts were not only civil but criminal courts, in which the larger portion of the criminal business of the county was disposed of. The criminal courts in this country were paid out of the borough and county rates. And yet Scotch Members now declared that while England paid for the building of her criminal courts out of rates, Scotland was entitled to have her criminal courts paid for out of the Consolidated Fund. He would ask Scotch Members whether that was equality. As to the civil business transacted in the Scotch courts, he would remind the Committee that they were not discussing a Scotch Vote, but one for carrying out an elaborate system under which a great part of the legal business of the country was disposed of. It appeared as if Scotch Members wanted to stop the supplies necessary for the administration of Justice in England, in order to extort from the Government a promise to do something for the benefit of Scotland. That was neither the fair nor the proper way to deal with a question which he admitted to be of gravity and deserving of consideration, but which should be deliberated on in the shape of a Bill prepared for the purpose. Then, again, he would ask hon. Members to consider the nature of the fund from which the expenses of the County Courts were paid. In order that there might be a control over the fees the moneys were paid into the public revenue and appeared in the estimates, but that circumstance did not alter the nature of the trust with which they were impressed when collected. The noble Lord had compared the £272,000 paid for salaries, &c., with the £216,000 received in fees, and argued that there was, consequently, a deficiency of £56,000. As to figures the noble Lord was right, but he must bear in mind the purpose to which Parliament had directed those fees to be applied. In the original County Court Act there was a section enacting that for the purpose of raising sums for providing court-houses and offices, and for paying off money borrowed, certain fees should be charged, to be regulated by the Secretary of State. The County Court clerk was to pay the fees to the treasurer, and then it was provided that the fund should be applied towards paying the interest upon sums borrowed, to paying rent and other expenses necessarily incurred in holding the courts, to paying off sums borrowed, and to defraying other expenses charged upon the general fund, the surplus, if any, to be paid into the Consolidated Fund. Thus, Parliament had given the County Court officers authority to demand from every plaintiff certain fees to be applied upon certain trusts strictly defined. He was aware that a subsequent Act of Parliament contained a provision which charged the Commissioners of the Treasury with making good, out of sums to be obtained from Parliament from time to time, the whole of the deficiency which might arise in the necessary expenses for the building of the courts in question; but, then, that provision by no means repealed the section in the previous Act to which he had just referred. Those hon. Gentlemen who supported the proposition of the noble Lord opposite talked of fairness, but he would ask them whether it was in accordance with common honesty that they should thus seek to violate a trust? The fees were in fact a trust fund; the trusts were distinctly defined by Parliament, and the public had a right to demand that the money should be applied to the purposes for which it was taken. He could assure the noble Lord that this was money which could not properly be applied to the payment of salaries till every shilling that was necessary had been expended in providing courts. [Viscount DUNCAN: No.] The noble Lord might say No, but he could assure the noble Lord that if he were appointed a trustee and were to deal with the trust property as he asked the Committee to deal with the fund under discussion, he would be guilty of a breach of trust, and would be bound to make good the whole of the money himself. Parliament in its omnipotence could of course do what it pleased in the matter, but he would nevertheless advise the Committee to hesitate before they converted money which was properly applicable to the build-

ing of court-houses to a totally different purpose

MR. WILSON said, that while entertaining a strong opinion that it would be very inexpedient to adopt the course proposed by the noble Lord, he was anxious to correct a misstatement on the part of the hon. and learned Gentleman with reference to the applicability of the suitors' fee fund, as he thought the hon. and learned Gentleman had not put the matter in its proper light before the Committee. It was no doubt perfectly true that the Act of 1846 made the expenses for the building of court-houses a trust-charge upon the fees in question; but by a law which had been passed two years ago those fees were confined to two specific purposes — those purposes being the payment of the salaries of the registrar and the high bailiff; while the expenses for court-houses were made chargeable upon sums to be voted by the House of Commons, and therefore it was that they appeared in the estimate as a separate and distinct Vote. The Committee would further bear in mind that the original Act provided that all existing court-houses in England should be applicable to the purposes of the County Courts, and it was only in those cases where there was no accommodation that Parliament was applied to for the purpose of supplying money to build courts.

THE SOLICITOR GENERAL said, he was perfectly ready to admit the financial capacity of the hon. Gentleman, but he must excuse him if he observed that he was altogether under a misprehension of the law of the case. The Act of Parliament which had been passed two years ago simply provided that, for purposes of mere convenience, and to avoid the needless remittance of money backwards and forwards, the payments of the salaries of the registrar and high-bailiff should be made out of those fees, instead of their being remitted in the first instance to the Treasury, Parliament undertaking to recoup the money thus laid out. He might add that the Act which was passed two years ago, while distinctly setting forth that it operated as a repeal of several of the clauses of the original Act, left untouched the 57th clause, which was still in force, and under the operation of which the trust upon the fees still continued to exist.

MR. W. WILLIAMS said, he could not support the proposition of the noble Lord. He considered the establishment of the County Courts was the most important law reform that had ever taken place in this country, and nobody could deny the enormous benefits which resulted therefrom. The real question, however, was, whether justice was done to Scotland; for his part, he should wish to see the three kingdoms placed upon the same footing in respect to this matter.

VISCOUNT DUNCAN said, if any right hon. Gentleman on the Treasury bench would rise and repeat the statement of the hon. Member for Lambeth (Mr. Williams), he would at once withdraw his Motion. He admired the system of County Courts as much as any one, and he did not want to impede the administration of justice, but he was convinced that, if they stopped this £55,000 to-night, the immediate effect would be that the Solicitor General would come down to-morrow with a Bill in his hand to provide for the payment out of the public money of the necessary buildings for administering justice in all parts of the United Kingdom.

MR. G. A. HAMILTON said, this was not a Vote for carrying out an Act just passed, but for defraying the expenses of a system which, with the approbation of the Legislature and the country, had been established several years for the administration of justice, and he therefore hoped that the noble Lord would not, even for the sake of advancing what he thought a just principle, overthrow that system. If the noble Lord thought that Scotland was entitled to what he claimed for her, let him discuss that question on some future occasion upon its own merits. The noble Lord filled an office in the late Government, and he therefore appealed to him, as a statesman, whether the course he was pursuing was not inexpedient and unfair.

VISCOUNT PALMERSTON said, he thought that his noble Friend deserved great credit for the gallantry with which he had fought the battle of his own country—a battle which exceeded in interest and importance the fight about the unicorn. He hoped, however, that his noble Friend would be content with the glory he had won, because the stopping of a Vote like this could only be justified in a most extreme case. This Vote was for carrying out the provisions of an Act of Parliament by which most important improvements were effected in the administration of justice. It was not a prospective Vote that could be postponed without inconvenience, but a Vote which was absolutely necessary for carrying on the admi-

nistration of these County Courts. If the House were to refuse this Vote, they would, in the first place, shake the confidence of the country in Acts of Parliament, the carrying out of which required grants from the Consolidated Fund. In the next place, they would paralyze at once one of the most important improvements in modern times in the administration of justice, whereby justice was brought to the door of every poor man in the country. They would, therefore, be punishing the great bulk of the population of this country merely for the purpose of effecting that which ought to be effected by some other course. He hoped the House would not be induced to support the noble Lord. If it were right that the arrangements which had been made with regard to England should be extended to Scotland and Ireland, well and good; but that should be effected, not by stopping this Vote, but by the introduction of a Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the noble Lord would respond to the appeal which had been made to him. He could assure him that there was no wish on the Ministerial side of the House to obtain any advantage for England at the expense of Scotland or Ireland. After very ample discussion in the Legislature, and considerable agitation throughout the country, that most important improvement in the administration of justice in this country—the County Court system—was established with the general sanction of the Legislature and the country. The proposition of the noble Lord was absolutely to arrest the fulfilment of the intentions of the Legislature and the country, and to withdraw national support from a mode of administering justice which had given universal satisfaction. If the noble Lord thought the incidence of taxation in England, Scotland, and Ireland should be inquired into, he (the Chancellor of the Exchequer) would never oppose an inquiry of that kind. With his full consent the noble Lord might be appointed Chairman of the Committee to which that inquiry might be intrusted. From the knowledge which he had of the ability and impartiality of the noble Lord, as shown in the Committee upon the land revenues of this country, he had no doubt that such an inquiry under the noble Lord's direction would be most satisfactorily pursued and end in important results. The House, he was sure, would listen with respect to those results, and if the noble Lord could show that Scotland suffered any injustice, and that England was a favoured country compared with Scotland, there could be no doubt that the noble Lord's appeal for justice to Scotland would be respectfully listened to. But the present proposition of the noble Lord was to arrest improvement in England, and not to secure improvement in Scotland. The House, he was sure, would never assent to so unfair and unwise a proposition. He should be the first to support any just proposition which the noble Lord might hereafter make with regard to the incidence of taxation in Scotland.

VISCOUNT DUNCAN said, he was unwilling to waste the time of the House, and he could conscientiously assert that it would give him the very greatest pain to obstruct the administration of justice in the County Courts of England. He hoped the Chancellor of the Exchequer would attend to what he was about to say. He would certainly be prepared at once to withdraw his present Motion, if he clearly understood the right hon. Gentleman to say that if a Bill to have the expenses of providing County Courts in Scotland paid for out of the Consolidated Fund were brought in he would support it.

MR. WISE said, as the noble Lord was a Lord of the Treasury under the late Government, he wished to know whether he did not as such approve these Estimates?

VISCOUNT DUNCAN: In answer to my hon. Friend I beg leave to say that the late Government did not prepare these Estimates.

MR. WILSON said, it was owing to mere accident that they were not prepared by the late Government, but that there would not have been the slightest difference between their Estimates and those now before the House.

SIR WILLIAM DUNBAR said, he thought the noble Lord would exercise a sound discretion by withdrawing the Motion.

VISCOUNT DUNCAN said, his purpose had been mainly answered by the discussion which had taken place. He hoped that discussion would not be lost sight of when the next Estimates were framed, and under these circumstances he should now withdraw his Amendment.

Amendment *negatived.*

Original Question put, and *agreed to.*

(11.) Motion made and Question proposed,—

"That a sum, not exceeding £25,428, be granted to Her Majesty, to defray the Expenses of the

Police Courts of the Metropolis, to the 31st day of March, 1859."

VISCOUNT DUNCAN said, on the last Vote he was asked to produce a case where criminal courts were provided for out of the Consolidated Fund. Here was one.

MR. HADFIELD said, he must also complain of the system by which the police courts of a particular district were supported at the public expense. This was unfair to the rest of the country, and he should therefore move the reduction of the Vote by £7,430, the amount of salaries for clerks.

MR. KINNAIRD remarked, that his hon. Friend had objected to the wrong item.

MR. W. WILLIAMS complained that the Estimate was not drawn in an intelligible manner.

MR. G. A. HAMILTON said, it should be more explicit next year.

Amendment proposed—

"That the item of £7,430, for the Salaries of Clerks of the Police Courts of the Metropolis, be omitted from the proposed Vote."

MR. HORSFALL said, he did not mean to object to the Vote, but certainly thought that the expense of the Metropolitan police courts ought not to be borne by the country generally. Other large towns defrayed these expenses themselves, and the general feeling was that London ought to do the same.

MR. D. NICOLL asked for explanation as to an item of £2,000 for rent of premises, although £17,900 had been expended this year in building new police offices.

MR. HARDY explained that there were a great number of houses rented.

MR. PEASE said, he did not think it was fair to the counties to pass those large sums for the Metropolitan police courts.

MR. AYRTON said, that the Metropolitan police stood upon a different ground to that occupied by the rural police. The Metropolitan police was a great national force, available for any part of the Kingdom in case of necessity, and under the control of the Government.

MR. KINNAIRD said, he thought that there should be no objection to a national payment to the Metropolitan police, seeing that this police did so large an amount of national duty.

MR. COX said, he quite concurred that it was very desirable that there should be no application to the Consolidated Fund for the police of the Metropolis; but then their police force should be on the same footing as that of the country. Three-fourths of the expense of the police of the Metropolis was maintained by rates, and the other fourth was paid by the Government, to enable them to use the police—to use them as foreign spies, to attend at places where discussion societies were held, and to obtain evidence against Dr. Bernard or against some publisher. That was the reason why one-fourth part of the charge was placed on the Consolidated Fund.

MR. HADFIELD said, he thought that the police of Manchester or those of Liverpool were national as well as those of London; but that it was not only for the police of London but for other things—for the parks and bridges—that the country were called on to pay. It was unjust, and he thought that they ought to bring the thing to a test. He was therefore inclined to oppose the whole Vote.

MR. W. WILLIAMS thought his hon. Friend misunderstood the position of the inhabitants of London in regard to the police. They had nothing to do with their government, and at one-half of the rates they had to pay they could provide a police quite sufficient for the purposes of the Metropolis; while at present he walked from that House to the Regent's Park at all hours of the night and scarcely ever met a policeman.

Amendment, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(12.) Motion made and Question proposed,—

"That a sum, not exceeding £128,607, be granted to Her Majesty, towards defraying the Expenses of the Metropolitan Police, to the 31st day of March, 1859."

MR. GRIFFITH said, that, in his opinion, a lesson might be taken from the Continental police as regarded their action in cases of obstruction in public thoroughfares. Many streets in London were periodically obstructed, to the great annoyance of hon. Members returning home; and, as far as he could see, the police had little or no control in the matter.

MR. GILPIN said, he did not know how it was, but perhaps hon. Gentlemen had more personal attractions than he had, and that might account for his not being insulted when going home from the House. He wished to ask the Secretary for the Home Department if he could give any ex-

planation as to the very large increase in the amount to be voted in payment of salaries. There was an increase of about £25,000. He wished to know whether there was any sum paid for the expense of foreign police. The increase was from £103,645 to £128,607.

MR. WALPOLE explained that a portion of the increase in the Vote was to be accounted for by the fact that power was given by an Act of last Session to raise, on the security of the rates, a large sum of money for the establishment of new police districts in the Metropolis. Among the items included in this Vote there was also one of £33,175 as a contribution to make good the deficiency in the police superannuation fund.

MR. MASSEY said, that representations having been made to his right hon. Friend the late Home Secretary that various new districts in the suburbs of the metropolis were left entirely unprotected by the police, it became necessary to appoint a large number of men, with inspectors and sergeants in proportion, to meet the demands of the inhabitants in those districts. That number of men did not fall much short of 450, and the expense amounted to between £25,000 and £26,000. The new districts comprised a line of streets, and roads that extended over fourteen miles.

MR. NICOLL said, that the increased expense of the police might, to some extent, be accounted for by the variety of duties they were called upon to perform. Amongst others he alluded to the arrangement by which the proprietors of theatres and other places of entertainment, as well as of private houses, hired their services, on account of which an item of £5,550 figured in the columns of this Vote. That practice was open to abuse, and it had come to his knowledge as a magistrate that the police in a certain case had been acting as door-keepers to one of the greatest sinks of iniquity in the metropolis. The Police Act required amendmennt, not only on this head, but also in respect to the basis of the rating.

MR. AYRTON strongly condemned the system of passing Bills through that House, imposing new charges on the public, without an estimate of the amount of those charges being first laid on the table. The increase in the Vote under discussion was a consequence of the reckless manner in which such statutes were passed.

MR. GRIFFITH said, he hoped the right hon. Gentleman the Home Secretary would give an answer to his question, which was one of a practical nature. The right hon. Gentleman had received deputations relative to the social evil; and it was well known that the pavements in the neighbourhood of King Street, St. James's, were obstructed by a class of persons to whose character he need not more particularly allude. There never were any policemen within reach to remedy this inconvenience.

MR. WALPOLE: If the hon. Member would look into the original Police Act he would see there was a power given to the police to prevent the persons to whom he referred from doing anything to annoy passers-by; but for the police to interfere beyond that would be regarded as a most arbitrary proceeding. The subject had been brought under his attention, and he could assure the hon. Gentleman that everything which could be required for proper order and decency in the streets, and to prevent annoyance to persons passing along, was provided by the Police Act; that everything which could be done within reasonable limits should be done, but beyond that he must say, once for all, he should decline to interfere.

SIR JOHN TRELAWNY was understood to object to the Vote, on the ground that it applied to purely metropolitan objects, and to suggest its postponement until further information on the subject had been obtained.

MR. WILSON said, he thought the Vote was fully explained by the printed estimates. The total estimated expenditure was £464,283, of which £300,895 was contributed by the metropolitan districts, and sums received from other sources raised this amount to £340,187, leaving a balance including the charge for additional inspectors and sergeants,—whose appointment was now under the consideration of the Secretary of State,—of £128,710, which was the amount to which the charge on the public was limited by various Acts of Parliament. There had been a considerable increase in the Vote in consequence of the necessary extension of the police force, but three-fourths of this increase were defrayed by local rates, and the remaining fourth was a charge upon the public.

MR. HADFIELD said, that the police force was increased in consequence of the extension of the London suburbs, where, notoriously, the richest of the London population resided; and in order to protect their property and persons the whole coun-

try was taxed. That was unfair, and he should, therefore, resist the Vote.

The Committee *divided:*—Ayes 157; Noes 28: Majority, 129.

Vote *agreed to*, as was also the next Vote,

(13.) £3,495, Queen's Prison.

(14.) £3,342, Lord Advocate and Solicitor General, Scotland.

MR. W. WILLIAMS said, that this Vote constituted a grievance for England, as the salaries of the Lord Advocate and Solicitor General in Scotland formed an expense not existing in the case of the English Attorney and Solicitor General. He was aware that the latter were remunerated by fees, but he believed that the Scotch law officers also received emoluments of that kind.

MR. MACMAHON said, that the expenses of the administration of justice for Scotland were much greater in proportion to the population of the country than was the expense of administering justice in either England or Ireland. The sum required for Scotland was £110,000, while the charge for justice in Ireland, exclusive of the charges for the Dublin and country police, which amounted to £700,000, was only about £73,000. He should also contend that the present state of the law of Scotland inflicted great hardship upon England. He could instance a recent case in which an Englishman who had dealings with a Scotchman sent him a letter which the latter considered libellous. The latter commenced an action for libel, and, proceeding by "indictal citation," obtained judgment by default, and then set off the damages obtained in this action against a sum due from him to the other on account of goods. It had even been made a matter of discussion amongst Scotch lawyers, whether, if an Englishman left an umbrella or a toothpick behind him in Scotland, that would not afford a foundation for a process against him by "indictal citation." Then they had no habeas corpus in Scotland, which was another defect in the law of that country.

MR. NICOLL observed, that in Scotland the Lord Advocate was also the public prosecutor, and he wanted to know why the benefits of such an office should be confined to that part of the United Kingdom?

MR. W. EWART said, he would remind the House of the opinion of the present Chief Justice of the Common Pleas when Attorney General, who recommended the gradual introduction of the system of public prosecutors in a way to suit as much as possible the system now in existence, and he trusted the present Government would give that recommendation their careful consideration.

MR. MILES said, that as one of the Committee appointed to inquire into that subject, he could speak of the great assistance given them by that very learned Judge, as well as by the present Lord Chancellor of Ireland. He said the evidence before that Committee showed how much better the criminal business of the country was conducted in Scotland and in Ireland than it was in England, and he trusted his hon. Friends in the present Government would take that evidence into their consideration.

THE ATTORNEY GENERAL said, that this was a subject which, but for its importance, would long since have received the great and anxious consideration of the Government; but he must remind the Committee that from the late period of the Session when the present Government came into office, their capability to consider important questions had been necessarily limited. He could say for himself, that from the hour that he had accepted office, every moment not engaged in other public business had been given to subjects of law reform, which would be submitted to the consideration of Parliament either in this or in the other House. One of these subjects was the bankrupt law, which involved as large a number of important questions as any one could undertake; but he was happy to say that it was a subject which was now nearly in a state to be submitted to Parliament. Another subject which had engaged the attention of his hon. and learned Friend the late Attorney General, namely, the appointment of a Minister of Justice, had also occupied his time, and he hoped, as soon as he could obtain an evening free from still more important business, to be able to submit a Bill to the House on that subject. He hoped also to submit several Bills for a first reading for the consolidation of important branches of the statute law, and he proposed to move for a Committee to consider the appointment of a Board not only for the consolidation of the statutes now in existence, but for the revision also of any Bills which the House might think proper to refer to it in their progress through Parliament. With these and other subjects his attention had been entirely engaged, so as to make it

quite impossible for him to give the evidence of the Committee alluded to his attention. But to that evidence he would devote any time which he could secure from the subjects which he had now in hand, and he hoped he might yet be able to submit a measure on the subject. With regard to the particular Vote before the Committee, it might be unknown to many hon. Members that the law officers of the Crown in England received no salary, but received fees in criminal prosecutions. On the other hand, the Lord Advocate and his learned colleague were obliged to leave their homes and spend nearly a quarter of the year in London, and to give their attention to the maturing measures to please the fastidious tastes of a large section of the House. It was necessary in these circumstances that they should receive salaries, but the salaries they did receive appeared to him very inadequate for the services rendered by the law officers of Scotland.

MR. MACMAHON said, he must protest against the doctrine that the criminal business of England was worse done than in Ireland or Scotland; for he had before proved to the House, and he hoped to prove again, should a Bill for the institution of a public prosecutor be introduced, that the business in England was better done than in either of the other two countries. For proof of this he might instance the case of the British Bank delinquents as compared with the case of the directors of the Western Bank of Scotland, who, with the whole system of public prosecutors and procurators-fiscal, were still at large and unquestioned.

Vote *agreed to;* as were also the following Votes.

(15.) £18,577, Court of Session, Scotland.

(16.) £11,261, Court of Justiciary Scotland.

(17.) £5,550, Criminal Prosecutions, Scotland.

(18.) £1,860, Legal Branch of Exchequer, Scotland.

(19.) £25,000, Sheriffs' Courts, Scotland.

(20.) £11,955, Procurators Fiscal, Scotland.

(21.) £13,110, Sheriff Clerks, Scotland.

(22.) £2,250, Solicitor of the Crown, &c., Scotland.

Motion made and Question proposed,—"That a sum, not exceeding £15,118, be granted to Her Majesty, to defray the Salaries and Expenses of the several Offices in Her Majesty's General Register House, Edinburgh, to the 31st day of March, 1859."

MR. CAIRD said, he wished to call attention to the cost of the fees for the transfer of land, which were double the cost of the work itself. The late Government held out some hope of those fees being reduced, and he hoped the present Government would carry out the intentions of their predecessors.

MR. COWAN said, he wished to call the attention of the Committee to an item of £1,000, included in the Vote for the salary of the Keeper of the Registry of Sasines. He wished to know whether a Treasury Minute had not been made some time since recommending that upon the occasion of a vacancy this appointment should not be renewed, on the ground that it was a sinecure. He was desirous also of asking the late Secretary of the Treasury whether the late Government had not when in a moribund state filled up this lucrative appointment, notwithstanding the Treasury Minute in question?

MR. WILSON said, it was quite true that some two or three years ago the Queen's Remembrancer in Scotland called the attention of the Treasury to this office as a sinecure, and recommended that it should be abolished on the death of its then holder. Last summer the holder of the office died, Mr. Pringle, the salary being then £1,500 a year. The Treasury then proposed to abolish the office, but his hon. Friend, who was then Lord Advocate, decided that the office should not be abolished, but amalgamated with some other, and made a real working office. He might add that the general feeling of the legal profession in Scotland was very much opposed to the extinction of the office. The salary had, however, been reduced from £1,500 to £1,000. He believed he was correct in stating that the present Lord Advocate concurred in the expediency of those amalgamations, and in the policy of retaining the office.

THE LORD ADVOCATE said, if the office was a sinecure in the hands of Mr. Pringle a sinecure it was still; because, with the single exception that the salary was somewhat reduced, it remained now exactly as it was. There was no amalgamation; Mr. Brodie, the present holder, was keeper of Sasines, and nothing else; but at the same time he must say that he believed the continuance of the office

was highly necessary, and he could not conceive how any one acquainted with the titles of land in Scotland could think otherwise. As to the question of the hon. Member for Dartmouth (Mr. Caird), it was quite true that there was a surplus of some £4,000 or £5,000 a year over and above the expenses of the establishment, arising from fees; and to that extent, perhaps, they might be reduced. But he might state that it was intended to centralise all the local registers under one office in Edinburgh, which would effect a further saving of expense; but till that was done he was afraid he could not hold out much hope of diminishing the fees.

MR. COWAN remarked, that however important the duties might be, they had not hitherto been discharged by the Keeper of Sasines, but by the deputy keeper. He felt so strongly that this was something approaching the character of a job, that he would move the reduction of the Vote by the sum of £1,000.

Amendment proposed—

"That the item of £1,000, being the Salary of the Keeper of the General and Particular Registers of Sasines, be omitted from the proposed Vote."

MR. WILSON said, he must complain that the Lord Advocate had in one part of his speech said there was no amalgamation of duties, and in the other pointed out the amalgamation that was to be effected. The centralization of the local offices under the one Keeper in Edinburgh was the very amalgamation the late Government contemplated.

THE LORD ADVOCATE said, the hon. Gentleman was mistaken. He repeated that there had been no amalgamation, and certainly none would be effected by the centralization he contemplated. He might add that he was not aware, nor had he found any trace, of its being the intention of the late Government to bring in such a Bill as he referred to.

MR. WILSON said, that such was the fact nevertheless.

MR. BAXTER said, he hoped the Scotch Members who often complained of profusion in regard to English Votes would resist this job as applied to Scotland. But there was an earlier Vote he wished to object to—that of Lord Clerk Registrar, to which was appended a salary of £1,200. That office was a decided sinecure, for it was held by the Marquess of Dalhousie while he was Governor General of India, while the duties of the office were in reality discharged by an assistant keeper, and he thought the high salary should be given to the official who did the work. He should like to hear from the Lord Advocate something regarding the honorary office of Lord Clerk Registrar, and what were the intentions of the Government regarding it.

SIR GEORGE LEWIS remarked, that he did not very clearly understand what were the grounds of the objection taken to the arrangement made by the late Government, or on what grounds it was proposed to omit from the Vote the salary of the Keeper of the Registrar of Sasines. The Lord Advocate had given his opinion that the gentleman holding that office discharged duties that should be discharged, and that it was impossible the office could be abolished. In these circumstances he did not understand what was the ground of objection—whether it was an objection to the maintenance of the office or to the competency of the individual who discharged its duties.

MR. DUNLOP said, the office of Lord Clerk Registrar, now held by the Marquess of Dalhousie, was, no doubt, a sinecure, but as it was an old and an honourable office he should be sorry to see it abolished. The better course would be not to maintain it as a sinecure, but to turn it to some advantage, which could easily be done in connection with the Register House. He was sorry to hear from the Lord Advocate that there was to be no consolidation of the offices, of which there had been a general expectation. After the late Government had tendered their resignation, they appointed as Keeper of the Register of Sasines a man of great eminence in his profession—so eminent that he could not find time to attend to the duties of his office. He thought that on principle there was an objection to the appointment of persons of too high practice to an office like this.

MR. CUMMING BRUCE had been informed by one of the clerks of the office that nothing could exceed the zeal and ability with which the present holder of the office discharged his duties. He could not concur in the view expressed by the hon. Member for Greenock (Mr. Dunlop), for the duties of this office were so important that he thought men of the very highest professional ability should be selected to fill it.

MR. G. DUNDAS said, this was a job perpetrated by the late Government after their resignation. It was generally ex-

pected in Scotland that the office would have been conferred upon a gentleman employed at the Register House in Edinburgh, thoroughly conversant with all the duties of the post, and a man of great erudition and antiquarian knowledge; but on the break up of the late Government they appointed a gentleman who had strong political claims upon them, and thus effected a job which had caused the greatest dissatisfaction.

THE LORD ADVOCATE, in reply to the question put by the hon. Member for Montrose (Mr. Baxter), said there was no doubt that the office of Lord Clerk Register was an honorary one, and had been so for a century back and more. It was now held by the Marquess of Dalhousie. He put it to the House, however, whether they would interfere rashly with an office that was established under an Act of Parliament.

MR. HORSMAN said, whether they called this office an honorary one or a sinecure it was clearly an anomaly. It had been held by the Marquess of Dalhousie even when he was Governor General of India. He wished to know whether in any future measure that might be introduced it was in the contemplation of the Government to do away with this office when the next vacancy occurred?

MR. BAXTER said, he wished to ask the right hon. Gentleman in the Chair whether he could move an Amendment to the Vote for the Lord Clerk Registrar, though it came before the Vote objected to by his hon. Friend the Member for Edinburgh (Mr. Cowan).

MR. CHAIRMAN said, that the earlier item could not be discussed unless the hon. Member for Edinburgh withdrew his Amendment.

MR. COWAN certainly intended to adhere to his Amendment.

Question put, and *agreed to.*

"That the item of £1,000, being the Salary of the Keeper of the General and Particular Registers of Sasines, be omitted from the proposed Vote."

MR. WHITE: Where are we?

MR. TITE: We cannot hear a word here. The Chairman is going at the rate of sixty miles an hour.

MR. WILSON said, there was some confusion as to the last proposition put from the Chair, as he understood the Committee had assented to the Amendment for the reduction of one item of £1,000. The effect of the reduction would be to impair the efficiency of the office, which was one of great responsibility, for the holder was responsible for all the errors his clerks might commit. Not many years ago the holder of this office had to refund £3,000, in consequence of an error made by one of his clerks.

MR. MACARTNEY said, he must declare that hon. Members around him had challenged the Amendment in the usual way when the question was put, and they considered that they were going to a division. There had evidently been a great mistake.

MR. MILES said he wished to know whether there was a Treasury Minute declaring the office to be a sinecure.

MR. WILSON said, that he had given an explanation on the subject when the hon. Member for Somersetshire was absent. He would, however, repeat what he had before said on the subject. Two years ago the attention of the Treasury was called to the subject. The Queen's Remembrancer for Scotland declared that upon a vacancy there was no occasion to fill it up. A letter was thereupon written by the Treasury to the Home Office, suggesting that in the event of a vacancy it should not be filled up without consideration. When the vacancy occurred a correspondence took place between the Lord Advocate of Scotland and the Home Office, in which the Treasury had no share, but good grounds, as he understood, were given why the office should be continued in a modified shape.

MR. G. DUNDAS said, he wished to know whether the hon. Member intended to convey the impression that the holder of this office had not exercised sufficient surveillance over his clerks.

MR. WILSON said, he had not intended to convey the impression that the loss had arisen in consequence of any defalcation on the part of one of the clerks. A mistake was made in a search which led to a considerable loss, for which a court of law held that the Keeper of the Registers was responsible.

MR. CUMMING BRUCE remarked, that he had said "no" to the reduction of the Vote, and he was not at all aware that the Amendment was carried.

THE LORD ADVOCATE said, that the Keeper of the Registers could not be expected to perform the duties of his office if he received no salary. If the salary were struck out the people of Scotland

would have no one responsible next year for the accuracy of the register.

THE CHANCELLOR OF THE EXCHEQUER said, that as some misconception appeared to have taken place on this item he proposed to withdraw the Vote altogether for the present.

MR. LOCKHART observed, that he knew that the late Mr. Pringle had considered the office of Keeper of the Register to be no sinecure. He did not believe that any defalcation had taken place in his time.

MR. WILSON said, he had cast no imputation on any one. He did not know the time when the holder of the office was held responsible to the owner of the property in consequence of the mistake of a clerk. It was some time ago.

MR. KINNAIRD said, he had never heard a question put more distinctly than the question of the omission of the item. There was great silence and unusual delay. It was therefore hardly fair for the Chancellor of the Exchequer to say it was a mistake.

MR. BAXTER said, he conceived the deprivation of salary would not affect the responsibility of the officer.

SIR DENHAM NORREYS said, that as a point of order he objected to again discussing a matter already decided by a Vote of the Committee. He would therefore call upon the Chairman to say whether he had not decided the omission in the affirmative.

MR. CHAIRMAN said, that decision had been arrived at by the Committee. The question now was whether it was their pleasure that the Vote should be withdrawn.

SIR GEORGE LEWIS said, it was customary for the Government to signify dissent when any item was challenged. He understood that it was through inadvertence that it was not done in this case. [*Cries of* "No!"] He was only repeating what he understood the Chancellor of the Exchequer to say. Under these circumstances it was rather discourteous on the part of hon. Gentlemen who differed from the Government to prevent the Vote being withdrawn, that the subject might be reconsidered on a future occasion. It seemed to have been a mere accident that the omission of the item was not challenged. ["No!"] He understood the Chancellor of the Exchequer to say that it was a mere accident, and he did not see why they should disbelieve that statement. It would be a somewhat unusual course to insist upon an advantage gained in that accidental manner.

THE CHANCELLOR OF THE EXCHEQUER said, he was not in his place when the question was put. He found the Committee in some confusion, and, on asking the cause, he was told that the Chairman had not heard the cry of "No." He had no other wish than to do that which was proper. Of course, there was no imputation on their able Chairman, but there was an error. The Committee had arrived at a conclusion which was challenged. Under those circumstances he thought the best way was to withdraw the Vote. There should never be a feeling on either side that in a Committee of Supply there was anything like sharp practice. There could be but one feeling on each side, that the money of the country should be voted for efficient services, and if there were any doubt as to the mode in which a decision had been arrived at it was by no means an unusual course to withdraw the Vote and reconsider it on a future opportunity. He was still of opinion that it was a proper course, and he should therefore move that the Vote be withdrawn.

MR. HORSMAN said, their first feeling should be to support the regularity of their proceedings, and especially to support the Chairman, whose duty was discharged with great ability and propriety. When the Motion of omission was put there was an unusual pause, because the Chairman, like the rest of the Committee, was evidently surprised that no one on the Government side said "No." It was not inadvertence. It was indecision. He watched the Secretary for the Home Department and the Lord Advocate. He saw them turn round and confer with a neighbour. The fact was, they were taken by surprise. It was really indecision, and, although he should have no objection to withdraw the Vote, if it could be put on a proper footing, he appealed to the Committee whether they should allow it to be withdrawn upon the ground that there was something in the mode in which the Chairman put the question which had placed the Committee in embarrassment.

LORD JOHN MANNERS begged to say, that he did challenge the omission in time. It was impossible to explain why his voice was not heard by the Chairman.

MR. HORSMAN asked, whether the

noble Lord, had not challenged after the Chairman said, "The Ayes have it."

LORD JOHN MANNERS said, that he said "No" to the question, and repeated it a second time.

MR. G. A. HAMILTON said, the blame ought to rest entirely with him, as it was his duty to make the challenge, and he intended to do so, but he supposed he said "No" at the wrong time. He was engaged at the moment speaking to his right hon. Friend (Mr. Whiteside). It was entirely inadvertence. There was no hesitation on his part in reference to the intention on the part of the Government to call for a division.

MR. WALPOLE remarked, that it was of the first importance that they should support the decision of the Chairman, and he had the greatest pleasure in making that observation, because he never saw a Chairman who conducted business in Committee with greater fairness and impartiality. He was therefore perfectly willing, whatever misapprehension there might be, to trust entirely to the Chairman's judgment, and to say to that judgment they ought to bow. As far as the Government were personally concerned it was not a Vote in which they were interested, because the only objection he had heard taken was the appointment of a gentleman after an assurance had been given by the late Government that the office should not be filled up, and that appointment took place shortly before the resignation of the late Government. In defending the Vote he was not actuated by any personal motives whatever, for his personal feelings, if he had any, would rather lean to the other side. The substantial point to be ascertained was, whether the House was of opinion that there should be a head of this department at the salary of £1,000 a year. That could not now be ascertained, because the Committee had formally rejected the item, but the proposition of the Chancellor of the Exchequer would give the Committee an opportunity of reconsidering the question. By agreeing to postpone the Vote those who were against this item would not be placed at any disadvantage, and the Committee would thereby have the opportunity of giving a *bonâ fide* decision.

MR. COWAN said, he had no objection to the postponement of the Vote if the Government would pledge themselves that only one officer—and one officer it had been shown was sufficient to do the work—should be appointed.

SIR DENHAM NORREYS said, the proposition of the Chancellor of the Exchequer would not meet the object which he had in view. The item of £1,000 had been struck out, and if the Vote were now postponed the House would not be able at any other time to do more than consider the reduced Vote of £14,000. The best plan would be to agree to the reduced Vote, and on the Report to move the addition of this item of £1,000.

THE CHANCELLOR OF THE EXCHEQUER said, in his opinion that the course suggested by the hon. Baronet was impracticable.

VISCOUNT PALMERSTON said, he agreed that the hon. Baronet's proposition was informal, and he would therefore suggest that the reduced Vote should now be passed, and that on the Report the Government should move that the Vote be recommitted, with a view of adding the omitted item.

THE CHAIRMAN said, the course suggested by the noble Viscount was perfectly consistent with the practice of Committees of Supply.

(23.) Question—

"That a sum, not exceeding £14,118 be granted to Her Majesty, to defray the Salaries and Expenses of the several Offices in Her Majesty's General Register House, Edinburgh, to the 31st day of March, 1859,"

put, and *agreed to*. The three following Votes were then *agreed to*.

(24.) £1,124, Commissary Clerk, Edinburgh.

(25.) £1,675, Accountant in Bankruptcy, Scotland.

(26.) £26,620, Criminal Prosecutions, Ireland.

(27.) £3,726, Officers of the Court of Chancery, Ireland.

SIR ERSKINE PERRY expressed his opinion that it would be greatly for the public advantage if the office of Lord Chancellor of Ireland were made permanent. There was no reason in the world why the office should be made a political office, as that of the Lord Chancellor in this country necessarily was.

Vote *agreed to*, as were also the following Votes:—

(28.) £2,599, Court of Queen's Bench, Ireland.

(29.) £3,480, Court of Common Pleas, Ireland.

(30.) £3,975, Court of Exchequer, Ireland.
(31.) £200, Clerk of Taxing Officers for the Three Law Courts, Ireland.
(32.) £5,850, Registrars to the Judges, Ireland.
(33.) £2,348, Registration of Judgments, Ireland.
(34.) £9,546, Court of Bankruptcy and Insolvency, Ireland.
(35.) £8,872, Court of Probate, Ireland.
(36.) £830, Revising Barristers, Dublin.
(37.) £267, Court of Errors, Ireland.
(38.) £1,600, Police Justices, Dublin.
(39.) £24,500, Divisional Police Courts, &c., Dublin.
(40.) £514,287, Constabulary Force, Ireland.
(41.) £2,583, Four Courts, Dublin.
(42.) £17,703, Inspection of Prisons.
(43.) £380,756, Prisons and Convict Establishments.
(44.) £140,023, County Gaols, &c.
(45.) £24,715, Transportation.
(46.) £225,968, Convict Establishments.

House resumed. Resolutions to be reported *To-morrow.*

JOINT-STOCK BANKING COMPANIES BILL.—COMMITTEE.

Order for Committee read.

MR. HEADLAM moved that the House go into Committee on this Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. BUCHANAN said, that at that late hour (twelve o'clock) it was impossible that so important a measure could be properly discussed. He therefore moved the adjournment of the debate.

MR. HEADLAM said, that as the Government had refused to appoint a day for the consideration of the Bill, he saw no reason why the House should not go into Committee at once.

THE CHANCELLOR OF THE EXCHEQUER remarked, that if there was no prospect of any prolonged discussion, he hoped the House would consent to pass the Bill through Committee.

MR. MALINS urged the propriety of proceeding, on the ground that if private Members were to go on night after night, putting off their Bills because it was past twelve o'clock, they would never pass any measure. The principle of the Bill had already been discussed, and the Committee could not occupy more than ten minutes, and he hoped the hon. and learned Gentleman would be allowed to proceed.

MR. WILSON said, that he should have to propose some additions in Committee; and if it was the wish of the House he was perfectly ready to proceed.

Motion made, and Question put, "That the debate be now adjourned."

The House *divided:*—Ayes 77; Noes 140: Majority 63.

Question again proposed, "That Mr. Speaker do now leave the Chair."

MR. WILSON said, he rose to move that it be an Instruction to the Committee, but—

MR. WALPOLE, as a point of order, objected that the hon. Gentleman was too late, after the Motion for going into Committee had been moved and decided.

MR. SPEAKER said, he was of opinion that the hon. Gentleman could move his Instruction as an Amendment to the Motion that "the Speaker do now leave the Chair."

MR. WILSON said, as they were about to remove the exemption of unlimited liability from banking companies, it was only right to do the same in respect of insurance companies. There was a special as well as a general reason for the Instruction which he proposed. At present the law of limited liability did not extend to insurance companies, but practically their liability was limited, for there was a clause inserted in all policies stating that insurers should only look to the funds of the society for payment. It would be only right to make the change he proposed, for most persons were quite unaware of the clause in their policies which limited the liability of their insurers, and therefore one uniform law would be for the public convenience and advantage.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'it be an Instruction to the Committee that they have power to extend the provisions of the Bill to Insurance Companies,'" instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. COWAN said, he was surprised at the change of views which had come over the hon. Gentleman since he presided over a Committee in 1853, which reported that

the law affecting insurance companies was defective, that many abuses existed, and that companies were established without any expectation of succeeding.

MR. LYGON rose to order, and appealed to the Speaker whether, under Regulation 203 of the House, it was competent for the hon. Member for Devonport (Mr. Wilson) to raise this discussion.

MR. SPEAKER said, the rule referred to pointed out to Members the most convenient course in moving an Instruction:—That the Instruction should be moved before the Motion that the Speaker do leave the Chair; but as that stage had been passed, it was not contrary to order to move the Instruction as an Amendment.

MR. COWAN then resumed, and expressed his regret that the hon. Member for Devonport (Mr. Wilson) had not introduced a Bill upon the subject of insurance companies, as was expected from him after drawing up the Report to which he had referred.

MR. HEADLAM said, he did not object to the proposed instruction.

MR. BUCHANAN said, he thought they were entering upon a very wide subject, embracing many points of considerable importance, and that it was therefore extremely inexpedient they should proceed with the discussion at so late a period of the night.

MR. WARREN moved the adjournment of the debate.

Motion made, and Question proposed, "That the debate be now adjourned."

SIR WILLIAM HEATHCOTE said, he saw no reason why the instruction should not be assented to, inasmuch as there would be ample opportunity of discussing the merits of the proposition when the Bill went into Committee.

MR. HEADLAM said, that if the power were given to consider the subject in Committee, he should ask to go no further than that Mr. Speaker should leave the Chair, when he should assent to the Motion for reporting progress.

MR. HENLEY said, he thought the House was placed in a position of some difficulty, owing to the circumstance that the Motion of the hon. Member for Devonport was put as an Amendment to that for going into Committee. If that Amendment were carried, he did not see how it would be possible to go into Committee.

MR. BOUVERIE observed that, as to vote in favour of the instruction would be in point of fact to vote against going into Committee, he should suggest to his hon. Friend the Member for Devonport the expediency of withdrawing his Motion.

MR. WILSON said, he would withdraw his Amendment if his hon. and learned Friend (Mr. Headlam) did not press his Motion for going into Committee that night.

MR. HEADLAM said, he would agree to postpone the going into Committee till to-morrow.

Motion, by leave, *withdrawn.*

Question again proposed, "That the words proposed to be left out stand part of the Question."

Amendment and Motion, by leave *withdrawn.*

Committee *deferred* till *this day.*

PROPERTY QUALIFICATION BILL.

THIRD READING.

MR. LOCKE KING moved that this Bill be read a third time.

MR. BENTINCK said, he felt that, as he had on a recent occasion taken the initiative in opposing this Bill, he might fairly, in accordance with the usages of the House, late as was the hour (One o'clock), oppose the further progress of the Bill, but he would at once say that he did not mean to take that course. They had a full and fair discussion upon the subject yesterday. Those who were opposed to the Bill stated their reasons to the best of their ability. They were beaten and well beaten by a large majority, and therefore he felt that if he were to persevere in his opposition to the Bill, he should only be wasting unnecessarily the time of the House. So far as he was concerned, he should offer no further opposition to it. Before he resumed his seat, he begged to express his extreme regret that they had been unable, owing to one of those very curious accidents which had happened so frequently of late, to hear an explanation from the noble Lord the Member for Tiverton (Viscount Palmerston)—who had only left the House two minutes before the Motion was made, that the Bill be read a third time—of the reasons that had induced him to follow a course on this question when in opposition so diametrically opposed to that which he followed when in office. As it seemed impossible to catch the noble Lord, though he regretted very much having failed to do so, he should now offer no further opposition to the Bill.

Mr. DRUMMOND said, he had observed on the previous day, that this was the first time in the history of the country when property was dissociated from representation. On that occasion the noble Lord (Lord John Russell) had taken him to task and had quoted the statute of Anne. That statute, however, had no more to do with the question than the Man in the Moon. Originally, none could be elected for counties but knights of the shire, while borough representatives were members of the corporation. The House had now adopted one of the five points of the charter, which had been supported by a Conservative Administration. After this he hoped they would hear no more about the pride of having a great Conservative party, and that they would arrive at the honest conviction that there was no such thing left. He begged to congratulate the hon. Gentleman opposite (Mr. L. King) on his deserved success.

Bill read 3° and *passed.*

FUNDED DEBT BILL.

LEAVE—FIRST READING.

The CHANCELLOR of the EXCHEQUER moved for leave to bring in a Bill to repeal certain provisions for the issue out of the Consolidated Fund of fixed amounts for the reduction of the funded debt. At that hour of the night he should not trouble the House with any statement as to the object of the Bill, but it was necessary for the public service that it should not be delayed.

Leave given.

Bill to repeal certain provisions for the issue out of the Consolidated Fund of fixed amounts for the reduction of the Funded Debt, *ordered* to be brought in by Mr. Chancellor of the Exchequer and Mr. Hamilton.

Bill presented and read 1°.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, June 4, 1858.

Minutes.] Public Bills.—1ª Ecclesiastical Corporations Leasing; Property Qualification.
2ª Sale of Poisons, &c.; Stamp Duty on Passports.

SALE OF POISONS, &c.

The Earl of DERBY in moving the second reading of the Sale of Poisons, &c., Bill, said that it was intended to carry into effect that which had been the object of both Houses of Parliament for some time, and to inquire into the best mode of obtaining which their Lordships appointed a select Committee in the last Session of Parliament. That Committee had gone very carefully into the consideration of the whole question, and had made a Report. The Bill was founded on that Report with some alterations, which had been made in the following manner: He took the Bill as it came out from the Select Committee of last year, and referred it to the Pharmaceutical Society for their observations and suggestions with respect to it. They sent back the draft amended as they proposed. He then sent both the first draft and the amended draft to the College of Physicians, and where he found that the suggestions made by the College of Physicians and the Pharmaceutical Society concurred he adopted the amendments which they considered desirable. Where he found those bodies differed, he adhered to the original draft of the Bill. The object of the Bill was to guard against three inconveniences, to say the least, which resulted from the present system. The first object was to increase the difficulty of obtaining poisons for criminal purposes, and to give facilities for conviction by enabling proof to be given of the delivery of those poisons. The other objects were to prevent, as far as possible, the occurrence of those lamentable accidents which partly arose from the ignorance, and from the carelessness of those who exercised the business of selling drugs and poisons. With regard to the first object, there was a clause in the Bill containing stringent provisions as to the manner in which certain poisons specified in the schedule to the Bill were to be sold. They were not to be sold to any person unknown to the seller, except in the presence of a witness of adult age, known to the seller; and to whom the purchaser is known, and who should sign an acknowledgment to his having witnessed the sale. No such poisons were to be sold to any other than a person of adult age, except on the presentation of a certificate signed by a householder known to the seller; and all these circumstances were to be entered in a book by the person selling the poisonous drug. These stringent provisions were applied to a considerable number of poi-

sonous substances enumerated in the schedule to the Bill. There were other substances equally poisonous, but the sale of which could not be subjected to the stringent provisions contained in the first clause without destroying trade and preventing the transaction of legitimate business. Amongst these were opium, laudanum, tartar emetic and chloroform. The sale of these substances was, however, subjected to some restrictions, principally directed to prevent their sale in a careless manner or by incompetent persons. Evidence had been adduced to an immense extent before the Committee of last year, that the sale of poisons was carried on by persons who had not the slightest knowledge of the properties and dangerous quality of these poisons, and who were utterly unfit by education and training to deal with such dangerous materials. A provision had been introduced into the Bill to provide for the future a remedy sanctioned by the Committee of last year. It was proposed to be enacted that for the future—and saving the right of those persons who might prove that they had been in the habit of selling poisons—no person, after the passing of this Bill, should be permitted to sell any poisons, either of the first or of the second class. without having a licence, which licence should only be granted on an examination by a properly qualified board of examiners, consisting of three examiners, one selected by the Pharmaceutical Society, another by the College of Physicians, and the third by the Society of Apothecaries. Those persons who were engaged in the sale of poisons before the passing of the Act were to have a licence to carry on their business for five years; but, after the expiration of that time no licence was to be renewed without examination. There remained the evil of carelessness, on the part either of the buyer or of the seller, to be dealt with. To meet this the Bill required that all poisons of whatever description should be labelled and distinctly marked with the word "poison," should be kept separate and distinct from all other drugs, and that the examiners, or persons nominated by them, should be permitted at all reasonable times to enter and search the places where drugs were kept for sale, in order to ascertain that the provisions of this part of the Act were complied with. Pecuniary penalties, increasing with the repetition of the offence, were imposed for this breach of the provisions of the Bill; and it had been considered absolutely necessary to provide that if a penalty were incurred by any servant or apprentice of a chemist or druggist the employer should be responsible. There was also a special provision with respect to arsenic, providing that it should be kept mixed with soot or indigo, excepting in cases where it could be proved that the purposes to which it was intended to be applied would be defeated by such mixture. Some persons might desire some more stringent provisions than those which were contained in the present Bill; but in his opinion it was better for the Legislature in a matter of this kind to carry with them the general feeling of the country, and not, in endeavouring to obtain a more perfect security against evils against which they could not obtain an absolute security, run the risk of exciting public opinion against the Bill; but on the contrary, by acting in accordance with the views of the medical profession to ensure that willing co-operation which was necessary to carry the measure into beneficial operation. He should propose, if the House assented to the second reading, to go into Committee *pro formâ* on Monday, in order to have the Bill reprinted with some Amendments.

EARL GRANVILLE said, that no doubt the difficulties of the question were great. He thought the noble Earl had taken a judicious course in consulting both the Pharmaceutical Society and the College of Physicians, and he should not be disposed to dissent from their suggestions when they concurred. He thought it would be desirable to enact the provisions with respect to the mixture of arsenic with colouring matter in regard also to other colourless poisons. And he also doubted whether it would not be desirable that the Crown should have the power to appoint one at least of the examiners, who would be free of the peculiar interests which might to some extent influence the two medical societies. He thought that a very few alterations in the present Bill would make it at all events a great step towards the solution of the problem with which it dealt.

LORD CAMPBELL expressed his approval of the Bill, stating that in his opinion it would not be desirable at the present time to attempt to pass a more stringent measure.

After a few words from the EARL OF HARDWICKE and LORD AVELAND, who were understood to support the Bill,

Bill read 2ª (according to Order), and *committed* to a Committee of the Whole House on *Monday* next.

INDIA—THE GOVERNOR GENERAL AND THE COMMANDER IN CHIEF.

QUESTION.—MOTION FOR PAPERS.

THE MARQUESS OF BREADALBANE, in rising to put a question to Her Majesty's Government as to the Relations in Military Matters between the Governor General of India and the Commander in Chief in that country, said it appeared to him to be extremely desirable that the separate functions of those who were in positions of authority in distant dependencies of the Crown should be clearly defined; and that if it were expedient upon general grounds that such should be the case, it was of still greater importance that it should be so in those instances in which the civil came into contact with the military power. Taking into account the vast military operations which were now being carried on in India, he felt assured their Lordships must feel deeply convinced of the necessity which existed for maintaining the principle for which he contended. Now, he regretted to say that rumours prevailed to the effect that there had been interference in the case of the civil authorities in India with respect to the conduct of military operations in that country. He did not know to what degree of credit those rumours were entitled, but he could not refrain from observing that the interference to which he referred could not, if it actually took place, fail to be otherwise than most detrimental to the best interests of the country. Surely their Lordships could not wish to go back to the days of the Aulic Council, when campaigns carried on in the north of Italy were planned in Vienna, and to allow the views of non-professional to override those of professional men? One of the causes of the present rebellion in India was, he believed, to be found in the injudicious interference of the civil with the military power. Now, as he had said before, he did not know whether the rumours to which he had alluded were or were not correct, but their Lordships would perhaps permit him to read an extract from a letter from India, in which statements corroborating those rumours were made. The letter was dated Camp Kamalgunge, April the 24th, and contained the following paragraph:—

"It must not be supposed that the Governor General's share in the operations against the enemy is small or unimportant. On the contrary, he takes a large and active part in directing the movements of our troops, and in indicating the direction in which our efforts should be exerted. By frequent electric telegrams and letters he communicates his ideas and wishes as to the conduct of the war, leaving, of course, the Commander in Chief to carry them out in detail, or to modify them in accordance with military considerations; but on all questions of general policy the will of the Governor General is decisive, and if any mischief has been caused by the delays at Futtehghur, at Cawnpore, or at Lucknow, it is not to be attributed to the Commander in Chief. The last expression of the Governor General's opinion is understood to be that General Roberts ought to disperse the Banda rebels, but that gallant officer has not moved from Kotah, and was, according to the last account, still there in the position he took up on the 15th of the month. Indeed, it is very likely that he will return to Neemuch, unless he is ordered not to do so by the Commander in Chief. Again, the Governor General would, if he commanded the army, prohibit Brigadier Jones's advance towards Bareilly till he had swept the Bijnore district. I merely mention these circumstances in order to show that the Governor General plays an important part even in the disposition of the troops in the field, and that the Commander in Chief of the army is by no means the sole commander of the army, so far as the plan of the campaign is concerned."—*The Times' Special Correspondent.*

It was impossible to say whether this statement was overdrawn; but if it was not overdrawn, and if such interference really existed, he could not help thinking that we lost the ability and experience of the distinguished Officer commanding our armies in India, of whom any country in the world might be proud. He was under the deepest conviction that military operations must be conducted without interference; and where such interference had been attempted, disaster had generally been the result. He would conclude by asking the noble Earl at the head of the Government the question of which he had given notice as to the relations in Military Matters between the Governor General of India and the Commander in Chief in that country; and perhaps it might be desirable that he should move for a Copy of any Instructions given by the Governor General to the Commander in Chief respecting Military Operations in Oude and elsewhere.

THE EARL OF DERBY: My Lords, I have heard various causes—some of them without any foundation whatever—assigned for the outbreak of the unfortunate mutiny in India; but I confess it is now for the first time I have heard that one of the causes of the rebellion has been the interference of civilians in matters of a purely military character. There may have been acts of indiscretion committed by civilians in the way of interference with military men, and which may have produced mischievous consequences—acts on which military men might have been with advantage consulted—but I have never heard of any interference by the civil authorities with the military authorities in India upon

purely military matters, or that any such circumstances had led to those evil consequences which unhappily exist at present in that part of our empire. I was anxious to hear the particular paper for which the noble Marquess wished to move. As I understand it is for a copy of the instructions issued by the Governor General to the Commander in Chief. I think, however, I can have no difficulty in answering the question put to me by the noble Marquess—namely, "what are the relations at present existing between the Governor General of India and the Commander in Chief in respect to military matters." My Lords, there can be no doubt that the Governor General in India does possess and must have absolute supremacy in the country. That supremacy must extend over all matters, military as well as civil; although undoubtedly it is the natural policy of the Governor General to leave purely military operations entirely to the management of the military authorities. I have no doubt, my Lords, that that is the course which has been pursued by the noble Lord who now administers the office of Governor General in India. Nevertheless, the noble Marquess must see that there are many cases involved in military operations which ought not to be decided by purely military authorities. But there may be many cases in which military operations must be guided by considerations not purely military, but in which political consequences of the greatest magnitude may be involved, and which may render it necessary to depart from a scheme which, viewed strategically, seemed to be preferable. It is, therefore, of the utmost importance in all those cases that the Governor General and the Commander in Chief should have the freest and most confidential intercourse with each other, and that each should know at once what are the particular reasons for the other's movements. I have, no doubt, my Lords, that the freest and most confidential communications have taken place between the present Governor General and the Commander in Chief on all occasions; and I think it is possible that on some occasions, in regard to certain military movements, at first thought desirable by Sir Colin Campbell, that that Commander in Chief, upon his consultation with the Governor General, may have been overruled by weighty considerations of political importance, and that a different course was taken promising much greater advantages than any that could be derived from the carrying out of the original proposition. My Lords, I think it is of the greatest importance that this confidential intercourse should not be in the slightest degree interrupted. I am sure that the noble Marquess did not intend by reading anonymous extracts from a newspaper to raise any question calculated to create a difference between the Governor General and the Commander in Chief. I have, my Lords, every reason to believe that Lord Canning and Sir Colin Campbell are acting together in the most confidential and cordial manner; and while upon purely military matters Lord Canning, on the one hand, is willing to defer to the superior experience of Sir Colin Campbell, so, on the other hand, Sir Colin Campbell knows his duty too well not to defer to the Governor General as having supreme authority upon all questions, not only affecting military movements, but involving political considerations of the deepest interests to the tranquillization and pacification of India. It appears to me impossible to lay down any absolute rule as to where the authority of the one ends, and that of the other begins. As I have before observed, the Governor General's authority must be supreme. In all military matters it is, no doubt, his bounden duty to consult the Commander in Chief; and it is necessary to the interests of the public service that between both the most confidential communications should exist, and that the opinions of each should be freely and confidentially exchanged upon all questions of importance.

THE EARL OF ALBEMARLE thought, that nothing could be more clear than the definition given by the noble Earl of the relations between the Governor General and the Commander in Chief, and he had heard with great satisfaction the assurances just offered as to the good understanding which prevailed between Lord Canning and Sir Colin Campbell. There was no doubt that rumours of a different character had been abroad, which he was glad to hear now so directly contradicted; because it would be a matter of the most serious gravity if it were true that there had been any undue interference on the part of the Governor General with the Commander in Chief, situated as Sir Colin Campbell at present was. That gallant officer was a man of distinguished ability, and was engaged conducting a war with a small army opposed to ten times its numbers, and having to deal with a hostile and insurgent population. Any such interference was much to be deprecated, especially in the case of an officer of such high

military character—an officer who had always shown himself chary of the blood and labour of his soldiers, but was ever prodigal of his own. He did not know whether it was generally known, but it was a curious fact that in every action in which Sir Colin Campbell had been engaged he had received a wound, though fortunately for the service they were all of a slight character. As to the relations between the Governor General and the Commander in Chief there were distinct precedents. Warren Hastings never once thought of interfering with Sir Eyre Coote; and when, in 1803, the Marquess of Wellesley was engaged in a war with the French and the Mahrattas he not only abstained himself from interfering with Lord Lake and the Duke of Wellington, but placed the civilians under military authority. Another distinguished soldier (Viscount Hardinge) also gave an example of the manner in which a Governor General should act towards the Commander in Chief, for although a superior officer to Lord Gough he put himself under his command and fought under him in two engagements.

The Marquess of LANSDOWNE: I am extremely glad to have heard from the noble Earl at the head of Her Majesty's Government a denial of the reports which were alluded to by the noble Marquess. Such reports ought to be received with extreme caution; but as they have been referred to on the present occasion, I cannot help calling your Lordships' attention to the disposition which seems to exist among correspondents in India—who no doubt mean well, but are certainly incapable of forming correct opinions on what is passing—to give information which may tend to mislead the public. I have no knowledge on this subject, but this I know, that all the rumours which, soon after Lord Canning went to India, were attempted to be circulated there as to differences existing between the Governor General and the Commander in Chief were upon subsequent inquiry proved to be entirely false and unfounded. I do not say that this is the case with the rumours now mentioned; I do not know from what quarter they proceed; but it is my confident belief, from my knowledge of the two distinguished persons in question—of the Governor General in his civil, and the Commander in Chief in his military capacity—that, besides the many virtues and eminent qualities which both possess for the important situations they hold, there are no men gifted in a higher degree with that greatest of all civil and military qualities,—I mean discretion. I am sure that neither would, if a difference arose between them, unnecessarily reveal the grounds of that difference. I am certain that, whatever may be the foundation (if there be any) for these rumours, no communication of any kind, either from Lord Canning or Sir Colin Campbell, can have laid the ground for this publicity. Such publicity, I feel confident, must have arisen from rumours which no conduct of theirs could have prevented. Deeply impressed with the importance of maintaining secret and inviolable what, from regard to the public interests, ought to be secret and inviolable—namely, confidential communications which pass between two men to whom the most important interests of the country are intrusted, I hope your Lordships, in common with the public, will receive with the greatest caution any communications, or any presumed reports, propagated in this manner.

Lord BROUGHAM said, that as some reference had been made to his late lamented friend, Lord Wellesley, it ought to be known that that noble Lord actually left Calcutta and established himself at Madras for the express purpose of maintaining close and speedy communication with the great commander under whom his brother the Duke of Wellington was then serving, and with whom he was allied in carrying on the Mahratta war.

Motion (by leave of the House) *withdrawn.*

House adjourned at a quarter-past Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 4, 1858.

Minutes.] Public Bills.—1° Law of Property Amendment; New General Post Office (Edinburgh); Transfer of Land.
3° Oxford and Cambridge Universities, &c., Estates.

RAILWAY LEGISLATION.—QUESTION.

Colonel WILSON PATTEN said, he would beg to ask the President of the Board of Trade whether Her Majesty's Government have taken into their consideration the present system of Railway Legislation; and whether they are prepared to recommend to Parliament any alteration in that system?

Mr. HENLEY said, he could not say

the Government were prepared, in the present state of their information, to recommend legislation on this subject; but he was fully aware that it was one that required to be looked into. His hon. Friend had given notice of a Motion for a Commission of Inquiry; and he (Mr. Henley) thought the time had come when they ought to inquire how far the recommendations of the Committee of the right hon. Gentleman the Member for Oxford (Mr. Cardwell) had been acted on, and what had been their effects. If his hon. Friend would propose the appointment of a Committee for that purpose, he would be prepared, on the part of the Government, to give his assent to it, and to do all in his power to promote the inquiry.

COLONEL WILSON PATTEN said, that after the answer of the right hon. Gentleman, he would withdraw his notice for a Commission, and on Monday would move for a Committee of Inquiry into the working of the Resolutions passed by the Committee of the right hon. Gentleman the Member for Oxford, and their effect on the railway system.

TRIAL OF THE BRITISH BANK DIRECTORS—QUESTION.

MR. BRADY said, he would beg to ask the Secretary of State if the scale of remuneration for the payment of the witnesses summoned on behalf of the Crown at the trial of the Royal British Bank Directors had been arranged; if so, when may the witnesses expect payment?

MR. HARDY said, a scale had been settled on the same rule as was adopted in civil cases and arrangements were in progress for a speedy payment.

THE COPYHOLD ACTS—QUESTION.

MR. HANKEY said, he wished to inquire of the Secretary of State for the Home Department whether it is his intention to bring in a Bill this Session for the Amendment of the Copyhold Acts; and if so, when he proposes to ask leave to introduce the Bill.

MR. HARDY said, there was a Bill for the purpose at present in the hands of the law officers, and it would, he believed, be introduced on Monday next.

On the Motion that the House at its rising do adjourn till Monday,

WINDING-UP ACTS—QUESTION.

MR. BRIGHT said, he had to ask whether it is the intention of the Government, without delay, to introduce a Bill to remedy the defects of the Winding-up Acts, or, on behalf both of shareholders and creditors, to prevent the funds of dissolved Companies being wasted in unnecessary litigation?

MR. HENLEY said, a Bill to remedy the defects in the Acts to which the hon. Member referred had been prepared, and in a short time would be laid on the table of the House. It was not a large measure, but he hoped it would be found to deal satisfactorily with the defects which had been found to stop the working of the Winding-up Acts.

MR. BRIGHT: Perhaps the right hon. Gentleman will give me an assurance that he will introduce the Bill in the ensuing week. It would be a great satisfaction if he could say that.

MR. HENLEY said, he hoped to be able to introduce the Bill in the course of the ensuing week.

PRINCIPAL KEEPER OF THE REGISTER OF SASINES IN SCOTLAND.

OBSERVATIONS.

SIR G. GREY said, he wished to say a few words on a Vote of Supply, which appeared to have been taken last night, but which he was not aware was coming on so soon. He would not go into the question of the appointment of the gentleman who now held the office of Principal Keeper of the Register of Sasines in Scotland. He understood the Vote was coming on again, and he trusted that before it came on the whole of the correspondence which was in the Home Office on that subject would be laid on the table. There was undoubtedly a Minute of the Treasury suggesting that in the event of a vacancy the office should not be filled up until an inquiry had been made into the nature of the duties performed by that officer. Upon the death of Mr. Pringle that inquiry took place. An elaborate Report was presented to the Home Office, which he sent to the Treasury. A Minute was sent to the Home Office in reply, in accordance with which the office was filled up, satisfactory reasons having been given why the office should not be abolished. Until the debate of last night, he had thought it was the general opinion that it was not possible to abolish the office with a due regard to the public interests. He wished that the whole of the papers and the terms on which the office had been accepted by

Mr. Brodie should be laid upon the table. After the present Government came into office, the hon. Gentleman the Member for Stirling (Mr. Blackburne) gave a notice for the production of the correspondence. That notice disappeared from the paper, and he was informed that the reason was, that the hon. Member was quite satisfied that no objection could be taken to the course that had been pursued. If the correspondence were laid on the table, the House would see that no other course could be taken than to re-appoint to the office, subject to such modifications as had been made.

OUR RELATIONS WITH CHINA.
QUESTION.

LORD JOHN RUSSELL: Sir, in consequence of the notice I gave last night, I rise to ask the Government what is the present state of our relations with China, and also to ask for the communication of the terms which Lord Elgin has demanded from the Emperor of China, and of the answer which has been received from the Chinese Government. Now, I beg to state in the first place that I do not wish for any communication that may be injurious to the public service, nor for a copy of the instructions that may have been given, because it may be inconvenient to produce them; but I wish to call the attention of the Government and of the House to the most recent communication that Parliament has received on this subject, and I think I may fairly ask the right hon. Gentleman (Mr. Disraeli) for a general statement of the instructions given to Lord Elgin. At the time the public were informed that an expedition was proceeding to Canton I asked the noble Lord the Member for Tiverton (Viscount Palmerston), who was then at the head of the Government, what communications had passed between Lord Elgin and the Governor of Canton, and whether there would be any objection to lay any such communications on the table? In a few days those communications were produced, and they at all events made it perfectly clear what were the terms that Lord Elgin had demanded, and which had been refused on the part of the Chinese. After that, military and naval operations took place, the city of Canton was taken possession of, and we had it in our power by means of our military and naval force to require such terms as we thought fit. However, it appears that since that time Lord Elgin has proceeded to the north, and thereby I imagine he has opened a larger question with respect to the Government of China. The former questions related to Canton, to the admission of the English, and to reparation to individuals for the injuries that British subjects had suffered. But it cannot be supposed that for the purpose of settling these questions Lord Elgin has proceeded to the north. There must be some larger object involved, and Parliament, and the House of Commons especially, which has voted large sums for the Naval Estimates, is entitled to know for what purpose Lord Elgin has proceeded to the north, and for what purpose our naval forces are there employed. The last account I heard with respect to our naval force in China was that it had been, inclusive of Marines, 13,000, and that it was then 11,000 men. In the present state of our relations with India, with accounts which the First Lord of the Admiralty says must make the country anxious on that subject, it does appear to me important to know for what purpose, involving as it must the interest and honour of this country, so large a force is employed in China. I do not suppose, as I have said, that it can be for any subject connected with Canton. The right hon. Gentleman the Chancellor of the Exchequer yesterday, before the usual hour (half-past four o'clock), at which questions are asked—and to that I may hereafter call the attention of the House—stated that the Government were acting in concert with other Powers, and that therefore no information could be afforded. Now that, it appears to me, is no reason why a communication should not be made to Parliament. If we have any convention with any foreign Power—if we have a convention with France, or Russia, or the United States—that convention ought surely to be communicated to Parliament. If we have made a demand in conjunction with those Powers upon the Emperor of China, that demand ought surely to be submitted to Parliament. If when we were about to go to war with Russia the Government of the day had been asked, "For what purpose are you about to quarrel with Russia?" it would have been no answer to say, that we were acting in agreement with France, and that the Government could not communicate that which concerned other Powers as well as this country. It does seem to me that this is is a most important question. I am not giving any opinion upon any policy which may be adopted either by the late Government or the present Government;

but I do think that Parliament has some right to know what is the actual state of our relations with China—what policy we are pursuing. With regard to the treaty of 1842, all we know is, that there were two articles which were frequently, if not perpetually, violated. One article gave us the right to enter the city of Canton as well as four other cities, and that article has been perpetually violated by the refusal of the local Government to allow the admission of British subjects into Canton. Another article in a very solemn manner bound us to use our utmost efforts to prevent the trade of opium with China, and that article of the treaty has been as notoriously violated as the others. I believe it is an article very difficult to fulfil, and probably the Chinese custom-house officers have been as notoriously willing to violate that article as those who have brought opium from India, and engaged in the traffic of that article. This is the position in which we stand with regard to the treaty. It may be very desirable to revise that treaty, but I do not think that in the treaty of 1842 there is any provision by which at the end of a particular number of years we may ask for revision. With regard to France the case is different. The treaty between China and France provides that at the end of ten or twelve years France may ask for a revision, and I do not understand in what manner it is our duty to enforce upon China the revision demanded by France. France has her own grievances with China. A French missionary has been put to death in a most barbarous manner; but I do not know in what respect that act of outrage enables us to act with France. More especially I do not understand why so large a proportion of the force employed should be employed by Great Britain, while so much less a force is employed by France, and scarcely any at all by the United States. I think I am justified in asking that, as we have an expedition gone to the north, both in justice and policy there should be sufficient reasons for the steps we are now taking. I likewise think it is very desirable we should know what is the policy which is now being pursued. Of course, I do not expect any details, but it does seem desirable that there should be some general statement of the policy which we are pursuing, more especially when the forces voted for the army and navy are fully employed in other quarters, and it is difficult to see what can be the object of proceeding beyond the immediate object of Canton, though it is obvious that a correspondence between the Emperor of China and our Government may end in a war with China. I feel justified, therefore, in asking the right hon. Gentleman the Chancellor of the Exchequer what is the present state of our relations with China, and to ask for the communication of the terms which Lord Elgin has demanded from the Emperor of China, and of the answer which has been received from the Chinese Government.

THE DEANERY OF YORK.
QUESTION.

MR. W. EWART said, he rose to ask the right hon. Gentleman the Chancellor of the Exchequer for what special reasons the recent appointment had been made to the Deanery of York? It was not his intention to speak with the slightest disrespect of the rev. gentleman who had been appointed, but on occasions of this kind reasons ought to be assigned or be assignable. In making this inquiry he was not influenced by any other motive than the interest of the Church, and through that of the country. The Church Commissioners in their Report in 1836 said:—

"The advantages resulting to the interests of religion from the existence of this species of preferment, when conferred on clergymen distinguished for professional merit, and too obvious to require illustration."

And in 1852 that—

"In considering the employments of deans and canons we are of opinion that it is one distinct purpose of cathedral institutions to make provision for the cultivation and encouragement of theological learning."

The *onus probandi* was on the Government. It rested with them to show that the recent appointment was made in conformity with the rule which had been observed in reference to former appointments. He admitted that distinction as a parish priest would render a man eligible for such a Deanery as well as great learning. Could not the Government have selected one amongst the distinguished parish priests of this country, many of whom were passing their lives in poverty?

LORD HOTHAM wished, before the right hon. Gentleman answered the question of the hon. Gentleman (Mr. Ewart), to say a few words on this matter. He had nothing whatever to do with the appoint-

ment. Neither had he any interest in the appointment, except that interest which, he trusted, was shared by every one in the county of York in seeing the deanery filled by a respectable man, and the beautiful fabric which was the pride and ornament of the county, and which was placed under the Dean's charge, duly cared for. When he saw the hon. Gentleman's notice on the paper, it occurred to him that the hon. Member had been led to imagine that the Deanery of York was an office which had been recommended to be suppressed, or that the hon. Gentleman had some cause for alleging that the individual appointed was an improper person. He knew that the hon. Member for Dumfries (Mr. Ewart) was an individual of an inquiring mind, always anxious to add to the large store of information upon every subject which he possessed; but he would ask the House to remember into what a large field of inquiry they would enter if the Government—he cared not of whom composed—were to be called upon to state the specific grounds upon which every appointment was made. If the question were put to any hon. Gentleman, what were the special grounds on which he was appointed to a seat in that assembly, he would probably state, not because he was the fittest person that could be found in the United Kingdom, but because the constituency thought him the fittest of those who offered themselves for their suffrages. Supposing the right hon. Gentleman the Member for Wells (Sir W. Hayter) were called upon to state the special grounds upon which all the numerous appointments were filled up by him during the five years he was in office, the result would at any rate be the production of a document which would excite as great curiosity as any document which had ever been produced. He was in entire ignorance of the reply which the Chancellor of the Exchequer would give. He had ventured to form his own opinion upon the appointment; and, as he should take the liberty of stating it, the House would judge whether it was a sound one or not. In the first place, the individual who had been appointed Dean of York was a man of blameless and irreproachable character. He had long been one of the honorary canons of York, and was therefore well acquainted with all the duties of the deanery. In the second place, he was an honest and conscientious man, of sound religious convictions, although he belonged to neither of the extreme parties of the Church, whose fierce contentions he (Lord Hotham) thought were not the best calculated to produce all the advantages which they themselves professed a desire to attain. There was another consideration which ought not to be disregarded in this matter. Many hon. Gentlemen, no doubt, were under the impression that the deanery of York was a piece of valuable preferment, a much richer prize than in reality it was, the fact being that it had pleased Parliament so to reduce its emoluments that no person who had not private means of his own to fall back upon, could live in that deanery in the manner he ought to do. The county and city of York had lately seen with regret the deanery of that cathedral let year after year, and constantly held forth to the public as a desirable residence for any gentleman who wanted hunting quarters in the city. In mentioning this, he (Lord Hotham) did not mean to make it matter of reproach against any one; but having happened in one case, he thought it was desirable that care should be taken it should not occur again. Looking, then, at the three points to which he adverted—that the new Dean of York bore a blameless and irreproachable character, that he was unconnected with any extreme party in the Church; and that he would be able to preserve in a proper manner the dignity and appearance of the deanery, he ventured to say that he had come to the conclusion that in this matter the Queen had not only been faithfully but judiciously advised in the appointment she had made.

THE CHANCELLOR OF THE EXCHEQUER said, that he was very glad that the noble Lord had addressed the House on this subject, and he thought his observations, coming from a Member of such weight and of such great local knowledge, must be satisfactory to the House. [Mr. EWART: No.] Well, he (the Chancellor of the Exchequer) hoped that what he had to say would make it satisfactory. In answer to the hon. Gentleman's inquiry, he was not prepared to state what were the special grounds on which Her Majesty had been advised to make this appointment; but those who advised Her Majesty believed it was an appointment which it would be for the advantage of the country to make, and therefore it was made only on public grounds and in consideration for the public welfare. The noble Lord (Lord Hotham) had alluded to circumstances which he (the Chancellor of the Exchequer) should have

felt some embarrassment in bringing before the House, but on which he now felt bound to touch. There was a great misconception in supposing that the Deanery of York was a piece of rich preferment, for which there were many candidates who would have filled it in a satisfactory manner. The fact was that the income bore no proportion whatever to the expenses in which the gentleman was involved who happened to fill the office. Under our system of Church Reform, with which he (the Chancellor of the Exchequer) was not prepared to find any fault, we had greatly reduced the income of the Dean of York. Originally that dignitary enjoyed, upon the average, the large income of £3,000 or £4,000 a year; it was now reduced to £1,000 a year. He was not questioning the propriety of that arrangement, but he thought it was much to be regretted that the establishment required by the Dean of York for the residence in which he was called upon to live, and the expenditure consequent upon that establishment, had not at all been changed with the reduction of his income; and that expenditure was upon a scale which could only be maintained by a clergyman in possession of an almost episcopal income. The House would therefore see that the range of selection was much limited by that fact. The late Dean, besides his salary, had a considerable piece of preferment; yet he found it impossible to maintain the position which, as Dean of York, fell to his lot. In the present case, whatever the other recommendations of Mr. Duncombe for the office, he certainly had the advantage of possessing ample means; but he begged the House to believe that that was not the primary consideration, though, in the ultimate selection of that gentleman, it was from necessity one of the considerations which must have been in the view of the Minister who recommended the appointment; for it turned out that a sum amounting to many thousand pounds was required to be expended by the new Dean before he could enter upon his residence. Still he could assure the House that these were only secondary, or rather tertiary, considerations. The only object which the Earl of Derby, who recommended Her Majesty to make this appointment, had in view was that an individual should be selected who in himself, on the whole, united all those qualities which could best satisfy the requirements of the position. With the permission of the House he would read a letter which had been addressed to the Earl of Derby by the Archbishop of York, who, he need not remind the House, had no political connection with the Earl of Derby, and with whom the Earl of Derby had not the honour even of being personally acquainted:—

"41, Belgrave Square, May 4, 1858.

"My Lord,—I have reason to know that an application for the vacant Deanery of York has been made to your Lordship on behalf the Hon. and Rev. Augustus Duncombe, one of the non-residentiary canons of the cathedral, and I hope your Lordship will not deem me presumptuous in offering my humble testimony on the subject. Mr. Augustus Duncombe is a most amiable and respectable man, of sound and reasonable opinions, of irreproachable conduct, and an excellent clergyman. His appointment would, I am sure, be very acceptable to the diocese and of advantage to the Church. The high estimation in which he is held, and his family also, in the county of York, may serve to convince your Lordship that I do not err in expressing these sentiments,

"I have the honour to be, my Lord,

"Your Lordship's most obedient servant,

"T. EBOR.

"The Earl of Derby."

That was the letter of the Archbishop of York, who felt it his duty, though personally unacquainted with the Earl of Derby, to make this representation generally, on behalf not only of the clergy, but of the county of York; and it was only after due consideration, after encountering very great difficulties in ultimately fixing upon this selection, and animated only by one feeling—namely, that of making an appointment which on the whole would be most advantageous to society, and one which on the whole would most adequately fulfil the various requirements thought necessary—that, sanctioned by the appeal he had read from the Archbishop of York, this appointment was made, and he believed it was one which would give general satisfaction.

OUR RELATIONS WITH CHINA.

THE CHANCELLOR OF THE EXCHEQUER, in reply to the questions of Lord John Russell, then proceeded to say, that he was not at all surprised that the noble Lord, or any hon. Gentleman in that House, should, upon the important subject of our relations with China, feel the deep interest the noble Lord had expressed to have full information. He regretted to say, however, that the answer he had to give the noble Lord must, from the nature of the circumstances, be necessarily very brief—not from any desire to withhold information, or to veil in diplomatic obscurity the transactions

which had occurred, or were occurring in China, but from the distance at which those transactions were occurring, and the brief period, comparatively speaking, during which the present Government had been in office, it could be easily seen that it was really out of his power to give any fresh information of importance to the House. When Her Majesty's Ministers acceded to office, our fleets and army were already in China. Instructions had been given by their predecessors to a most able and distinguished plenipotentiary, and these instructions very wisely included a large discretion. At this moment there was no evidence in the possession of Ministers that Lord Elgin was yet aware even of the change of the Government. Of course they had communicated with Lord Elgin without loss of time, but considering that before their communication could have reached him, events of importance must have occurred, and remembering the interval of time which must elapse in communicating with him, Her Majesty's Government had thought it their duty to extend to Lord Elgin the same wide discretion which had previously been extended to him by their predecessors, having full confidence in the abilities and experience of that distinguished man. The House knew, as he (the Chancellor of the Exchequer) had told them the other night, that Lord Elgin had repaired to Shanghai, where he expected to meet and negotiate with a Minister of State from the Chinese Government, instead of which he received a letter from the Government, begging him to return to Canton and commence negotiations with the Imperial representative there. Lord Elgin, he understood, did not think proper to return to Canton, but went northward, and no doubt he acted wisely in so doing; but hon. Gentlemen would see that it was impossible for him (the Chancellor of the Exchequer) to state what might have been the motives which influenced Lord Elgin in the exercise of his discretion in taking that course. He had no doubt, however, that it was a wise and proper course, and that in due season the Government would receive from Lord Elgin detailed reasons for the conduct he had pursued. It would seem at the first blush that having gone to Shanghai from Canton, it would have been a weak act on his part at the request of the Chinese authorities to return to Canton. He thought, therefore, that the course Lord Elgin had adopted was a wise and proper one. He could not inform the noble Lord what answer had been received from the Chinese Government beyond the intimation to which he had just referred; but he did not believe it amounted to more than a recommendation to return to Canton to meet and negotiate with the Chinese plenipotentiary there. Moreover, it was not in his power specifically to state what were the conditions which Lord Elgin had demanded. Lord Elgin was invested necessarily with very large discretion, and we must trust to his discrimination in making such conditions as he might think best calculated to attain the object he had in view. That object was to effect a direct communication between the Government of this country and the highest authorities in China. The House were also aware, that with this object in view we had been acting from the first in complete concert with our French allies; that subsequently the Government of the United States had also completely joined us in our efforts, and that, to a certain extent, though not completely, the Government of Russia, too, had united in the scheme which had been laid down for opening direct communications between the civilized Governments of Europe and the Government of China. The House would see that these circumstances would have rendered it very difficult, even if there had been any papers to produce, to lay them on the table. We must act in concert with our allies, for the House should remember that although Her Majesty's Government had given a wide discretion to Lord Elgin, the French Government had also given great discretion to Baron Gros. All he could say then was, that having given, and given wisely, this large discretion to Lord Elgin, who, he doubted not, would use it for the advantage of the country, Her Majesty's Government had expressed to his Lordship their belief that it was of great importance that peace between China and England, or if we were not at war, a termination of the present misconceptions, should be effected as speedily as possible; and they trusted that he would succeed in putting an end to this unfortunate and unsatisfactory state of affairs as soon as he could do so with a due regard to the commercial and political interests of this country, and to the maintenance of a good understanding generally upon the subject with those of our allies who had acted with us with such sincerity and cordiality.

The Chancellor of the Exchequer

MR. BRIGHT : Although the right hon. Gentleman has, for reasons which he has stated, been unable to communicate any information of importance to the House, I feel indebted to the noble Lord the Member for London for having raised this discussion. I was not in Parliament when the China question was debated last year, and I have never had any opportunity in public of expressing my views with regard to it. I may be excused, therefore, now for saying, that had I been here I should have agreed entirely with my hon. Friend, the then Member for the West Riding (Mr. Cobden), in the course which he took upon that occasion. But there is one point in this matter which it behoves the House to consider. It is that the present condition of affairs in China has been arrived at without the consent of Parliament. I mean the complication into which the present Government is plunged by the course taken by their predecessors in inviting the aid of, or in co-operating with, other Governments in the settlement of a dispute, which, if it were a dispute at all, was entirely the affair of this country. The original question was whether a certain vessel was sailing under the Chinese or the British flag. The insult, if there were an insult, was to England and to England alone, and it appears to me that if the British Government felt bound to adopt the policy of Sir John Bowring the power of England was amply sufficient to vindicate the honour of England and to bring the question to such a settlement as it was capable of, without involving us in the complicated arrangements in which we are now engaged ;—with France entirely co-operating in military operation, and Russia and the United States looking on with some kind of acquiescence,—for I believe the right hon. Gentleman is not quite correct in saying that the United States have taken any part in active operation. Now, the point which I wish to press upon the House is this—that the moment the Government of this country take into partnership a foreign Government in matters of this sort, two unfortunate things result. One is that the conduct of the negotiations is, to a great extent, taken out of the hands of the English Government. That is of itself, I think, a great misfortune. The other is, according to the theory of the right hon. Gentleman, that the House of Commons cannot know anything of the matter, because when we have allies, and are acting in concert with them, and are carrying on military operations in conjunction with them, papers and information which may be in the possession of the Government cannot be communicated for fear that some unpleasantness might arise between us and our allies. There ought, I contend, to be some grave reason—a clear, distinct and unanswerable case—before the Government of this country involves itself in such complications. Who knows, at this moment, that the objects of France in China are the same as those of England? I don't even know what the object of England is. That particular piece of information was never precisely communicated to Parliament by the late Government. But if it be to get an apology from the Emperor of China, or compensation for the expenses that have been incurred, or admission into the city of Canton, all those are simple matters which we can understand, and which, together or separately, we can probably enforce. But if we have another country joined with us, having a treaty of a different character, and grievances of another nature, and objects totally at variance from those which the English Government has, and which the English Parliament would sanction, it may be utterly out of the power of our Administration to bring those affairs to a conclusion for months or even years to come ; for if we are to join with France until China shall have conceded all the demands of France—we not knowing what those demands are—we may be led into interminable difficulties. The right hon. Gentleman and the Government have, I believe, a genuine desire and an honest disposition to bring these proceedings to an end. Indeed I do not imagine that any man upon that bench, unless he were imported from Bedlam, could possibly take any other view of the question. I have said before, and I repeat it now, that we are unfortunately at war with rather more than half the human race. We know well the state of things in India and the demands which are made upon this country in consequence ; and we have troubles in the West which cannot be regarded without some feeling of uneasiness. The noble Lord the Member for London (Lord J. Russell), stated that we had between 13,000 and 15,000 men in China, and I have been informed that there are not less than seventy English ships of war in those waters. What can be the object of such a demonstration? Is it to settle that miserable and fraudulent dispute about the lorcha? Was it a proper thing of the

late Government to involve the country in all these troubles for such an object, and is the present Government pursuing a patriotic course in allowing these operations to go on a day longer than is necessary? The last war did nothing to facilitate commercial relations with China, and the war in which we are now engaged will do no more. I have not risen to make an attack on the present Government. They are not responsible for the origin of these transactions. To their honour, when they were sitting on this side of the House they expressed their opposition to them, and they voted, I believe, almost as a united party against them. I hope now that they are in office, and have succeeded to this legacy from their predecessors, that they will not think it necessary to trifle with this question, allowing it to go on from day to day, each day adding fresh entanglements and complications, which may at length lead to differences and estrangements between this country and those allies with whom we are now acting. I beg the right hon. Gentleman and his colleagues to face this matter fairly and boldly. I trust that they will not, because this legacy is bequeathed them at the Foreign Office, think that they are to array themselves in all the wretched and verminous rags they find there. Let them regard the subject patriotically, as they did from this side of the House; and if they bring these hostilities to a close, public opinion will sanction the step they take, and they will rise in the estimation of all men by pursuing a straightforward, resolute, and direct course in this most unfortunate transaction.

SIR JOHN PAKINGTON said, he merely rose to prevent an error being spread throughout the country without contradiction. He would be sorry to leave any misconception on the public mind with regard to our actual force in China. The noble Lord (Lord John Russell) stated that 11,000 men were employed there, whilst the hon. Member for Birmingham made the number from 13,000 to 15,000, and seventy ships of war. The real fact was, that there were between sixty and seventy vessels in the East; but these included eighteen or twenty gun-boats, which were very small vessels. And he wished further to explain that, both with regard to the number of men and vessels, they included the whole of our naval force in the East Indies, and on the eastern stations, as well as the expedition which had been fitted out from this country for China. He might add, that it was the intention of Her Majesty's Government to reduce the force employed there at the earliest moment that it would be practicable to do so.

CAPTAIN JUDKINS.—THE SLAVE TRADE. —COMMISSIONER YEH.—QUESTIONS.

MR. HORSFALL said, he wished to ask the Under Secretary of State for Foreign Affairs whether Her Majesty's Government has received any intelligence from New York of the arrest of Captain Judkins, of the Royal mail steamer *Persia;* and, if so, whether the circumstances of the case warranted such a procedure on the part of the American authorities?

MR. WILSON said, he would beg to ask the Under Secretary of State for Foreign Affairs whether there is any objection to lay upon the table copies of correspondence between the British Government and that of the United States upon the measures taken for the suppression of the slave trade; and, if not, when such papers could be produced?

MR. LAURIE said, he wished to be informed by the Government whether it is intended to detain Commissioner Yeh as a prisoner in India or to bring him to England?

MR. SEYMOUR FITZGERALD said, that in reply to the question of the hon. Member for Liverpool (Mr. Horsfall), he begged to state that Her Majesty's Government had not received any official information as to the arrest of Captain Judkins. It was, therefore, impossible, for them to say whether the American authorities were warranted in the course they had taken. The Government, however, would give their immediate attention to the subject. With reference to the question of the hon. Member for Devonport (Mr. Wilson), he begged to assure him and the House that there certainly was not the slightest disinclination on the part of the Government to produce any correspondence that had passed between the American Government and our own Government respecting the subject to which he referred. Her Majesty's Government were of opinion that upon such a subject the most frank communication should pass between both Governments; and that the more especially as the American Government had published some of their communications with Her Majesty's Government, it was desirable that a similar publicity should be given by Her Majesty's Government to the communications between themselves and the Ame-

rican Government; that, in fact, on the part of Her Majesty's Government there should be no reserve upon the subject. At the same time, the House was well aware that communications had been made within the last two or three days by the American Government to the British Government with reference to some occurrences which were represented to have taken place in the waters of Cuba. These communications involved grave charges against some of the British officers in command there. No official communication had reached the British Government of the circumstances alleged to have occurred there. The only reply, therefore, they had been able to make to the communication of the American Government was to give them an assurance that if any such occurrences had taken place they would be regarded with the greatest regret by Her Majesty's Government, and that an immediate and careful investigation should be made into them. He thought the House would therefore see that, such being the condition of affairs—having only the *ex parte* statement of the American Government, to which Her Majesty's Government had been able to give no answer—it would not be desirable at the present time to lay a correspondence so incomplete upon the table of the House. At the earliest period, however, and without a moment's unnecessary delay, the correspondence would be laid upon the table. Her Majesty's Government had sent out instructions to the British officers engaged in the waters of Cuba to exercise with the greatest caution the powers entrusted to them. In reply to the question of the hon. Gentleman behind him (Mr. Laurie), he could only say that it was thought necessary, in the present state of affairs in China, and partly for the preservation of Commissioner Yeh's life, that he should be removed from China. At present he was detained at a fort near Calcutta, and he was afraid the hon. Gentleman would not have an opportunity of seeing Commissioner Yeh in England.

REJECTION OF THE VOTE OF LAST NIGHT.—OBSERVATIONS.

MR. COWAN said, he perceived that notice had been given for the recommittal of the Vote rejected last night, with the view, he (Mr. Cowan) supposed, of negativing the decision which was come to by the Committee. Papers had been laid upon the table which threw light upon the subject, but the recommendations which were made had been entirely ignored as to the appointment which should have been made. The object he had in view in rising was to express a wish—

MR. FITZROY said, he rose to order. The matter to which the hon. Gentleman was referring was not before the House in any shape or form whatever, for the Report of the Committee had not yet been received.

MR. COWAN said, he merely wished to inquire whether the Government would consent to delay the further consideration of the Vote until the papers now in the hands of the printer were laid upon the table?

MR. WALPOLE said, he had not as yet read the papers, but that he thought the proper course for the House to take would be to postpone the Vote, which would be reported, that night, until the papers were laid upon the table, and then the Committee could reconsider the matter with the papers in their hands.

THAMES PURIFICATION.—QUESTION.

MR. GRIFFITH said, he rose to ask the Chief Commissioner of Works whether he is not aware that, in any consideration of the state of the water of the Thames, the whole question at issue is that of the effect upon the purity of the air which may be produced by the liberation of gases injurious to health from the water.

LORD JOHN MANNERS said, he believed the House was disposed to agree with him that the question which the hon. Gentleman addressed to him was more in the nature of the expression of an opinion on the hon. Gentleman's part that an inquiry put for the sake of obtaining information. He could assure the hon. Gentleman he was not competent to answer the question. But as the hon. Gentleman had put his question in the form of a suggestion, he begged to make another suggestion in return to the hon. Gentleman, which was, that a Select Committee was now sitting to investigate that question, he should address a letter to the Chairman of that Committee, offering himself as a witness to explain and defend the theory which he (Lord John Manners) understood the hon. Gentleman was anxious to put forth.

THE BELFAST RIOTS.
OBSERVATIONS.

MR. J. D. FITZGERALD said, he rose to call the attention of the House to the recent riots at Belfast; and to ask the

Chief Secretary for Ireland whether it is the intention of Government to propose any measure for the better preservation of the peace and protection of property in that Borough. He would occupy the attention of the House for a few moments only while he directed the attention of the Irish Government to the recent outrages in Belfast, and endeavoured to show that whatever might be the prosperity of the borough, its social condition was of the very lowest character. It had no doubt come to the knowledge of hon. Members, through the instrumentality of the Newspapers, that a series of riots broke out on Sunday last, were continued day after day, and, for all he knew to the contrary, were going on at the present moment. He had no special information, nor did he wish to go into the origin of those riots, as it was far from his intention to involve the House in a religious or political discussion. His sole object was to ascertain from the Government their intention with regard to the preservation of peace. These riots he believed to be a continuation of those that had occurred in July last year, which broke out again in the month of September, when the Government was obliged to place Belfast under military law, to proclaim the town, and, as a consequence of that proclaiming, to disarm the inhabitants; and now they found that in June, notwithstanding those Proclamations, rioting had again broken out. It appeared that a district in Belfast, named Sandy Row, was inhabited by Orangemen, and another district, named the Pound, was inhabited by Roman Catholics, and such was the animosity between them, that no Roman Catholic could be allowed to live in Sandy Row, nor any Orangeman in the Pound. On the occasion of the riot in September last the Government poured a large military force into the town, and in virtue of the Proclamation to which he had referred they appointed persons to grant licences for the carrying of arms, with strict injunctions to grant licences to none who were members of either Orange or Ribbon clubs. In consequence of those circumstances, the late Government appointed two Gentlemen of high standing and irreproachable character—the one a Roman Catholic and the other a Protestant—to proceed to Belfast and inquire into the causes of the outrages, and those Gentlemen (Messrs. Smyth and Lynch) took evidence, and reported a state of facts which could not fail to startle the House. The same scenes which had been enacted in July last year were now being repeated; and the report of the Commissioners was of great importance under present circumstances. The Commissioners gave a description of the means which then existed for the preservation of peace in Belfast. There were on the 13th of July last, a local police force numbering 160, and a body of general constabulary force numbering thirty. That force, they said, was plainly insufficient to protect the town; and when the military or a fresh body of constabulary was sent their first and principal duty was to protect the local police. They also stated that the members of this local police, with six or seven exceptions, were all Protestants; that those in command were entirely so; that there were several Orangemen among them, and that two at least of the police had walked in an orange procession. The Commissioners concluded their report by expressing a hope that the worst had been seen of the riots in Belfast; and that, as all the inhabitants seemed ashamed of the consequences which had ensued from the state of party feeling, the good sense of the people would put a stop to any such proceedings for the future. Notwithstanding the expression of that hope, he regretted to say that the social condition of Belfast was in a very unhappy state. The Report of the Commissioners was drawn up in November last, but was not placed in the hands of Members until February last. It was the intention of the then Government to have proposed legislation in reference to the subject, and especially as to police affairs in Belfast, which were undoubtedly in a very unsatisfactory state. He had intended to draw the attention of the House to the subject, because in March last, when there was a discussion on the Trinity College riots, he had understood the hon. and learned Attorney General for Ireland to say that it was not the intention of Her Majesty's Government to take any steps on the Report of the Commissioners. He (Mr. J. D. FitzGerald) then stated that he did not think they would be doing their duty to the people of Belfast if they left the police in the state they then were. He might, however, have misunderstood the right hon. Gentleman, and he had now to ask the noble Lord the Secretary for Ireland the question which he had brought under his notice. Since he had put his question on the paper he observed that notice had been given by the noble Lord of a Bill for the regulation of the constabu-

lary in towns in Ireland, and perhaps a remedy for some of the evils of Belfast might be found in the provisions of that Bill. At the same time he felt assured that it was not by a mere constabulary Bill that the evils which beset that town could ever be thoroughly removed, and he would put it to the noble Lord that it was his duty now to take the matter into his consideration, and to introduce a measure which should put an end to such a disgraceful state of things.

LORD NAAS said, he thought it was hardly necessary for the right hon. Gentleman, in putting his question, to go into a long and laboured statement of the riots of last year. He certainly would not follow him into these details; he would merely tell the House what he knew with regard to the unfortunate events which had recently occurred. On Sunday last, on the return of a procession from the funeral of the relation of a man who was the relative of the chairman of a well known Ribbon association, known by the name of the Gun Club, a collision took place between the Protestants and the Roman Catholics. Some thousands of persons collected together, and there was considerable excitement. The operations of this riotous assemblage on Sunday were confined to stone throwing, and on that evening no serious damage had been done to life or property. During the day and night of Monday and Tuesday these riots were repeated, and though he had no official information of what took place on the subsequent days he feared that up to a late hour of Wednesday the rioting was continued. The moment the Government received information of the matter they took steps to put it down with the strong hand, and a large force of cavalry was sent on to Belfast, which already contained a depot battalion of infantry numbering 1000 men. Mr. Coulson and two other experienced stipendiary magistrates had been ordered to Belfast to assist Mr. Tracey. Mr. Hamilton, the Crown solicitor, was also sent down to be on the spot to take informations; in fact, everything had been done which could have been done. With regard to the further measures the Government proposed to take for the protection of the peace, it was his intention immediately to submit a Bill dealing with the police force of towns in Ireland generally, and when the right hon. Gentleman saw the mode in which it was proposed to deal with the police in towns he would be perfectly satisfied. The Right hon. Gentleman had not indicated what other steps he would recommend; but for his own part he (Lord Naas) believed that for the suppression of riot and disturbance the ordinary law of the country was perfect and sufficient, provided it were administered with prudence and firmness. Besides, he really did not see what further measures the Government could take, and from what he had heard that afternoon he had reason to believe that the riots were now thoroughly put down. They were of a different character from those which took place last year. Owing to the Proclamation the people had no arms in their hands, and in consequence, the riots were not so serious as those of last year. He hoped this would satisfy the House. He could assure the House the matter was occupying the serious attention of the Government, and that everything that prudence and firmness could suggest would be employed to put down those disturbances.

COLONEL FRENCH said, he must complain that Belfast was not treated like other towns. When a riot occurred elsewhere the constabulary was poured into the district, and the inhabitants were assessed to pay for them. When Belfast was disturbed, soldiers were employed, or the riot was suppressed at the expense of the country. He believed nothing would teach those persons the necessity of order so much as touching their pockets.

Motion *agreed to.*

House at rising to adjourn till *Monday next.*

SALE AND TRANSFER OF LAND (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

MR. WHITESIDE moved that Mr. Speaker should leave the Chair, in order that the House might go into Committee on this Bill.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. J. D. FITZGERALD, in rising to move that the measure should be referred to a Select Committee, said that so far was he from being hostile to it that if he thought that its reference to a Select Committee would endanger its passing this Session, or would not be the most convenient course, he would withdraw his Motion. The Bill upon which there had as yet been no discussion, was one of a most important character, and it was desirable

that it should be thoroughly and carefully examined in order that it might pass in the best and safest form. As he understood it, it had four principal objects ; first, to substitute for the Incumbered Estates Court a permanent tribunal, to be called the Landed Estates Court ; secondly, to give to the new tribunal, in addition to the power to sell incumbered estates, jurisdiction to sell those not incumbered ; thirdly, to give it power where there was a contract for the sale of lands specifically to carry that contract into execution, and to convey the estate to the vendee ; and, fourthly —which was perhaps the most important and most novel provision of all—to give the Court power to examine any title and declare whether it was good or bad, so that if the Bill passed any one might call upon the Court for a declaration, which, if once given, established a title which would thereafter be indefeasible. The first three of these were principles for which he had been contending during the six years that he had occupied a seat in that House ; but two of them, if not all three, had been as steadily opposed by the right hon. Gentleman opposite (Mr. Whiteside). Not quite nine years ago, in November, 1849, the Incumbered Estates Court first came into operation, and considering how much of the progressive prosperity which had since fallen to the lot of Ireland was due to the action of that Court they ought to be very cautious in disturbing it, and to take great care that the substitute proposed was a safe and satisfactory one. The condition of a great many of the estates in Ireland at that time was well illustrated by the remark made by a tenant, when asked by a gentleman who had purchased an estate under the Incumbered Estates Act, why he had not made certain improvements. The tenant's reply was that during eleven years he had had seven different masters, who were all receivers of the Court of Chancery. Since the establishment of the court, a petition, signed by a large number of the most influential landowners in Ireland, had been presented to Parliament, praying that the Act should be extended so as to enable any proprietor who wished to sell his estate, whether incumbered or not, to have his title investigated by a competent legal tribunal. The members of the present Government had claimed the credit of being the first to propose the extension of the existing Act to unincumbered estates, but it was a fact that while in Opposition they steadily resisted the principles embodied in the present Bill. Still he was glad to find that they were now prepared to adopt principles which they so steadily opposed [Lord NAAS made a gesture of dissent]. The noble Lord seemed to doubt what he had said, but in proof of his assertion he might refer to the language of the present Lord Chancellor of Ireland, who called the measure monstrous, unrighteous, and unjust, ruinous to the proprietors, and fatal to the landed interest of the country. The Attorney General for Ireland also had opposed the Bill as an attempt to make permanent what he could never have supported, except on the ground put forward by the late Sir R. Peel, as a desperate remedy for a desperate state of things. A great deal of controversy had arisen as to the original authors of the incumbered estates system, but, as far as he could ascertain, the persons to whom Ireland was indebted for the introduction of that system were the noble Lord the Member for London Lord J. Russell, Sir John Romilly, the late Chancellor for Ireland, and, though last not least, the Right hon. Member for Stroud (Mr. Horsman), who so far back as 1847 advised the establishment of a court for the sale of incumbered estates. He found that up to the month of April last, landed property had been sold by means of the Incumbered Estates Court to the amount of £21,326,000. The number of Chancery suits it had put an end to—some of them of long standing —was 267. The number of Irish purchasers of estates sold by the Court was 7180, and the number of English, Scotch, and foreign purchasers was 309. Of the total amount of sales £18,000,000 were paid by Irish purchasers, and £3,000,000 by other purchasers, so that the operations of the Court had developed a vast amount of local capital, promoting in a surprising degree the social progress of the country. Perhaps the most gratifying fact connected with the working of the Incumbered Estates Act was the large number of purchases made by the actual occupiers of the land offered for sale. He mentioned these facts to show that in dealing with a system which had operated so beneficially, it was the bounden duty of the House to see that any measure to which it might give its assent was perfectly safe. So important did the Aberdeen Government consider the question in 1854 that they issued a Commission on the subject. That Commission, which consisted of Sir John Romilly, the Chancellor for Ireland,

Sir Richard Bethell, Mr. Cairns, the Chief Justice of Common Pleas in Ireland, and others, after a very diligent inquiry, recommended that a Parliamentary title should be given to purchasers under judicial sales, and that the right to give such titles should be extended to all estates, whether incumbered or unincumbered, by whatever tenure they might be held, provided the titles should be submitted to judicial investigation and found to be satisfactory. Another recommendation of the commission was that the proposed jurisdiction should be vested in the Court of Chancery, which it was intended to reconstruct so as to enable it to discharge the new duties to be imposed upon it. The Commissioners were influenced, in making that recommendation, by the fear lest in creating a separate tribunal they would be creating two Courts of Chancery, with co-ordinate jurisdiction. In 1856 it became his duty to introduce a Bill founded upon the recommendations of that Commission; and he might state that on the Motion for the second reading of that measure the present Attorney General for Ireland expressed his decided opinion that it would be highly impolitic to create a jurisdiction for the sale of unincumbered estates. The Bill was ultimately referred to a Select Committee, with power to examine witnesses—a power he did not propose should be given in the present instance—and the result was, that the Committee agreed to drop the Bill and to propose instead, certain Resolutions which might form the basis of future legislation. The effect of those Resolutions was, that the Incumbered Estates Court should be perpetuated, that a Parliamentary title should be extended to all estates sold, whether incumbered or unincumbered, and that a distinct tribunal should exist, having power to give an indefeasible title. When those Resolutions were under discussion, it would be remembered that the right hon. and learned Gentleman opposite met them by a counter Resolution, to the effect that no exceptional tribunal should be permanently established, and therefore he was justified in saying that the right hon. Gentleman was throughout opposed to this system. He would now examine the provisions of the Bill before the House. He had given notice of his intention to move that the Bill be referred to a Select Committee, because he thought that that would be the most convenient course of proceeding; but he had no objection to consider the Bill in a Committee of the whole House, if that should be deemed more desirable. He approved of the leading principles of the Bill, but he thought that it had not been prepared in the most workmanlike manner, and that every clause of it would require great consideration. In the first place, it was proposed to abolish the Incumbered Estates Court, and to substitute for it an independent tribunal, to be called the Landed Estates Court. He had no objection to this arrangement in point of form, provided the system for the sale of estates in a free and open market was preserved unimpaired; but it behoved the House to see that they established those safeguards which would prevent the new tribunal from degenerating into a second Court of Chancery. It was proposed to give the new Court, jurisdiction over the sales of estates whether incumbered or unincumbered, the administration of the proceeds, and the settlement of all questions of equity that might arise on them. Further, by the 44th clause it was to appoint receivers, and to have the like authority over such receivers and the tenants of the lands under their management, and over the funds produced by the rents and profits, &c., as was now exercised by the Court of Chancery. Now, he must declare in the outset his objection to have the court armed with such authority, as this would be the first departure from the simple character of the Incumbered Estates Court. The first thing to be done was to facilitate the sale of the land, and thereby do away with the necessity of receivers altogether. By the next clause the new court was to exercise the jurisdiction of Chancery for the sale of settled estates under the Act of last Session. Now, he was of opinion that the object should be to limit the powers of the new tribunal as far as possible to the sale of land, and not to incumber it with all the inquiries and investigations which would necessarily arise upon the sale of settled estates. He found that by the 46th clause it should be lawful for any vendor or vendee, under any contract for a sale of an estate in land in Ireland, to present a petition to the court, and thereon the Court might make order for the specific performance of such contract, so that this Court was not only to sell the estate, but to exercise the very extensive jurisdiction in all its ramifications of enforcing the specific performance of contracts relating to the sale of land. He

called attention to these points, because he believed that unless great caution were exercised a new Court of Chancery would be established. Another provision gave power to the new Court, in relation to any matter brought before it, of sending the case to a court of law for its opinion, and of directing issues of fact to be tried before juries. Such a power was a very proper power to be given to the original temporary tribunal; but he did not understand why the new court, which was to be a permanent one, should be incumbered by such a regulation, particularly after the Bill of the Solicitor General, which had passed through the House, gave to the Court of Chancery the power of trying all issues of fact raised before it. While every facility ought to be given for the sale of Incumbered Estates by the Court, he thought it desirable to narrow, as far as possible, the power of determining other questions not immediately referring to the sale of land. He wished in the next instance to call the attention of the House to the provisions of the Bill in respect to the present Judges of the Incumbered Estates Court, and in so doing he was anxious to bear his humble testimony to the learning, ability, and administrative talent displayed by Commissioners Longfield and Hargreave, and also by Master Flanagan. The Chief Commissioner, Mr. Martley, although he had not been so long in office, had entirely justified the nomination of his right hon. Friend (Mr. Horsman). Indeed, had not the Act been well administered, it would from the strong feeling at first entertained against it, at once have fallen to the ground. The powers of the Court were to be enlarged under this Act. The Judges were to have a new jurisdiction. They were to examine into titles, to carry out all the sales of the Court of Chancery, of the Court of Bankruptcy, and the Court of Insolvency, and yet the Bill proposed to reduce the staff from three Judges to two. Mr. Martley and Mr. Longfield were to be continued in their offices, but Mr. Hargreave was to be sent back to England in receipt of his full salary of £2,000 a year. If this Commissioner was to be superseded he ought to retire upon his full salary; but he must be permitted to add that it appeared to him most unwise to reduce the number of Judges at the very time when the proposed alterations would obviously have the effect of materially adding to the business of the Court. In the Bill which was brought forward in 1852, and in which it was merely proposed to give to the Incumbered Estates Court the additional power of dealing with unincumbered estates, the right hon. Gentlemen opposite (Mr. Whiteside) had been the first to exclaim against the impolicy of the then proposed reduction in the number of the Commissioners, on the ground that that change would entail additional work. Now, the best economy would be to make the new Court thoroughly efficient, and he trusted the right hon. Gentleman would recognise the propriety of retaining the three Judges with equal salaries, with the understanding that in the event of a vacancy occurring such vacancy should not be filled up unless the requirements of the public service rendered it necessary. [Mr. Whiteside was understood to say that Mr. Commissioner Martley and Mr. Commissioner Longfield would receive the same salary.] He was glad to hear it, but he thought it most unwise to supersede one. What he intended to propose to the late Government, if it had remained in office, was to create an independent branch of the Court of Chancery for the sale of estates, to be called the Sales Department of the Court of Chancery, and preserving the procedure and practice of the Incumbered Estates Court. He should have proposed to Lord Cranworth that the three present Commissioners should be the Judges of the court, but that on the first vacancy the business should be carried on by the two remaining Judges. This was a suggestion which he now made entirely on his own responsibility. The 72nd clause of the Bill provided that each Judge might nominate any number of conveyancing counsel, not less than three to be approved by the Lord Chancellor, for the aid and assistance of such Judge in the investigation of titles to estates. It was, however, to be competent for any party to object to any opinion of any such counsel, whereupon the Judge was to dispose of the point in dispute in such form as he should think fit. He objected to such a provision. The safety of the public consisted in leaving the entire responsibility in the matter of title upon the Judges, where it had hitherto been. There was also another point to which he wished to refer. The principle of the 89th clause, which provided that a duty should be levied on every estate sold, conveyed, or partitioned by the Court, met with his entire approbation; but he thought that, instead of charging 10*s.* on every £100 where the estate was of less value than £10,000, and £1 per

cent. where the estate was of the value of £10,000 and upwards, the smaller per centage should be charged on the higher sums. It would be a very small amount to charge £10 upon an estate realizing £1,000, but £1 per cent. on an estate realizing £450,000 would be a heavy burden, while the expense of investigating the titles would be the same. A large proportion of the suits in the Court of Chancery in Ireland embraced the sale of estates, and if estates could be sold in the new court without the expenses of fees and stamp duties, which met the Chancery suitor at every step, the result would be that the public would have recourse entirely to the cheaper tribunal. The Court of Chancery ought to be put in an equally favourable position as to fees. He believed the framers of the Bill expected to receive a large annual sum from the Bank of Ireland, in consideration of the advantage which the Bank would derive from being made the depository of the money received by the Court; but he confessed that he very much doubted whether that expectation would be realised. He should listen with great pleasure to an explanation of the point, but it ought not to be forgotten that the Bank stood in the same position as the Accountant General of the Court of Chancery. He would next call attention to the most important clause, the 50th, which gave the new jurisdiction to the Court. In reference to this, and almost all the other clauses, he should say that the language was open to the greatest objection, and proved that the Bill had been evidently drawn in a hurry. Under the 50th section, any owner who desired to have his title investigated, and a judicial declaration made that he had a good title, might apply to the Court, whereupon the Court should investigate it, and if the title appeared satisfactory the Judge should make and sign a written declaration to that effect, sealed with the seal of the Court, and should state in a schedule any leases, tenancies, and incumbrances to which the estate was subject, and such declaration shall make it conclusive and indefeasible. The clause made no distinction between the owner of an estate in the land and the owner of the land itself. He knew it might be said that it could be easily amended in Committee, but in dealing with real estates they could not be too precise in the language which they used. An estate in land might be only a short lease of it. The declaration that the title was good was to be conclusive, and therefore it would be necessary to investigate, not only the title, but the incumbrances, the charges and the tenancies. Yet, while giving that sweeping power to call upon every encumbrancer to establish his rights, the petitioner was not even made punishable by being subjected to costs. It was said that the Bill was founded on the Report of the Committee last year, but it did not carry out one of their recommendations. The right hon. Gentleman the Attorney General for Ireland had not distinguished between a registration of conveyances and a registration of titles, and the Bill would only secure a registration of conveyances. He was so anxious, however, to see the Bill passed that if the Solicitor General and the Attorney General for Ireland continued firm in their opinion that the new power should be vested in the Court he would not object to it; and, further than that, if they should think that to refer the Bill to a Select Committee would imperil it passing this Session, he would not divide the House on the point. The only other point to which he would then allude was, the proposal that the office of Master of the Incumbered Estates Court should be abolished, and that Mr. Flanagan, who had hitherto discharged the duties of that office with great zeal, ability, and success, should go to the Treasury, and obtain from them any compensation to which they might think he was entitled. It seemed to him that such arrangement would be unfair to Mr. Flanagan, who had abandoned, nine years ago, the profession of the bar for the purpose of devoting himself to the business of that court; and he could not help thinking that the proper mode of dealing with that genleman would be to continue to him his full salary of £1,000 a year, until he should be appointed to some equally lucrative post.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the Bill be committed to a Select Committee,' instead thereof."

Question proposed—

"That the words proposed to be left out stand part of the Question."

THE SOLICITOR GENERAL said, he was glad to find that they were invited to enter into a discussion on the Bill, because he believed that the more its provisions were considered the more would it become acceptable to the House and the country, and the greater was the probability that it

would be passed in a satisfactory shape. But he could not agree with his right hon. and learned Friend that it would be desirable to refer the measure to a Select Committee. The fact was, that even if that course were adopted, it would be necessary for the House to consider and to decide upon all the certain leading and important features. The questions of detail in the Bill were not new, but simply borrowed from the details of the Act under which the existing Incumbered Estates Court had been constituted, which had stood the test of several years' working, and in reference to this part of the Bill, therefore, there was still less need of reference to a Select Committee. Under these circumstances he trusted his right hon. and learned Friend would not persevere with a Motion which might imperil the passing of the measure during the present Session. According to the right hon. Gentleman there was no clause of the Bill which did not require reconsideration and improvement; but having read through the whole of it carefully, he was bound to say that, whoever might be the draughtsman, it certainly was drawn with considerable care and skill, although like all other Bills it might be susceptible of some Amendment. The discussion raised by the right hon. and learned Gentleman as to whose was the merit of suggesting the Incumbered Estates Court, and the different opinions which had been held by various hon. Members as to it, was a very profitless one, and certainly must have the effect of detracting considerably from the weight of the right hon. Gentleman's argument. No doubt the Incumbered Estates Court was in the beginning one of the strongest measures which had ever been introduced into Parliament, and very sound and reasonable arguments were, on its introduction, urged against it by persons who, since they had seen the effects of its working and had experience of its benefits, had gradually changed their opinions about it. Many persons, owners of land and others, had viewed the formation of that tribunal with considerable apprehension and distrust, but had since been led to regard it as one of the greatest blessings the Legislature had ever conferred upon Ireland. The present Lord Chancellor of Ireland was among the original opponents of the court, but so early as the year 1853 he had so far changed his mind that he introduced a Bill in conjunction with the right hon. and learned Gentleman the Attorney General for Ireland, giving an indefeasible title in the cases of sales effected under the ordinary process of the Court of Chancery. What then were the leading provisions of the present measure? It would, in the first place, give a power of selling incumbered estates. That was no new provision. But it would also enable proprietors to sell unincumbered estates, and to obtain for them a Parliamentary title. It would go still further, and it would, in the third and last place, enable landowners to obtain a Parliamentary title without going through the formality of a sale. The two last principles were new, but the argument by which they were deduced from the first principle was perfectly logical. Suppose an estate worth £100,000 were incumbered to the extent of £10,000, one-tenth of its value. The proprietor brought it into Court, and for the sake of paying the incumbrance of one-tenth he allowed the Court to dispose of the incumbered nine-tenths. Why should it not be just as safe to allow the Court to dispose of an unincumbered whole as of the unincumbered nine-tenths. In point of principle there was no difference between an estate partially incumbered and an estate wholly unincumbered as to the unincumbered part. The mere existence of an incumbrance afforded no additional security to a title. On the contrary, no person had so much interest in concealing any flaw in the title as an incumbrancer. He contended, both in point of principle and of practicability, that when once they arrived at the conclusion that it was desirable to give a Parliamentary title in the case of an incumbered estate, there was no power to stop short and say that it was not desirable to give it also to an unincumbered estate. If they did, it would be giving a premium to those who had acted extravagantly; and in practice the limitation would be ineffectual, as there were many instances in which an incumbrance was created merely to bring an estate under the jurisdiction of the present Court. As to the third point —the acquiring an indefeasible title without going through the formality of a sale —what magic was there in the fact of a sale in giving greater security of title? All that was wanted was security; the desire was to give a good title to his estate to every man; and what security was there in the fact of there being a vendor and purchaser? None at all. Besides the hypothesis being that a purchaser was to get a Parliamentary title when his sale was

The Solicitor General.

complete, if they gave it only in the cases of sales it would be impossible to prevent a person who desired a Parliamentary title to his estate passing through the form and ceremony of a sale, and thereby putting in action the jurisdiction of the Court. In short, fictitious sales would be made as fictitious charges had been. It therefore seemed to him that once they had taken the first step of giving this species of title to incumbered estates, they must go another step and give such titles also—but always, he admitted, with the most careful guards that the ingenuity of man could suggest—to unincumbered estates, and even to estates which did not undergo the process of sale. He trusted that the time might come when, if they succeeded in passing a wise and wholesome measure of this kind with regard to Ireland, they would also be able to extend it with great benefit to the landed property of this country. There were few taxes to which the land of this country was exposed which pressed upon it so heavily as those connected with the dealing of land in the way of sale and transfer. He had the curiosity on one occasion to endeavour to ascertain the amount of saving which resulted from one small measure of reform affecting the transfer of land. The House might remember that a measure was passed some years ago, under the auspices of Lord Brougham, which put an end to a form that was gone through on every sale of an estate—namely, of assigning what, in technical phrase, were called "satisfied terms" attendant on the estate. With the view to ascertain how much was saved by that one Act of Parliament, he consulted a most eminent conveyancer—the most eminent, he might perhaps say, in his department—who went very carefully into the matter, and the result showed that, upon a moderate calculation, the saving to the landed property of this country by that comparatively unimportant statute could not be less than £300,000 a year. The expense of assigning those "satisfied terms" was a mere fragment in the cost attending the sale and transfer of land, and if they might ever look to the application of a system by which titles to estates could be given in this country as safe as those conferred under the jurisdiction of the Incumbered Estates Court in Ireland, he ventured to think that every landowner in England would increase the fee-simple value of his property by a very considerable sum—probably from 5 to 10 per cent. He would next pass to the consideration of the objections taken to the measure by his right hon. and learned Friend (Mr. FitzGerald). His right hon. and learned Friend said, he was apprehensive that the court to be created by the Bill would degenerate in process of time into another Court of Chancery. That would be extremely undesirable. He (the Solicitor General) had perhaps some reason to be quite satisfied with the Court of Chancery, but he agreed that this would not be desirable. He did not, however, share in his right hon. and learned Friend's apprehension in this respect, inasmuch as he did not think the Court of Chancery, where the business was purely contentious, was, in its present constitution, well adapted for discharging the functions which would devolve on the court contemplated by the Bill under consideration. His right hon. and learned Friend (Mr. FitzGerald) had told the House that he himself had prepared a Bill which made the Court for the sale of land a branch of the Court of Chancery. Now, under a Bill of that kind there would be much greater reason to apprehend the court degenerating into a tribunal which would follow the system of action known in the Court of Chancery. His right hon. and learned Friend also objected to the Bill on the ground of the power given by it to appoint receivers. He agreed with his right hon. and learned Friend that the employment of permanent receivers was undesirable, but he thought at the same time it was advantageous when exercised within wholesome limits. They could not expect sales of property to be completed in less than from six to twelve months, or perhaps a greater interval; but even in cases of that kind it might be desirable for the new court, which would have to secure the rights of incumbrancers and owners, to have the power to appoint an officer to receive and take care of the rents of an estate under sale during that period. Of course it was desirable to get rid of the system of permanent receiverships, which had been a great curse to Ireland. The right hon. and learned Gentleman made two objections, which appeared to be somewhat contradictory. He observed that there was in the Bill a power given to the Land Court to enforce specific performance, and there was also a provision to enable that Court to send issues to other Courts for trial. The right hon. and learned Gentleman had remarked upon the first provision that it gave the Court power to deal with con-

tentious business, and upon the second that the Land Court would not be performing completely all the business brought before it. Surely, the right hon. and learned Gentleman must elect to which objection he would adhere. If the Court was to administer all the rights of parties applying to it, it was necessary to give it the power to some extent of enforcing specific performance. With respect to sending issues for trial by juries, he (the Solicitor General) was as anxious as any one to make each Court complete in itself, but if questions of fact were to be tried relating to distant counties in Ireland, and the Court itself was not to be peripatetic, it was obvious that the best thing to be done was to send the issue to the judge of assize to be tried. The right hon. and learned Gentleman also complained that the Bill removed the jurisdiction conferred on the Court of Chancery by the Lease and Sale of Settled Estates Act. By that Act the Court of Chancery was empowered to sell, but could not give a Parliamentary title; and unless a change was made these estates would be in a more unfavourable position than any other. It seemed to him absolutely necessary, therefore, that if this Bill was passed, settled estates should have the benefit of its provisions. The next point was as to the Judges of the court, and he agreed with all the right hon. and learned Gentleman had said in praise of Mr. Longfield and Mr. Hargreave, whose administration of their functions had made the court as popular as it was. Whatever they might do in the way of legislation, the goodness or badness of the court must depend in a great degree on those who had to carry it into operation, and the gentlemen whose names he had mentioned, had from the first set themselves to work in such a manner as to gain for their court the highest reputation. With respect to the judicial staff that was necessary, that was a question which was considered by the Commission of 1854 and the Committee of 1855, which came to the conclusion that two Judges would be sufficient. There was another consideration to be borne in mind. It had been urged by some that in making the court permanent it would be necessary to increase the salaries of the Judges, and therefore he hoped the House would be careful in sanctioning any increase in the number of Judges beyond what was absolutely necessary. For his own part, he conceived that two Judges would be amply sufficient for the work that would be entailed upon them. It must be recollected that while hitherto the two Judges had sat together on certain days, there being thus practically only one judge on those days, each Judge would henceforth dispose of all the business brought before him, and thus there would always be two Judges sitting. He next came to the clause which had excited the criticism of the right hon. Gentleman, respecting the employment of conveyancing counsel. He confessed that when he (the Solicitor General) first read the clause he made very much the same observations as the right hon. and learned Gentleman had done, but the explanation he received was that at present there was an investigation into every abstract of title in the Incumbered Estates Court before the business came before the Judges. When the title was brought into court it was referred to some counsel for examination, the council being selected by the solicitor promoting the proceedings, and the fees for such examination were paid as part of the expenses. The Chief Commissioner had found that those examinations were totally unsatisfactory and useless to the Court, creating needless expense to the suitors; and he thought that if there were to be such investigations care should be taken, by providing a proper staff of conveyancing counsel, that they should be performed in a satisfactory and useful manner. That was the object of the clause, but it still appeared to him (the Solicitor General) that it was a subject worthy of consideration whether that provision was desirable, but that was a matter that could be considered in Committee. The next objection taken by the right hon. and learned Gentleman was that care must be taken, as the Land Court was to have power in any case where there was land to be sold to sell with a Parliamentary title, not to withdraw the business of the Court of Chancery and exhaust the business of that Court. Considering that the right hon. and learned Gentleman began his speech by professing to deprecate the Court of Chancery as a tribunal for the sale of land, it was to be expected that he would view with favour any provision tending to take away from that court the sale of land and transfer it to a court whose especial function it would be to deal with such subjects. It must be recollected, too, that although there were a great number of suits in Chancery relating to the sale of land, yet that in almost all of them there were incumbrances upon the land, which

The Solicitor General

rendered those cases very proper matters for the Land Court to deal with. There was only one other provision upon which he had to remark, and that was the 50th clause, upon which the right hon. and learned Gentleman had taken objections both as to form and principle. The objections as to form were not, he thought, very conclusive; and with respect to the remarks of the right hon. and learned Gentleman about the proviso for registration, there had been some misapprehension of the point. As the House knew, there was at present in Ireland a Registry Act, under which every deed was registered which represented a transaction for the sale, transfer, or settlement of land; but what the clause provided for, was neither a sale, transfer, not settlement, but was a declaration made by the Court that a man who was not selling or transferring had proved a good title, and that could not be registered under the existing Act. There was no doubt a distinction between registration of assurances and titles, but the Committee which sat and recommended that there should only be a registration of titles, had said that an efficient plan for that purpose would be the first step towards a registration of assurances. He had now answered the objections of the right hon. and learned Gentleman, and he trusted he had shown that they were not sufficient to justify them in hanging up this measure by sending it to a Select Committee. He hoped, therefore, that the House would address itself to the consideration of the Bill on a fitting occasion, and that they might be enabled in the present Session to pass this measure, which, if wisely guarded, would confer a very great boon upon the landed interest of the country.

SIR RICHARD BETHELL said, he was quite willing to admit that the principle of the Bill was a good one, and he thought it was creditable to the Attorney General for Ireland to have adopted the principle laid down by the former Government. He should, therefore, be extremely sorry if any course were adopted by the House which would bring in peril the passing of this Bill during the present Session. Still the subject was unquestionably one of the greatest possible importance: and if the right hon. and learned Gentleman could be satisfied with an assurance by all those whom he might select to sit on the Select Committee that they would give their most earnest attention day by day to the maturing and considering of this Bill, then he, for one, should be exceedingly glad if the propositions of his right hon. and learned Friend (Mr. J. D. FitzGerald) were adopted. The great difficulty he felt on the subject was that of creating a great co-ordinate jurisdiction, which, nevertheless, had not a jurisdiction co-extensive with that of the tribunal from which it would borrow most of its powers, and, therefore, being co-ordinate but not subject, and not having co-extensive jurisdiction, conflicts would undoubtedly arise between the two tribunals. It was in the sincere hope of being enabled to arrange the Bill, so as fully to express the nature of the authority to be exercised under it, that he proposed to send it to a Select Committee, where matters of detail could be discussed with more satisfaction, and with more likelihood of arriving at a just conclusion than in the House, where they must remain subject to all the emergencies of the public business. Three distinct courses might be adopted to effect the objects of the Bill, which were to make the title of land secure and to procure its easy transference. One was to have a department possessing only administrative functions similar to those exercised by the Incumbered Estates Court in Ireland, connecting it for judicial purposes with the great tribunals either of law or equity. Another plan would be to give administrative powers to a tribunal already existing —as, for example, to the Court of Chancery. And a third course would be to create a new tribunal armed with all the powers of the Court of Chancery and of the Incumbered Estates Court combined, delegating to it the special duty both of jurisdiction and of administration. Still, however great the power of the Court might be, it would be limited in its jurisdiction as regarded the subject matter, and cases would often arise in which there were questions affecting partly land and partly personal property, and this new Court would deal with the land question, while the ordinary Court would deal with the question of personalty, and thus they might have a conflicting jurisdiction. This was the mode now proposed; but it was open to great objection, and required the most careful consideration, which could not be so well given in the House as in a Select Committee, of whom eminent lawyers would form a portion. In point of fact, if the matter were discussed in the House, and only those hon. Members took

part in the discussion who were acquainted with the legal points, they would be in reality the Select Committee on the subject. That was not, however, his sole reason for advocating the appointment of a Select Committee. Contemporaneously with the introduction of this measure, Lord Cranworth brought forward in the House of Lords a Bill for facilitating the sale and transfer of Land in England. That Bill having come down to that House, it was his intention to move that it be referred to a Select Committee, and as it proposed to give to the Court of Equity in England precisely the same functions and powers that were delegated by the Bill before the House to a distinct and independent tribunal in Ireland, he thought it desirable that the two Bills should be considered by the same Committee. There was another subject which was undoubtedly of very great importance, and on which a measure had been prepared, which he (Sir R. Bethell) would not introduce during the present Session lest his doing so should have the effect of embarrassing the right hon. Gentleman; he referred to the general registration of titles. That was a subject which had engaged his attention for a considerable period, and his views were embodied in a Bill, which would, he thought, command the attention of those who were most interested in the matter. With respect to the question of registration, if these two Bills passed into law, they did not contain any machinery for registration, and he thought that when a satisfactory mode of settling the title had been arrived at, some machinery ought also to be provided for registration. That, however, was a very large subject, which they could hardly be expected to deal with at this late period of the Session. He agreed in the interpretation of the meaning of the 50th section as laid down by the Solicitor General, but it was important to observe that the Bill gave power to any owner of an estate, however limited his interest in it, to apply to the court. It would be difficult, in the first place, to ascertain the reality of the ownership if the Act recognised a limited ownership. The 38th section gave the Court power to ascertain the rights of all persons in any land in respect of which the application was made, and therefore the owner of any limited interest might bring the estate under the notice of the Court, which was to define and declare the rights of the ownership. But that would tend to much litigation, and to the raising of questions which could only be properly settled by the established tribunals, both of law and equity. They might create subordinate tribunals, to facilitate the transfer of land, but it would be the height of imprudence to create a tribunal, which, inferior in itself, would have all the responsibility attaching to the highest courts of law or equity in the kingdom. It was on these grounds he should like to see the measure referred to a Select Committee, but he would press nothing that would endanger the passing of the Bill this Session; and if such a reference would threaten the measure with inevitable delay, neither he nor those on his side of the House would press such a course, it being their greatest desire to give every support to the principe of the measure.

THE ATTORNEY GENERAL had heard with great satisfaction, though not with surprise, his hon. and learned Friend's (Sir R. Bethell) assent to the main principle of this Bill; but he thought the effect of referring it to a Select Committee would be greatly to endanger the passing of it during the present Session. He agreed with the right hon. Gentleman the late Attorney General for Ireland, that it was impossible to be too cautious in dealing with such a subject as this, involving, as it did, the security of the landed property of the kingdom; but when the Bill went into Committee he (the Attorney General) thought it would be made efficient for all purposes, and all safeguards could be then introduced which could be considered essential. It must not, however, be forgotton that they were legislating in this case by the light of experience, and that no evil had hitherto resulted from the working of the Incumbered Estates Court. In considering the question whether they should proceed at once with this Bill, he could not help reflecting on the great and mighty benefits which would accrue to Ireland, and in the end to England, if they could succeed in establishing a court with enlarged jurisdiction and adequate functions, under which the titles to land might be effectually registered, and which might be made the foundation of a general system of transferring land. The benefits which might be expected to arise from that scource were incalculable. His attention had long been directed to that subject, and he also inferred from the signature of the hon. and learned Member for Aylesbury (Sir R. Bethell) to the Report of the Commission on the Registration of Titles that

he would approve the establishment in this country of a system for the complete registration of titles and easy transfer of land. It was quite idle to say that the Court which dealt with an incumbered estate could not also deal with the same estate when unincumbered. So satisfactory was the working of the Incumbered Estates Act that fictitious incumbrances had been made for the purpose of bringing estates within the jurisdiction of the Incumbered Estates Court, and thereby acquiring unimpeachable titles. The Government, therefore, thought it would be well to put an end to such a state of things, by establishing a court which could deal with unincumbered as well as incumbered estates. And when they were threatened with the danger of conferring so great a jurisdiction on a court to be created, he thought that they had only to consider what might now be done indirectly in the Incumbered Estates Court, and directly, both in England and Ireland, by means of the Court of Chancery; and those dangers and difficulties would entirely disappear. The power of the Court of Chancery in suits for specific performance was analogous as to any difficulty which might be apprehended. To show how great were the inconveniences of the system for which the Bill proposed to find a remedy he might observe that if a gentleman in this country had 1,000 acres of land, upon which he desired ten times in the course of his life to raise money by mortgage, or to otherwise enter into transactions affecting his title, ten times over must he incur the expenses of investigating the entire title of that estate. In many cases where the estate was not large, but the title somewhat ancient or complicated, it might be found that the whole value of the estate in fee simple had been spent during the lifetime of one man, in repeated investigations of the title. So again, if a gentleman desired to sell two acres out of 2,000 he must go through the whole expense of investigating the title, the same as he would incur in selling the fee simple of the entire estate. If a person during a portion of his life should sell on several occasions several portions of his estate, he would incur on those several occasions the complete expense of investigation of the title, and it was impossible to say how much of the fee simple would be wasted in that investigation. Whereas if it were done under this Bill it might be done by a single investigation of the title, on which a declaration of title would be given by the Court, so thatthe owner from that date got in effect a new title, and when, from that time forth, he should desire to mortgage, even over and over again, or to part with it by selling it in several small portions, there would be this declaration of title affirmed by the Court, which would enable the owner to deal with the property in every variety of transaction, as long as that declaration should endure. As to the dangers by which it was said the working of the Bill would be beset, he should merely say that the principle which it involved was carried into effect in the Incumbered Estates Court in Ireland, while it was in the power of the Court of Chancery to give as secure a title under a decree in a suit for specific performance. His hon. and learned Friends opposite had raised several objections to the jurisdiction of the court proposed to be established, but the chief objections he had heard appeared to him, when carefully considered, to answer each other. One objection raised by his right hon. Friend, who proposed a Select Committee (Mr. J. D. FitzGerald) was that this Court would have power of directing issues of fact or a trial by a jury in some distant part of the country, while on the other hand the hon. and learned Member for Aylesbury (Sir R. Bethell) raised a difficulty that, in order to give a good title, the Court would usurp or invade the functions of the Court of Chancery, and we might have a conflict of jurisdictions. He thought that these objections were more apparent than real. In the Probate Court which was established under the auspices of the hon. and learned Gentleman himself they had as here, a second and distinct court, in which questions of magnitude and importance might arise; and the Divorce Court was another instance, in neither of which had any conflict of jurisdiction arisen. If a question of fact arose in reference to the title of a large landed estate, which might come under investigation in this new court—a question, for instance, as to the competency of a testator to make a will—there was a proviso under which the Judges of the court might direct an issue to be tried by a jury, or an action to be brought in the same way as an action of ejectment brought to recover the land, and disposed of in the same manner. It was said that there would be a conflict of jurisdiction with the Court of Chancery, and a conflict of decisions, but the Bill provided an answer

to that. The Bill said that when any difficult question arose, a case might be stated for a court of law, and gave an appeal against the decision of that court, which appeal at last might be carried to the House of Lords. There was another objection which he confessed he had heard with considerable surprise. It was said that if this court were established, it would have the effect of drawing away from the Court of Chancery a great deal of its business. Such an argument ought rather to be used in support than in condemnation of the measure, as, in his opinion, it would be the greatest praise which could be bestowed on it, to say that all who wanted to investigate title would find it convenient to go to this court instead of to Chancery. If the House would consent to go into Committee he was sure that with the able and sincere assistance which his right hon. and learned Friend (Mr. Whiteside) would derive from hon. and learned Gentlemen opposite, any necessary corrections in the details could be made then, and that there would be no difficulty in providing all necessary safeguards. If his right hon. Friend should be successful in carrying this Bill through Parliament he would confer a great and lasting benefit upon the country.

LORD JOHN RUSSELL said, he rose not to enter into the details of the Bill, but to make a few observations on the mode of proceeding with it, and as to the general principles involved. The hon. and learned Member for Aylesbury (Sir R. Bethell) had fallen in with the proposal to refer the Bill to a Select Committee. He had listened to him while he gave his reasons, and it appeared to him that as there were some great principles in the Bill which it was necessary that the House should decide, he could not think that it would be satisfactory to the House that this Bill should go to a Select Committee, without reserving the power of deciding on those principles. As to the framing and wording of the Bill he doubted whether in a Select Committee there would be greater agreement between his right hon. and learned Friend the Member for Ennis (Mr. J. D. FitzGerald) and the Attorney General for Ireland than there would be in the House. As regarded the origin of the Incumbered Estates Court he thought that the learned Attorney General for Ireland had hardly done justice to his right hon. Friend, the Master of the Rolls, to whom great gratitude was due in reference to this subject. Sir Robert Peel had in contemplation a measure of a different character, somewhat similar to the Ulster Settlement; but it did not resemble the measure which was afterwards proposed, and Sir Robert Peel's renown was already so great that it could gain no additional lustre from giving it credit for that to which it was not entitled. The original measure originated with Sir John Romilly, although the question involved was one which had been entertained for a very considerable time, and he remembered that Lord Cottenham could not be persuaded for some time that there would be any progress in reference to incumbered estates, unless the persons who had incumbered estates gave their assent to proceedings. Sir John Romilly, however, proposed a measure which was afterwards carried, with the assent of Lord Cottenham. Consequently the legislation that subsequently followed in this direction was to be traced as the consequence of the Act passed by Sir John Romilly. He (Lord J. Russell) was glad to find that although apprehensions had at first naturally enough been entertained with reference to the success of so novel and sweeping an innovation in the law, that learned Gentlemen, who had seen its effects, and to whom complaints would have come if any real grounds of complaint existed, were so well satisfied with the working of the principle that they were now prepared to give it perpetuity by fresh legislation. When he came into the House that evening he was disposed to think that the learned Attorney General for Ireland had carried the principle of the Bill somewhat too far. In the beginning it was a very strong measure, and though they might take a certain course as to incumbered estates, it was a doubtful matter whether they could carry that principle out in reference to other species of estates. He himself was satisfied that they could carry the principle somewhat further, so as to make it apply to estates for sale; but he thought that the learned Solicitor General had proved very clearly that they could not stop short there either in law or practice, and that other estates, which were neither incumbered or for sale, would be brought by their owners, by some species of evasion, within the compass of this court, and that, therefore, it was better to do directly that which otherwise would be done indirectly. He did not think it followed, however, that when they were very much enlarging the sphere of this court that they should

The Attorney General

choose that moment for making the number of judicial officers of the court smaller than it had hitherto been. He thought that the proper course would be to keep up the three Judges which they had hitherto had, and that it should be declared that in case of a vacancy it should not be lawful for the Crown to fill up the vacancy without having recourse to Parliament. He thought it seemed unwise, without discussing the hardship in any particular case, that it did seem unwise that Mr. Hargreave, who had been for many years in the exercise of his judicial functions, and had succeeded in overcoming the prejudice against the Act, and giving great satisfaction, he repeated that it seemed unwise, instead of giving that gentleman a sufficient salary to do the work for which he was competent, to give him a very considerable retiring pension without requiring any services whatever. He hoped that the author of the measure would consider this matter. His right hon. Friend the Member for Ennis (Mr. FitzGerald) had argued that persons would get their estates disposed of at so small a cost in this court that they would no longer go to the Court of Chancery; but it seemed to him that this was not so much a reason against this measure as it was a reason for diminishing the expenses and solemnizing the forms of the Court of Chancery, rather than clipping the wings of this new court. He should readily give his vote for going into Committee on this Bill without having a Select Committee. He trusted that in establishing a court, which he had no doubt would be very useful to Ireland, it might hereafter be useful to England; and he must say he was glad that the Government was giving attention to so very important a measure with the view to carrying it this Session.

MR. MALINS said, he thought that there could be no second opinion as to the merits of the principle of this Bill; and the only question was, whether a measure involving such complicated details should be referred to a Committee of the whole House, or a Select Committee. No doubt a Select Committee would embrace most of the practical men in the House; and if they could insure their attendance constantly, he should feel inclined to concur with the proposition of the right hon. and learned Member for Ennis (Mr. FitzGerald). But although there would be many advantages in the adoption of such a course, the discussion would be one in which lawyers alone would engage, whereas in a Committee of the whole House it would be joined in both by lawyers and laymen—men of information and sound sense—who would act as assessors, and whose opinion would be of great value. He therefore thought the proper course to adopt would be to discuss the Bill in a Committee of the whole House. As to the general principle, he concurred in the universal opinion that the Incumbered Estates Act had been of great advantage to Ireland, and he thought that the same principle should be extended to unincumbered estates. After all, however, it would be found that unincumbered estates were not very numerous. He did not mean by this to infer that estates were incumbered up to the hilt; but, practically, very few were without an incumbrance of some kind. With regard to the details of the Bill, its effect would no doubt be, looking at the important and extensive jurisdiction to be exercised by this Court, to take away a great part of the business of the Court of Chancery. Now, instead of setting up a new Court, with independent functions, he would suggest that it should be made a branch of that older Court, the jurisdiction of which was exercised so beneficially for the public. He was surprised to find in the 38th section, the power was given to this court which had been taken away from the Court of Chancery. He alluded to the power of sending a special case for the opinion of a court of law. With respect to land generally, there were more mortgages than sales of estates, and therefore he did not see why the mortgagee should not have a Parliamentary title as well as a purchaser. He believed that a great number of the estates purchased under the court had been mortgaged immediately after. There were other objections which he entertained to the Bill, but these were of such a nature that they could not be discussed in the House, and therefore he would support the Motion for the Speaker leaving the Chair. He was for at once proceeding to a Committee of the whole House, and for rejecting the proposal for sending the Bill to a Select Committee.

MR. BUTT said, he had certain objections to the Bill, which he felt could not be properly discussed in the House, and therefore he was in favour of sending it to a Committee up stairs. With all the principles contained in the Bill he fully agreed, and because he agreed with them, he regretted that the right hon. and learned Gentleman had not gone further, and made

the title to land as easily transferable as title to stock. In ordinary cases there was great difficulty in doing this, but Ireland possessed unusual facilities for the purpose, because in the Ordnance map the smallest plot of land could be identified, while this Bill would give every present proprietor an indefeasible title to his land. All that the right hon. and learned Gentleman would require to do, therefore, was to provide that every proprietor should have his name registered in a book, so that he might be easily identified, and where the sale of his land could be recorded. He, therefore, did not see why the present desirable opportunity should be allowed to pass for making a most important piece of legislation complete. A great defect in the working of the court was the expiration of the Parliamentary title with the first purchaser. When the property was purchased in the court, the title was declared to be indefeasible, but if at the end of ten years the purchaser wished to sell, he was obliged to go through all the expensive searches and delays of the old system. Why not allow this indefeasible Parliamentary title to be transferred with every transfer of the property? He had also complaints to make of the machinery proposed, which, with an increased amount of work, was to be very much diminished in numerical force and efficiency. To give an indefeasible title to parties who chose to submit their title deeds for the inspection of the Court was the most responsible thing in the world. In the cases where a property was to be sold at the instance of an opposing creditor, there was some security for an accurate examination. The Judge had the advantage of hearing parties on both sides, while in a mere declaration of a title the Court might declare against the rightful parties in their absence. Now, what was the machinery to accomplish this? Why, with this additional and most delicate duty added to the other business of the court, it was proposed to reduce the Judges from three to two. He further objected to the proposition of giving this power of examining titles to a Court that had what was called contentious business at all. The practical effect would be, that the more showy business, the litigation, would attract all the energies of the Judge, and that he would carry the abstracts of titles, he was called on to examine, home with him in the evening; where he would go through them with jaded spirits in a careless and perfunctory manner. He also was persuaded that if they left the Conveyancing Counsels clause to stand, it would end in the authority being practically thrown into the hands of the counsel, instead of, as it ought to be, entirely exercised by the Judges. These were the objections he entertained towards the Bill. As he had said, he thought they would be better discussed up stairs, but, should the House be of a different opinion, he was ready to discuss them at once.

MR. ADAMS said, that as he had heard no objection raised to the principle of the Bill, he would confine himself to the question whether it should be referred to a Select Committee, or should be considered in a Committee of the whole House. He doubted whether it would be desirable to refer it to a Committee to be composed altogether of members of the legal profession, especially as it could not be expected that those hon. Gentlemen whose presence would be most desirable would attend so continuously as to make much progress during the present Session. He feared, too, that each Member would go into the Committee room with the intention of carrying out his own particular views. There were many points in the Bill that did not require the exclusive attention of members of the legal profession. The subject was well understood; it had been much discussed. There had been a Royal Commission on the question, which had published a most valuable Report in 1856, so ably and plainly drawn up as to be intelligible to any one who applied his attention to the subject. An objection had been raised to the reduction of the number of Judges, but it must be remembered that when the Incumbered Estates Court was first established there was an enormous accumulation of business, such as was not likely to occur in future. If the number of Judges now fixed should be found insufficient for the business to be transacted, it would be easy to appoint another; but if a third were originally appointed, it would not be so easy to get rid of him if his services were not required. It had been objected that there would be no saving of money. That was a mistake, for there would be a saving of £1,000 a year in the salary of the Judge, and also the entire expense of a third court. The question, however, was not one of £1,000 a year, but of public efficiency; and by two Judges sitting separately the business would be got through satisfactorily. He should, therefore, approve of the appointment of two Judges in the first instance, reserving

Mr. Butt

to himself the right of concurring in the appointment of a third Judge the moment it should become necessary. He did not believe that there would be, as had been stated, more difficulty in dealing with unincumbered estates, than was experienced in dealing with incumbered estates. In fact, even fictitious incumbrances were got up for the purpose of obtaining the Parliamentary title. They were not about to establish a new principle, but merely to extend the application of a principle that had been eminently successful. They had the machinery ready to their hands — a machinery which had been found efficient in carrying out the experiment which had been made. The great difficulty in the way of increasing the number of small independent freeholders in Ireland—a class which formed a most valuable portion of the population of this country—had been the expense of making out the title, especially where incumbrances existed, the cost of which, when the property was divided into small holdings, being sometimes equal to the value of the land. But when once a good Parliamentary title was obtained to an estate small portions of it could be sold without these heavy expenses, by a simple reference to the Parliamentary title. This would have the most favourable result in facilitating the sale and acquisition of small properties. Again, if no difficulty had been experienced in cases where there was likely to be contentions, could they imagine that there would be more or so much difficulty when they had to deal with cases where no contention was likely to arise? A suggestion had been made that the court should form part of the Court of Chancery. He hoped that that would not be so, for the Court of Chancery had not been such a very great favourite in Ireland as to render it desirable to confer all these additional powers upon it. It would be better to have a tribunal with all the powers of the Court of Chancery, and not to adopt a form which would be objectionable to many. He hoped that this measure would be a forerunner of a similar system for England, when the means for adopting it were supplied; and that the Session would not pass without the machinery being supplied for the introduction of a similar system. In conclusion, he hoped that they would go into a Committee of the House on the Bill.

SIR ERSKINE PERRY said, that the hon. Gentleman had referred to the question of the salaries of the Judges as an unimportant matter. It was not so, however. He agreed that the Court of Incumbered Estates had been the most successful experiment in the way of law reform that had been passed in this generation. But what were the grounds on which the Court had become so popular? He attributed its success mainly to two causes,—first, that the learned Commissioners had administered all the work of the Courts themselves, and had referred nothing to clerks, masters, or examiners; and, secondly, that they had adopted most simple, rational, and philosophical rules of procedure—one of which ought to be inscribed in letters of gold over every court, to the effect that no informality should affect the suitor, but that justice should be done in every case to every individual. The Attorney General for Ireland, instead of this satisfactory court, was going to constitute a court of the same magnitude and importance as the other courts of the realm. He was going to raise the salaries of the Judges from £2,000 to £3,500 a year. If they raised the salaries of the Judges beyond what was necessary to secure efficiency, they would run into great danger, and the result would be that the clerks and conveyancing counsel would do the duties which the Judges ought to perform. It was most desirable to have the salaries as low as at present, and in that way they could increase the number of Judges as occasion required. On these grounds he did not think the plan of the right hon. and learned Gentleman a sound one. It would be far more economical to keep the three gentlemen on their present salaries than to pension off one of them on his full salary, and these views he would urge upon the Committee when the Bill reached that stage.

MR. MONSELL said, he should be unjust if he did not express to the Attorney General for Ireland his opinion of the great debt of gratitude which that country owed him for the introduction of this admirable measure, which he trusted would be proceeded with speedily and with as little alteration of its fundamental principles as possible. There was nothing he should deprecate so much as that it should be referred to a Select Committee, particularly one of lawyers. The Bill was too good a one for Ireland to render it desirable that the risk of its reference to a Select Committee should be run. He thought, however, that there should be three Commissioners instead of two; and he objected to the appointment of conveyancing counsel.

But these were points of detail which could be perfectly well discussed in a Committee of the whole House.

COLONEL GREVILLE said, there could be no doubt that the working of the Incumbered Estates Court had been most beneficial to Ireland, and the time had now come to extend the benefit of an indefeasible Parliamentary title to unincumbered estates. After the experience of the eight years' working of the Incumbered Estates Court, he thought that the House was perfectly able to deal with this Bill without referring it to a Select Committee. He must say that he thought it would be exceedingly injudicious to dispense with the services of Mr. Commissioner Hargreave, who had been engaged in the working of the Incumbered Estates Court since its foundation; had assisted in drawing up its rules; and was one of the ablest of the Judges who had presided in it. His withdrawal, moreover, would lead to a delay in the disposal of the cases which were at present pending before him. He hoped that the right hon. and learned Gentleman, the Attorney General for Ireland, would reconsider this point, and would assent to the retention of the services of Mr. Hargreave in this court. The 15th clause was open to objection, because, the Court being permanent, he did not see what object the proprietor could have in obtaining the Parliamentary title until he wanted to sell his estate. He objected also to the levy of a duty on the sale of Estates, which was contrary to the recommendation of the Commissioners who had inquired into the working of the Incumbered Estates Court. These, however, were all matters of detail which could be settled in Committee.

MR. WHITESIDE said, he had received communications from all parts of Ireland on the subject of this Bill, and in no one case was any opposition expressed to the principle of it. It was true he had at first thought that the Court of Chancery might transact all the business of the proposed Landed Estates Court, but happy was the man who could say that he had never changed his opinions. He had since thought it unadvisable to bring into the Court of Chancery all the arrears of the Incumbered Estates Court; and he had arrived at that conclusion in company with the hon. Members for Carlisle and Oxford University. When the present Government came to consider this question they found ready to their hand, to assist them in arriving at a conclusion, three Reports of great value—one of a Commission which sat in 1846, another of a Committee of that House at a subsequent period, and the Report of the Commission appointed to inquire into the registration of titles in this country. They had, moreover, the experience of the working of the Incumbered Estates Court for eight or nine years; and the present Bill was to the subject, the result of the best consideration they could give with these aids and appliances at their command. There were, as the right hon. and learned Member for Ennis (Mr. J. D. FitzGerald) observed, several verbal inaccuracies in the Bill, but these it was his intention to have corrected, and the Bill would be reprinted for that purpose. He found that several eminent Chancery lawyers were afraid lest the Bill should create a second Court of Chancery; but were they sincere in their alarm? The principle of the Bill was, that without the intervention of a Chancery suit, a contract for the sale of land should be submitted to this Court, so that what would be done circuitously and badly in the one case, should be done cheaply and expeditiously in the other. Objection had been taken to the clause having reference to receivers. He did not approve receivers, but as such officers might in some cases be deemed necessary, it was thought better to allow the Court to decide when they ought to be appointed. He was not, however, wedded to that clause, and if the House when in Committee, however, was of opinion that it should be omitted, he would be quite willing to do so. An objection had also been taken to the employment of conveyancing counsel. Here, too, if the House was of opinion that this part of the Bill was unadvisable, he would most readily bow to its decision. He had put in the clause relative to conveyancing counsel, not to shift the duties of the Judge over upon them, but because it was thought that it would be advantageous to have the assistance of three eminent men approved by the Lord Chancellor, and who would be prohibited from practising in the Court in the investigation of the abstracts of titles. It had been asked, what provisions there were against fraud. Now, independently of the three Reports upon the table, a series of questions had been drawn up at the instance of the Lord Lieutenant, and submitted to the Chief Commissioner. One of these questions was, whether any additional check would be required in making out a title, or giving an adjudication upon

the title of an owner in fee simple, and the answer was, that there would be no necessity for any extra check. His great object was so to simplify the sale and transfer of land, that when an owner had once obtained a title, he might, whenever he chose, sell or lease small portions of the land, and have the power of doing so without the aid of a conveyancing counsel. The number of Judges in the Court was, no doubt, worthy of serious consideration. When the late Government introduced their Bill, they proposed that two Vice Chancellors of the Court of Chancery should be created, who should perform all the business of the Incumbered Estates Court, who should bring up all arrears, and sit in the Court of Chancery. His proposal was to have two Judges, who should not be called upon to do the business of the Court of Chancery, but who should sit in this particular Court, the petitions for sales in which had been diminishing until in the last three months there were only seventeen petitions per month. The time of at least one Judge had been saved by making the two Judges sit separate and apart, each having supreme jurisdiction in his own Court. An appeal would lie against the decision of each Judge, and they would thus be enabled to get through more business than three Judges on the existing system. By the Bill this country might have the benefit of Mr. Hargreave's services, and it would be provided that he would lose the compensation granted to him when he obtained an office under the Crown of equivalent or superior value. The other officers who might be displaced would also be dealt with by the Treasury in a liberal spirit. He trusted that the Court, under the new Bill, would be self-supporting. In that case the country would be relieved from an annual charge of £18,000, while the titles of property would be simplified, and sales would be facilitated. He believed that the measure had given, and would give, unfeigned satisfaction, and he would now move that the Bill be committed *pro formâ*.

MR. FITZGERALD said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill *considered* in Committee.

House resumed; Bill *reported;* to be *printed*, as amended [Bill 105]; *recommitted* for *Thursday* next.

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee read.

House in Committee. Mr. FitzRoy in the Chair.

(1.) £79,275, Salaries and Expenses of British Museum.

LORD JOHN RUSSELL, who spoke in an indistinct tone of voice, said that there was a considerable increase in the amount of this Vote as compared with the Estimates for previous years. An increase had taken place in the salaries of £2,820; house expenses, £600; purchases, £3,450; bookbinding and cabinets, £5,200. There were also some increased charges for catalogues, the whole increase being £12,800. The Treasury had deputed Sir C. Trevelyan and Mr. Arbuthnot to inquire into the re-arrangement of salaries rendered necessary by some recent changes. They went to the British Museum several times, and proposed to the Trustees a plan of remuneration by salaries which had been considered and adopted. The sum for purchases had been much increased, especially in the department of books and drawings. For some years the Estimates for books had been below the usual amount because there had been no room in which to place them, and it was only since the new reading-room had been completed that the requisite space had been found. In 1846 the sum proposed by the Treasury for printed books was £10,000. For several years, however, the Estimate had been a good deal below that sum. It was now proposed to restore the vote to its former amount of £10,000. Less would not suffice, because there were books published in series which had not been supplied in consequence of the reduction of the Vote. The increase of books had caused a good deal of bookbinding, and there was also an increase under this head. The charge for printing catalogues had also increased, because a new catalogue had been prepared as a general guide to the Museum. He was happy to state that the Museum had been more generally useful to the public that in any former year. The new reading room, which had been projected many years ago, according to the original suggestion of Mr. Panizzi, had been found exceedingly successful, and had given general satisfaction. The number of readers had greatly increased. For several years the average attendance was 180 persons. Last year the number increased to 200, but since the reading-room opened on the

18th of May of last year the number had increased to 400 a-day. The number of persons attending the Museum in 1856 was 361,714, and in 1857, 621,034. A great number of early-printed books were now kept in show-cases—in a manner that had never before been done. Arrangements were also in progress by which many valuable engravings would be shown which hitherto had not been accessible. In this manner the collections contained in the Museum would be made more profitable and more easy of access than they had yet been. It was, however, to be regretted, that there was still a want of room in the establishment, in consequence of which a number of valuable marbles were obliged to be placed in the portico. This was an eye-sore, and it was also very unsuitable to the marbles themselves. The noble Lord concluded by moving that a sum not exceeding £79,275 be granted to Her Majesty to pay the salaries and expenses of the British Museum.

SIR JOHN TRELAWNY asked the noble Lord whether he would encourage the principle of allowing the British Museum to be opened on the Sunday afternoon after Divine service?

LORD JOHN RUSSELL said, he did not think that the Trustees had any power in the matter; and even if they had, he did not think they would be at all disposed to make any such regulations.

SIR JOHN TRELAWNY said, there were numbers of people who could only visit the Museum on Sunday afternoons, and he did not think it would injure the morals of society if they were admitted after Divine service, as at Kew and Hampton-court.

MR. GLADSTONE said, it was hardly reasonable on the part of the hon. Baronet to make his application to his noble Friend the Member for London, as one of the Trustees of the British Museum. The question of opening places of amusement and recreation, or places of secular instruction on Sundays, was a great question of public policy. Whatever might be the private opinions of the Trustees, they could not be expected to take on themselves to open the Museum on Sunday afternoons. It was rather for the hon. Baronet and those who thought with him to make a proposal to that effect in the House, and they knew pretty well what the fate of such a proposal would be. The responsibility of settling the question was in the hands of the House of Commons and the Executive Government, and certainly not in the hands of the Trustees.

SIR JOHN TRELAWNY said, he intended to appeal to the House of Commons.

LORD ELCHO said, there was a great want of space in the British Museum, and the collections of drawings, engravings, prints, marbles, antiquities, and manuscripts were almost inaccessible. He had been moreover informed that there were some valuable marbles at Halicarnassus belonging to the Museum which could not be removed there for want of space to receive them. The Government ought to boldly face the question of room by endeavouring to methodize and subdivide the various collections. The merit of the archæological collection was that it was a complete historic series, and whether it remained in the Museum or was removed elsewhere it could not possibly be divided. Mr. Newton, in a letter to Mr. Panizzi, suggested that a distinct line should be drawn between Pagan and Christian art, and that while the British Museum retained the Pagan, the Christian part should be combined with the national collection of pictures. He thought that suggestion well worthy the attention of the Government, and when they were considering the demand for space they might also inquire whether it was not desirable to remove the collection of Natural History. The public money need not be wasted in making collections in duplicate, and even in triplicate. There was a mineralogical collection in the British Museum, and another in Jermyn Street. There was a botanical collection at the British Museum, and another at Kew. There was a collection of portraits in the British Museum, and they were making another in George Street. There was a collection of mediæval art in the British Museum, another at South Kensington, and a third in Jermyn Street. What was wanted was a methodizing of these various collections, and bringing them into order and arrangement. Great increased accommodation was required for the marbles, which rapidly accumulated. The Government was in full possession of evidence upon the subject; and he would ask the Chancellor of the Exchequer, without further inquiries, for a commission to take steps to methodize the various collections belonging to the public.

MR. GREGORY said, he concurred in the observations of the noble Lord as to the want of space, and the possibility of obtaining it by a new arrangement of the Museum. It was absolutely necessary in order to keep pace with the progress of the age that lectures should be given at the Museum explanatory of the varied treasures which it contained, to which the middle classes might be admitted. By this means those who were unable to purchase the catalogues would be enabled to appreciate the value of the collections there assembled. Professor Owen had given a very strong opinion in favour of such a plan, and there were gentlemen in the Museum quite competent to deliver most instructive lectures. In another year he should certainly move that such a system of lectures be established.

MR. DUFF said, he was afraid that the secondary officials at the Museum—many of whom were men of European reputation—were not sufficiently well paid. This was not by any means an economical system, for though first-rate men were now working at the Museum at very low salaries, there were not wanting indications that in the course of ten or fifteen years it would be quite impossible to obtain men of equal abilities at so low a rate. He quite agreed that to the present duties of these gentlemen might be added that of delivering a certain number of lectures. There were many officials at the Museum competent to deliver most instructive lectures, and such an obligation would be a very good test of efficiency to attach to all future appointments.

SIR PHILIP EGERTON said, that the trustees had not the power, and he believed they had not the disposition, to open the Museum on Sundays. They were willing to give every facility on the week days to the working classes, and had accordingly opened the Museum in the summer months at an early hour on Saturdays. He did not agree with the noble Member for Haddingtonshire (Lord Elcho), nor did the scientific world agree with the hon. Member in the views which he had expressed. Want of room was a bugbear which had been made a great deal too much of. They had it in evidence that any extension of the collection in the next ten years might be amply provided for, if a light cast-iron gallery was put round the room in which the collection now was. A storey might also be added to the first room for the use of the officials, as for want of private studios they now had to occupy one of the finest galleries in the Museum, to which of course the public were not admitted. He hoped a Vote would be taken for the purpose of providing accommodation for the officers.

MR. TITE said, he thought it pretty well settled that the pictures must remain at the National Gallery, but that the gallery must be enlarged. The natural history collection at the British Museum might go the Linnean Society. With regard to the question of room he thought that much space might be gained at very small expense by taking in the houses on the north side of the Museum. He wished also to ask of the noble Lord whether something could not be done to make the bequests which ever and anon were made to the British Museum a matter of greater notoriety, as, for example, the Temple collection. He might also remind the Committee that the fine archæological collection of the Marquess de Campanella at Rome was now to be disposed of, and it might be an object worthy the attention of the Government to endeavour to secure it. The question of lectures was a large one. If they were established he did not think there would be room enough in the Museum for the people who would flock to hear them. With regard to the remarks made to the salaries of officers, he thought that question must be left in the hands of the honourable men who undertook the management of the affairs of the Museum.

SIR JOHN TRELAWNY suggested that arrangements should be made by which on three days of the week the working classes might have an opportunity of inspecting the Museum in the evenings after working hours; and that on Sundays a large room in the Museum might be set apart in which objects illustrated by Scripture history might be viewed by that class of the population.

LORD JOHN RUSSELL, who was at times inaudible, was understood to say that the question of opening the British Museum on Sundays had been brought before the House on a former occasion. It was not one that the Trustees could properly entertain; but if the House were to decide that the Museum should be opened on Sundays the trustees would have simply to bow to that decision. The archæological collection of the Marquess de Campanella having been mentioned, he might state that his right hon. Friend near him, when Chancellor of the Exchequer,

made an offer for its purchase. That offer, however, was thought inferior to the value of the collection, and no answer was returned. Since that time the Papal Government had come into possession of the collection, and if it should be sold, the Trustees of the British Museum would have power to make an offer for it or for some part of it. Every year there were proposals by hon. Members to remove some parts of the collection ; the parts of course in which they took no interest. He did not, however, believe that any one of the great branches of the Museum—he meant the libraries, the antiquities," and the archæological collection could be removed with benefit to the public ; and he hoped when the Government came to consider the whole matter they would not consent to the removal of any one of these three great branches from the Museum. By purchasing property towards the north the building might be enlarged in that direction, at an expense which had been estimated at £150,000 ; but he did not think the Government would be justified in proposing the expenditure of such a sum, without looking into the whole subject. As to opening the Museum in the evenings for the benefit of the working classes, that was a question which had been carefully considered by the Trustees, and he thought they were all of opinion that there would be great danger of fire from such an arrangement, and they felt it to be their duty, while endeavouring to make this great national collection committed to their care as much as possible available to the community at large, to take every precaution to secure its preservation.

Mr. JOHN LOCKE said, the working classes took a great interest in the collections, and it was odd that they should be denied the privilege of visiting the Museum on the only day on which their avocations admitted of their seeing it. He believed the great majority of that House were disposed to concede them that privilege, but many hon. Members declined to take part in a question which was not altogether palatable to certain portions of their constituents. It was fashionable to talk of giving the working classes a half-holiday on Saturdays, but such a proposition was simply absurd, unless employers would consent to give a full day's pay for half a day's work. What could be the object of denying that class of the population the opportunity of seeing the Museum on Sundays? They contributed towards its maintenance by the taxes they paid. They worked from morning till night throughout the week, and Sunday was the only day which was left them for recreation, and that day, by the legislation of Parliament, they were compelled to pass in a manner that was not satisfactory to their well-wishers nor agreeable to themselves. The noble Lord last year had said that the question of opening the Museum on Sundays was not a matter for him as a Trustee to decide, but was one upon which the House of Commons should pronounce an opinion, and that opinion he (Mr. Locke) hoped they would now pronounce.

Mr. GLADSTONE said, the hon. and learned Gentleman (Mr. J. Locke) was quite right in saying it was the business of the House of Commons to pronounce an opinion upon the question of opening public institutions on Sundays, but he must have forgotten that the opinion of the House upon that subject had been formally challenged two years ago, and was pronounced in a most decisive and emphatic manner. That opinion was confirmed by so vast a majority that although it did not prevent the hon. and learned Member from again raising the question, yet it did excuse the Executive Government from taking any different course than they had taken. It was quite open to the hon. and learned Member to challenge another discussion upon the subject. With respect to the discussion that had taken place as to the intermixture of the establishments of the Museum, and the still greater question of the space at present afforded for the collection and the demands for additional space continually accruing, those were more pressing subjects for consideration. One hon. Gentleman complained of the inadequate remuneration of the lower officers of the British Museum. Perhaps the hon. Member had not noticed, and if not it would be gratifying to him to know that the Trustees had recommended, the Government had adopted, and there was now proposed in the present Vote a considerable increase in that remuneration. As to the great questions of the accommodation afforded by the British Museum, and that alluded to of the methodizing of the collections, they were much too large for discussion upon the present occasion. That discussion must be taken in connection with other questions, themselves considerable in importance,—as to the site of the National Gallery, the disposal of the ground

at Burlington House, as to the disposal of the great estate at Kensington, clearing Marlborough House of the pictures, and comprehensive arrangements for the vast wealth of the public in collections of art, science, and objects of natural history. He would not enter upon that subject, but he felt bound to reiterate the opinion, that a proposal for a large increase in the space at present occupied by the British Museum, with a view to keep together the whole of the collections in that establishment for a considerable or indefinite period, was hardly to be expected. He did not believe those collections could always be kept together. The time must come when the question of separation would have to be met. The noble Lord (Lord J. Russell) had spoken of £150,000 that would be required for the purchase of houses now occupying land to the north of the British Museum in order to carry out a suitable enlargement, but the noble Lord did not intend to convey to the Committee the idea that any such sum would go far in that direction. And that was his (Mr. Gladstone's) belief. If it was the intention of the House that, for any considerable period —for the next generation—the collections of the British Musuem should be kept together, then they must be prepared to spend upon the spot a much larger sum of money. He could not as a Trustee, or as a Member of Parliament, recommend that the Government should make a demand upon the House of Commons for the purpose without considering what the public had been doing towards providing accommodation in other quarters. In 1852 no less than £140,000 was paid for the site of Burlington House, and in 1853 and subsequent years £180,000 was paid for portions of the Kensington estate. Thus, something like £320,000 had been laid out by the public in the acquisition of sites for this purpose. One of those sites was the great quantity of land—something like 100 acres—at Kensington, affording an immense amount of accommodation for objects of the nature now under discussion, and of which, up to the present time, only a small fraction had been applied to that purpose—namely, the small portion upon which the new Museum had been erected. Although only a small portion of that site had been applied to the purpose for which it was originally intended, yet the application of that small portion had been followed by most gratifying results. Both as to the number of persons who visited the Kensington collection and their demeanour the result had been far beyond what the most sanguine had calculated upon. At the present moment he would not go further than to express his opinion that they must look not only to the question of the extension of the British Museum upon its present site, but they must also be prepared to confront the very difficult question as to the separation of the collections of that establishment. What separation there should be he was not prepared, nor was he the most competent person to decide. He knew what would be the feelings of his hon. Friend the Member for Cheshire if anything were said about the removal of the collections of objects of natural history, and yet he had a suspicion that when the question was raised it would be that portion of the collection in the Museum to which public attention would first be directed. He would go no further at present ; but as to the fact that a separation must take place he felt sure, and he thought it would be unreasonable and unjust to call upon the public for large sums for increased accommodation until that question had been fully considered.

THE CHANCELLOR OF THE EXCHEQUER said, he agreed with the right hon. Gentleman (Mr. Gladstone) that the time would come—indeed, he might say had come—when they must consider the question of how the public collections of this country could most effectively be arranged. That was a question which could no longer be avoided. He was not at all prepared to say that the consideration of the question should be postponed. Committees and Royal Commissions had fulfilled their tasks ; all the information required upon the subject was in the possession of the House, and what was wanted was a determination to avail themselves of that information, in order to act upon it. He felt it was the duty of the Executive Government not to shrink from the question of the British Museum, as that would probably be the first establishment that would compel them to come to some solution of the difficulty. It was in the various, almost the universal, character of that collection that the difficulties which the House had now to contend with found their principal origin, and he was afraid they would not be able to encounter the obstacles in their path until they simplified the contents of the Museum. If they maintained the various collections of which the Museum

consisted in a manner to preserve their character as first-rate collections, it was impossible that they could keep them under the same roof. The only condition under which they could keep them under the same roof was, that they should become second-rate collections, a conclusion which the nation would not readily sanction. Allusion had been made to the frequent and munificent efforts which the country had made at intervals to obtain proper sites. Without space nothing effective could be done, and it was the want of space that had been the cause of the scattered position of our collections, and of our being unable to effect that convenient arrangement which was so necessary for the public accommodation. A great effort was made six years ago, when he proposed that the House of Commons should vote a sum of £180,000 in aid of a sum of equal amount, which was the balance left from the receipts obtained at the Great Exhibition of 1851. With that united sum, amounting to upwards of £300,000, an extensive portion of land at Kensington was purchased, with the idea that there would be an opportunity, not only of relieving the Museum, but of finding a home for our scattered collections, where they might be seen and studied to greater advantage by the public. That site had been held by the Royal Commissioners on behalf of the public; but it was useless to disguise the fact that the expectations which the House indulged in when it voted £180,000, had been entirely disappointed. The partnership between the Exhibition Commissioners and the House, though conceived in a right spirit, had not been fruitful of results. Objections had been raised to the site itself, as being at too great a distance from the centre of the metropolis; other causes had operated in the same direction, and the result had been that, though a considerable period had elapsed since the purchase of the Kensington estate, few of the great objects contemplated had been accomplished. Indeed, the only one had been a temporary museum of science and art, but the success of that establishment had not, as might perhaps have been expected, induced the public generally to change their opinion upon the main question. The question now was, what, under these circumstances, was best to be done? He had to state that the Exhibition Commissioners had made a proposition to the Government which he thought deserved the attention of the House. It was to dissolve the partnership which had been so barren of results. The Commissioners called upon the Government, in the first place, to assist them in carrying out the original scheme, but the Government did not find themselves in a position to do so, and then the Commissioners proposed that they should repay to the country the sum of £180,000 voted by the House of Commons six years ago, with a moiety of all rents received during the interval. On the part of the Government, he had assented to that proposition, subject, of course, to the approval of the House. He believed they would find it a prudent and advantageous arrangement. The Royal Commissioners would thus become the sole proprietors of the land at Kensington, and would be able to devote it to the purposes of science and art. There would be an end of all those jealousies which had so long prevailed, and all intention or power of placing the National Gallery at Kensington would, of course, be given up. If the House agreed to that arrangement, which it would soon be his duty to bring more formally under their notice, they would then have to consider the question of the National Gallery without reference to the site at Kensington-gore. Thus would terminate an old and painful controversy. He trusted that the discussion which had taken place would convince the House and the country of the necessity of encountering difficulties which could no longer be procrastinated, and that some satisfactory arrangement would soon be made for the accommodation of the highly interesting and valuable contents of the British Museum, National Gallery, and our other national collections.

SIR JOHN SHELLEY said, he had heard with great satisfaction the speech of the right hon. Gentleman the Chancellor of the Exchequer, and he joined with him in expecting good results from the arrangement he had mentioned. As to opening these institutions on Sundays he should vote in favour of it, and he also referred to the uniform good behaviour of the working classes when visiting the national institutions, and urged that the British Museum should be kept open till eight o'clock on Mondays and Saturdays in the summer months. There would be no greater danger from fire than at present. It was advisable to afford the working classes the fullest opportunity of visiting the national institutions.

The Chancellor of the Exchequer

MR. COWPER said, he should strongly condemn the proposition for opening such places on Sunday, which was against the wish of a large portion of the working classes themselves, who were apprehensive that if this principle were once admitted, it would not be long before their employers would take the hint, and deprive them of their day of rest. It was a mistake to say that Sunday was the only day on which the working man could visit the Museum. The working men of London seldom worked the whole of the six days, and the experience they had had of the South Kensington Museum proved that they could spare time of an evening to visit public institutions. He thought, therefore, that the Museum might be kept open later in the evening, and that the apprehensions with respect to fire mooted by the noble Lord the Member for London were groundless. He also suggested, that inasmuch as the Museum possessed several duplicate works which they would be anxious to sell if they had power, Parliament should empower them to present such works to local libraries in the various towns of the kingdom. The same might be said with reference to duplicate portions of the collection of rare and curious articles.

MR. AYRTON said, he did not wish to enter upon the subject of opening the British Museum on Sundays, as it had been decided by a large majority that it should not be opened. But he desired to state that all the inhabitants of the metropolis would hear with very great satisfaction that we were going to get rid of the Kensington-gore establishment. He believed that the minds of all people would be greatly relieved when they heard that the consideration of that question was to be no longer embarrassed by the peculiar ideas of some people in relation to that property. But he hoped that the Chancellor of the Exchequer would take care that he should not be overreached in the bargain. He thought the right hon. Gentleman would do well, before he concluded the bargain, to call in some person cognisant of the value of land in the neighbourhood in question, in order that the public might receive full value before they relinquished their part of the property. He hoped that care would be taken to secure to the public, payment not only of the principal, but of the interest that had accrued. He was glad that the question of the National Gallery might now be discussed irrespective of that particular estate. He had no doubt that a desirable site would be easily found in the centre of the metropolis for the erection of a National Gallery.

MR. JACKSON said, he hoped the Government would inform the House distinctly as to the terms on which the partnership in the Kensington property was to be dissolved.

MR. KINNAIRD observed, that he believed that the land in the immediate vicinity of the plot of ground in question had this year increased at least three times in value. He trusted that nothing would be done to alter the vote to which the House came against the opening of the British Museum on Sundays, but that it would be opened during some of the other days of the week at such hours as would enable the working classes to visit it.

THE CHANCELLOR OF THE EXCHEQUER remarked, that it would be better to refrain from going into details upon the Kensington property until he introduced a measure upon it. He might, however, observe, with respect to the statement of the hon. Gentleman (Mr. Kinnaird) as to the increase in the value of land in the neighbourhood in question, that that increase had taken place with regard to land for building purposes; but the land purchased by the Royal Commissioners could only be used for the original corporation—namely, for the purposes of art.

MR. CONINGHAM said, he did not wish to reopen the Sunday question, but he would submit that the British Museum ought to be opened to the working classes five or six days in the week instead of merely three as at present. The state of the Museum might truly be said to represent the state of our civilization and mental culture. No one who walked through the thoroughfares of the metropolis and saw the frightful monuments of our celebrated men could help regretting that those who had to decide upon the erection of those monuments did not take the trouble to visit the Museum and inspect the wonderful ancient monuments there. Had they done so, they could never have sanctioned such solecisms and deformities as were to be seen at Hyde Park-corner and in Trafalgar Square. It was with some satisfaction that he heard that the Brompton scheme had been given up, because he was instrumental in preventing the removal of the pictures in the National Gallery beyond the reach of the inhabitants of the metropolis. If the Royal

Academy were removed from Trafalgar Square the National Gallery would be large enough to contain all those pictures for which there was now no room. In the Estimates it was proposed to take a Vote of £10,000 to enable the trustees to purchase pictures during the current year, upon which he intended to divide the Committee, unless the explanations of the Chancellor of the Exchequer with reference to the removal of the Royal Academy from the National Gallery in Trafalgar Square should prove to be satisfactory.

LORD ELCHO remarked, that if any justification were needed of the observations which had fallen from him in reference to the British Museum, it was to be found in the speech of the Chancellor of the Exchequer. He might also be permitted to say that he was extremely glad to hear from the right hon. Gentleman that there was an end of the long-debated question of the site of the National Gallery. He also thought that the question of the removal of the Royal Academy from the building in Trafalgar Square ought to be considered at an early period.

Vote *agreed to:* as were also

(2.) £26,887, for New Buildings, and Fittings at British Museum.

(3.) £5,000, Purchase of Objects for ditto.

House resumed.

Resolutions to be reported on *Monday* next.

SUPPLY.—REPORT.

MR. FITZROY brought up the Report of the Committee of Supply.

On the question that the first Resolution, granting a sum of £46,375 for Solicitors' Charges, including Mint Prosecutions, be agreed to,

MR. G. A. HAMILTON said, he wished to take that occasion to state,—several questions having been put to him in reference to the balance of those Votes now lying to the credit of the different services in the Exchequer—that, as a member of the Committee upon Public Moneys, he entirely approved the suggestions which it had made. It would no doubt be desirable to carry into effect the recommendations of the Committee on Public Moneys as soon as possible, but there were great practical difficulties in the way of doing so, and more especially in reference to those Votes which were taken not in accordance with the actual sum spent during the year. In certain Votes that were taken the sum voted became chargeable for the service for which it was voted, without any reference to time, so that where there was a surplus in one year the sum asked for in the next year did not represent the sum expended. It was not so with the Votes for the Army and Navy, for the sums voted for those services were restricted as regarded the time for which they were voted to one year, and any balance which there might be was returned to the Exchequer, and before the recommendation of the Committee could be carried into effect the same system which prevailed with regard to the Navy and Army Estimates ought to be extended to the Civil Service Estimates. Another difficulty was that the Civil Estimates were voted after the expiration of the financial year, and therefore it was necessary to provide for the period between the end of the financial year and the time when the Votes were taken. There were six Votes in which the estimated cost for the current year differed from the Vote to be voted. With regard to five of them, the sum estimated was fully set forth, as well as the sum to be voted. With regard to the first of these Votes, namely, that for the sheriffs of Scotland, the Estimate was £50,000, and the sum to be voted was £25,000. The next Vote for the law charges of Scotland, No. 27, was £51,629, as estimated; the sum to be voted was £26,620. The Estimate of No. 46, being for the cost of prisoners and convicts, was £430,000; the sum to be voted, £380,000. The Estimate of Vote 47 was £190,000, the sum to be voted £140,000. The Estimate of No. 48, being for the transport of convicts, £44,000; the sum to be voted, £24,715. With regard to all these Votes there were balances in the Exchequer from last year, and therefore they only asked the difference between that balance and the amount required for the present year. This was the principle on which these Votes had been usually calculated, but he considered the system an objectionable one. He hoped, therefore, that his right hon. Friend the Chancellor of the Exchequer would, in the course of the present Session, introduce a measure by which at least a portion of the recommendations of the Committee on Public Moneys would be carried out, and the Civil Service Estimates placed on the same footing as the Naval and Military Services; that was to say, the Votes would be taken for the service of the year, and the balance, if any,

carried to the credit of the Consolidated Fund.

MR. WILSON said, that he would not at that late period of the night go into the question, but he could assure the hon. Gentleman that he was mistaken in supposing that the Estimates had ever been presented in that form before.

Resolution *agreed to.*

On bringing up the Vote of £14,118 for the Salaries and Expenses of the General Register House, Edinburgh,

MR. G. A. HAMILTON said, he would move the recommittal of this Vote. The Vote, as passed by the Chairman last evening, had certainly been unchallenged by inadvertence, and he felt confident that, if the Committee had had the opportunity of judging of the case from the papers which since then had been laid on the table, they would have arrived at a different conclusion. The effect of striking off the £1,000, as the Committee had determined last evening, would be to destroy a most important office in Scotland connected with the transfer of land; and he would therefore move that this Vote be recommitted to the Committee of Supply.

Motion made and Question proposed, "That the said Resolution be recommitted."

SIR JOHN TRELAWNY moved the adjournment of the House.

THE CHANCELLOR OF THE EXCHEQUER expressed a hope that the hon. Baronet would not throw any obstruction in the way of public business.

SIR JOHN TRELAWNY said, he did not wish to do so; but he understood one item, that of the salary of the Lord Clerk Register, was open to immense objection, and he wished to stop it.

MR. WILSON observed, that the only way in which the Vote could be fully reconsidered and discussed was by assenting to the Motion of his hon. Friend (Mr. Hamilton).

MR. COWAN said, he had had the opportunity of reading the papers of which mention had been made, and he begged to assure the House that he did not shrink from the responsibility he had assumed last night in moving the reduction of the Vote. He hoped the Government would consent to the production of other papers, besides those now in the hands of the printers, particularly of a communication from Mr. Henderson, the Queen's Remembrancer in Scotland, who, it was alleged, had advised the suppression of the office in question two or three years ago.

SIR JOHN TRELAWNY added, that he could not regard the decision on this Vote last night as an inadvertence. It was a distinct victory achieved over the Government in their attempt to perpetrate a job.

Motion for adjournment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Subsequent Resolutions *agreed to.*

LOCAL GOVERNMENT BILL.
COMMITTEE.

Order for Committee read.

House in Committee.

MR. PALK said, he must complain that a Bill of so much importance should be placed in such a position on the paper that it could not be considered until after one o'clock.

THE CHANCELLOR OF THE EXCHEQUER observed, that morning sittings would commence very soon, and the hon. Gentleman would then have a full opportunity of discussing any measure in which he was interested.

Bill *considered.*

House resumed.

Bill *reported;* to be *printed,* as amended [Bill 106]; recommitted for *Friday* next.

House adjourned at half after One o'clock till Monday next.

HOUSE OF LORDS,

Monday, June 7, 1858.

MINUTES.] *Took the Oaths.*—The Lord Bishop of Limerick, Ardfert, and Aghadoe.

PUBLIC BILLS.—1ª Oaths Substitution; Universities and College Estates; Jews.

3ª Non-parochial Registers.

CASE OF COLONEL JOHNSTONE.
QUESTION.

LORD PANMURE wished to ask his noble Friend the Under Secretary for War a question relating to a subject in which he felt a very deep interest, as affecting the character of a military friend of his. It would be recollected that early in the history of the unfortunate mutiny in India a very considerable outbreak of Sepoys took place at the station of which Colonel Johnstone of the 87th Regiment was the commandant, and that he was generally accused throughout India of two very great derelictions of duty,—first, of not having in proper time disarmed the regiments that afterwards mutinied; and secondly, of

having exhibited great remissness in following up the mutineers after they did mutiny. Colonel Johnstone, labouring under these imputations, communicated with him at the time he had the honour of filling the office of Secretary for War, but he informed him that it was not competent for his Royal Highness the Commander in Chief, or himself, to make any inquiry into the matter, or take any notice of it, as it must be investigated in India. Now, he believed that a full and elaborate inquiry into the accusations had taken place, first by the Deputy Judge Advocate, subsequently by the Judge Advocate General, and afterwards by the Commander in Chief, Sir Colin Campbell; and, as there were no possible means in this country of officially promulgating to the army the judgment that had been come to, he had thought it right to bring the matter under the notice of his noble Friend who was aware that there was nothing which an officer so highly prized as his military reputation. He had, therefore, to ask what judgment Sir Colin Campbell had formed of the conduct of Colonel Johnstone, and whether or not he had entirely acquitted that officer of the charges and insinuations that had been brought against him?

VISCOUNT HARDINGE said, he was glad this question had been put to him, as it enabled him to do justice to a gallant officer. His noble Friend had correctly explained that certain charges were brought against Colonel Johnstone, and that the fullest inquiry had taken place. The result of the inquiry had been that the Commander in Chief, Sir Colin Campbell had expressed a strong and decided opinion that Colonel Johnstone had been most fully and honourably acquitted of all the charges against him, and freed from all the imputations cast upon his conduct. He was glad to have an opportunity of making this short statement, as he understood Colonel Johnstone was a most gallant and deserving officer, who had been very unfairly attacked.

THE ASSISTANT BARRISTER FOR THE COUNTY OF KERRY.

QUESTION.

THE EARL OF DONOUGHMORE arose to move pursuant to notice, to lay on the table certain articles of charge against Mr. William M'Dermott, Assistant Barrister for the county of Kerry, with the view to their being referred to a Committee of the Whole House. The noble Earl was understood to say, that it had always been a matter of just pride that justice was administered throughout the United Kingdom with an impartiality that was unrivalled in any other part of the world. One of the reasons of this, no doubt, was that the Judges were not removeable at the pleasure of the Crown, but held their offices during good behaviour, and could only be removed on an Address to the Crown by both Houses. In the first instance the Irish assistant barristers did not hold their offices during good behaviour; but in 1831 the office had become so important that it was thought desirable to put those magistrates in the same position with regard to the tenure of their offices as that of the Judges of the superior courts. When a gentleman holding the office of assistant barrister so conducted himself as to bring the administration of justice into contempt, the only course was to bring the articles of charge against him under the consideration of Parliament, and to move an Address to the Crown praying that he might be removed from his office. Originally the assistant barristers had only to render legal assistance to the courts of quarter sessions in Ireland, but were not necessarily chairmen of those sessions. They were now, however, by law, and had been for some years, chairmen of the quarter sessions, and of course were called upon to preside over the whole criminal business which came before those tribunals. They had also a jurisdiction in certain civil cases. Besides, the whole of the appeals against the poor rate valuations were decided by them. They were also the judges in all appeals relating to drainage and fishery questions, and had a certain amount of jurisdiction in insolvency matters. They likewise presided over the courts of registration of Parliamentary voters. The gentleman whose case he had now to bring under their Lordships' consideration had been assistant barrister of the county of Kerry since 1840. Circumstances in connection with this gentleman had since occurred which made it necessary for him on the present occasion to ask their Lordships to take a particular course with reference to his position as assistant barrister. Not long ago Mr. M'Dermott's name was brought unpleasantly before the public in connection with an imputation of his having sold an office at his disposal as assistant barrister, and of afterwards breaking his word to the purchaser and conferring the

appointment upon another person. A memorial, signed by thirty-two magistrates of the county of Kerry, was presented to the late Chief Secretary for Ireland (Mr. H. A. Herbert) who was lord lieutenant of the county), complaining of the conduct of Mr. M'Dermott, and stating that it was impossible for them to continue to sit on the same bench with him at quarter sessions, of which he was chairman. There were several charges preferred against Mr. M'Dermott in the Petition: and these charges afforded the ground on which he asked the House to take the course of instituting inquiry; and if the charges should be substantiated they could not resist the conclusion that the gentleman in question was not fit for the office he held, and that it was necessary for the public interests that he should be removed from it. These were some of the charges in the petition:—That in 1853 Mr. M'Dermott became an insolvent debtor; and, though he swore to the truth of his schedule, he wilfully omitted the names of a considerable number of his creditors; that on an order being made for his discharge he promised to set apart £500 a year out of his salary for the payment of his debts, an engagement which he eventually broke; that an application was then made to the court for a conditional order for an attachment against him; that a process server of Mr. M'Dermott's own court served him with the order; but he induced the process server not to swear to the service, so that he might evade the order. These facts were embodied in an affidavit by the attorney acting in the matter, and the court made the original order absolute. That was in 1856; in the early part of the following year he was arrested, while presiding over his court at Listowel; but the officer consented not to remove him, but watched him in court, while he proceeded with the business. That disgraceful scene lasted for two days, and on the third day, Sunday, the officer removed Mr. M'Dermott to the gaol of the county over which he presided. It appeared also that Mr. M'Dermott was in the constant habit of borrowing money of officers and practitioners of this court, which of course gave rise to suspicion as to the impartiality of his judgment in cases where one party was represented by an attorney to whom he was indebted for loans of money. The most serious charge, however, remained. There was an officer attached to the court called an "interpreter," whose duty it was to translate the evidence of witnesses who gave their testimony in Irish. In 1850 that office became vacant, and it was charged that Mr. M'Dermott promised it to a man named Galavan, who gave him £37; but in spite of that promise the office was ultimately given to another person. Those facts came out some time after upon Galavan's insolvency; for he filed his schedule in Mr. M'Dermott's court, and in that schedule he put down this sum of £37 as having been paid to Mr. M'Dermott himself. Mr. M'Dermott did not deny having had the money, though he denied it was the price of an office. Galavan, however, asserted not only that he had taken the money for the office, but that he had broken the engagement and given the office to another person. There was also another charge against Mr. M'Dermott that he had sold another office for £20. He now thought he had stated enough to show their Lordships that he was justified in laying on their Lordships' table articles of charge against Mr. M'Dermott and in moving that they be referred to a Committee of the Whole House; and also for the further motion to be made hereafter for an address to the Crown for the removal of Mr. M'Dermott from his office. The noble Earl concluded by moving, That the said articles of charge be referred to a Committee of the Whole House on Monday, the 21st of June next, to examine witnesses and to report thereon to the House; and that William M'Dermott Esq., have leave to appear personally and by Counsel before the said Committee.

Lord BROUGHAM said, it must cause great pain to all who desired purity in the administration of justice to hear such charges brought against a judicial officer; but he thought the noble Earl was well advised in taking this step. He took the opportunity of remarking that the style of assistant barrister, in his opinion, was a misnomer, and led people to undervalue the importance of the officer, just as County Court Judges in this country were improperly called Judges of Small Debts Courts. He thought it would be a great advantage if one of the functions of assistant barristers in Ireland was extended to County Court Judges here—namely, the duty of presiding as chairman of quarter sessions.

The Earl of HARDWICKE thought that by his observation the noble and learned Lord was doing an injustice to the magistrates of England; for it seemed to

imply that their duties were imperfectly performed at present.

LORD BROUGHAM said, it was by no means his intention to cast any aspersions upon the magistracy of this country. He simply meant to observe that they would in many instances be glad to have the assistance of professional men in the discharge of their important duties.

THE EARL OF CARLISLE thought it would not be decorous on his part to anticipate the conclusion at which the Committee for which the noble Lord opposite had moved might arrive. He might, however, state that he had heard sfficient of the antecedent circumstances connected with the Motion to induce him unreservedly to subscribe to the propriety of the course which the noble Earl deemed it to be his duty to take.

LORD CRANWORTH deemed it somewhat doubtful whether the Committee ought to be called upon to inquire into those charges embraced in the Motion which were of an indictable nature—such, for instance, as the charge of perjury, and that of the sale of an office. It would, he thought, be expedient to omit those charges, more especially as there were others which afforded sufficient grounds for the course which the noble Earl desired to pursue.

Motion *agreed to.*

Articles of Charge against William M'Dermott, Esquire, Assistant Barrister for the County of Kerry, alleged by the Viscount Hutchinson, in his Place; laid upon the Table, and Ordered to be *printed;* and a Copy Ordered to be furnished to Mr. M'Dermott.

Resolved—

That the said Articles of Charge be *referred* to a Committee of the Whole House on *Monday* the 21*st Instant,* to examine Witnesses, and to report thereon to the House; and that William M'Dermott, Esquire, have Leave to appear personally and by Counsel before the said Committee.

BELFAST RIOTS—QUESTION.

VISCOUNT DUNGANNON, in rising to put a question to the head of the Government upon this subject, said, it was matter for considerable regret that Belfast had again become the scene of riot and disorder. The present disturbances in that town had, it appeared, their origin at a funeral of a member of the Roman Catholic persuasion who had been president of a political society, by a large number of the members of which his remains had been followed to a cemetery in the neighbourhood of Belfast. The persons attending the funeral, it seemed, bore in their hands green boughs, which were always recognized as party symbols; and on leaving the cemetery some females who were among the number thrust those boughs in the face of some members of the Protestant persuasion whom they met—a circumstance which caused much irritation and eventually led to a riot. The occurrence took place on a Sunday, and the riot was in the course of the evening suppressed. It, however, recommenced on the following day, and was again put down. But on the Wednesday it once more broke out with great violence, and the consequence was that great damage was done to property, although he was happy to say the personal injuries inflicted were only partial. The magistrates had done their utmost to quell the disturbance, and one of them—Mr. Lyons—received a severe blow from a stone, by which he was nearly thrown from his horse—in his endeavour to effect that object. Several houses were injured, all of which he believed belonged to Protestants with a single exception, which was the property of a Roman Catholic who it appeared had married a Protestant. Two persons who were not mixed up in the riot, but who happened to be passing were, he regretted to say, seriously injured, and, what was also much to be lamented, the police, although assembled in considerable numbers, were found insufficient for the dischage of the duty which they were called upon to perform. He had, however, observed with satisfaction that the noble Lord the Chief Secretary for Ireland (Lord Naas) had, in answer to a question which had been put to him in the other House of Parliament, declared it to be the intention of Her Majesty's Government to introduce a measure placing upon a more efficient footing the police in the large towns throughout Ireland, and he could from his own experience bear testimony to the fact that some such measure was needed; for if the police had done their duty in the first instance much of the mischief that had ensued would have been averted. He should not trespass further on their Lordships' time, but should conclude by asking the noble Earl at the head of the Government whether he had received any information relative to the circumstances which had given rise to the recent riots in Belfast.

THE EARL OF DERBY said, Her Majesty's Government had received from the Lord Lieutenant and the authorities in Ireland, such information with respect to

the causes of the late disgraceful riots in Belfast as they had been able to afford. The only cause, in truth, for those occurrences which could be assigned was, that religious rancour and animosity which existed between the members of the Protestant and Roman Catholic persuasions in that locality, which was with equal justice to be attributed to the lower classes of both, and which had rendered Belfast notorious for the turbulence and violence of the proceedings by which from time to time it had been disgraced. A species of minor civil war, in fact, prevailed between the lower classes connected with the two religious parties, and the result of that state of feeling was, that the slightest insult or offence offered to a member of one party was at once taken up by the partisans of his side. Now, he could not help saying that it did not reflect much credit either upon the inhabitants or upon the local authorities of one of the largest, the wealthiest, and the most thriving towns in Ireland that such disturbances should take place unchecked by the local authorities, and should require the intervention of the police and the military from other districts to aid in putting them down. The town of Belfast had, in consequence of those disturbances been for several nights in a state of great confusion. The Lord Lieutenant had, however, taken every precaution in his power to prevent their recurrence. Fortunately, owing to the step which had been taken in connection with previous proceedings of a similar character, the greater number of the inhabitants were unarmed, and their weapons of offence were consequently confined to paving-stones and missiles of that description. It had, nevertheless, been found necessary to collect a very large force of police and military, with cavalry and infantry, which was now stationed in the town, which was divided into four distinct districts, each of which was placed under the superintendence of a resident magistrate. The town, he might add, was regularly patrolled by night; and he was happy to learn from the accounts which he had received, about an hour or two before he had entered the House, from the Lord Lieutenant, that at the latest date to which the information related tranquillity for the time had been restored. Taking into consideration, however, what had occurred last year in Belfast, and the causes which had led to the disturbances in question, the Lord Lieutenant had decided to keep up a very considerable force in that quarter, at all events until after the 12th of next month. Belfast itself, of course, must to a considerable extent, bear the pecuniary consequences of the injuries which had been done, as well as of the additional number of constabulary which had been collected there owing to those disturbances. His noble Friend in the course of his observations had adverted to the inefficiency of the police at Belfast, and he feared there was much truth in the expressions which had fallen from him on that subject. He would, however, assure their Lordships that it was the intention of his noble Friend the Chief Secretary for Ireland to introduce at the earliest opportunity in the other House of Parliament a Bill, the provisions of which had, he believed, met with general approval in Ireland, and the object of which was to improve the character and condition of the police in the large towns by incorporating them with the police of the country at large, than which there could not be a finer or more effective force. In conclusion, he had simply to say, that nothing would be omitted upon the part of Her Majesty's Government to put down the riots in question; but he must at the same time state it to be his opinion that, however the Government might from time to time succeed in quelling similar disturbances, it was extremely expedient that the inhabitants of Belfast as well as the municipal authorities should exert themselves to prevent their recurrence.

THE EARL OF CARLISLE said, he should be unwilling to say a word which would foment the religious discord existing already too extensively in Ireland; as, however, the subject had been mooted, he must be allowed to make one or two observations upon it. The recurrence of these unhappy and most disgraceful riots in Belfast, only served to strengthen his conviction that the Irish Government last year, acted in consonance both with their duty and with the strictest policy and prudence in taking the only step which it was in their power as a Government to take, to show their disapproval of exclusive religious societies and organization, by refusing any fresh appointment of Members of the Orange Society to the office of magistrate. That course was made the subject of censure and of some sharp attacks, though not, as far as he could remember, in either House of Parliament. It was, however, the identical course which had been previously adopted in 1836, and was

then stamped with the approval of the other House of Parliament, and of His late Majesty King William IV. A subsequent abatement of religious animosities had led to the suspension of that prohibition; but the events which occurred last year made it plain that it ought to be immediately re-adopted, and the occurrences of this year to which their Lordships' attention had now been called made it plainer still. He was happy to think that the present Government had not, as far as his knowledge went, made any objectionable appointment to the office of magistrate, and he trusted that the scenes now being enacted at Belfast would serve to confirm them in this wise abstinence. He need not dilate on the mischievous and wanton character of these tumults. It was an undoubted fact that last summer, at the very moment when reinforcements were most urgently required for our army in India, the movement of regiments was interfered with and delayed, because one set of persons in the great town of Belfast were keeping it in a state of chronic alarm by shouting "To hell with the Pope!" and another set of persons by shouting "To hell with King William III!" Now, the utter childishness and folly of all this, and above all its entire anachronism, would be simply ridiculous if it did not lead to such serious results. The town of Belfast ought, in many respects, to be the most civilized and well-ordered place of residence in Ireland; whereas it certainly now might be considered the least so. He believed in all these tumultuous proceedings it would generally be found that the blame might be pretty equally divided between both parties. With respect to a remedy, he feared much that the complete allaying of these ebullitions of religious hatred (and what two words those were when coupled!) could not be achieved by any Government; but he was happy to think that a material though partial improvement might be effected by putting the town police of Belfast on a better footing. He was glad to learn from the Government that such a course was in contemplation. It was intended to be proposed to Parliament by the late Government, and he had no doubt it would be proposed in an equally satisfactory manner by the present; nor did he doubt that they would take every step in their power to soften and arrest those religious rivalries which were the main source and spring of all the mischief.

VISCOUNT DUNGANNON must protest against the noble Earl's statement that the Belfast riots had proved the wisdom of the course taken by the late Government in refusing to appoint to the magistracy any gentleman belonging to the Orange body. It remained to be seen yet that any gentleman connected with that body had anything to do with the Belfast disturbances; yet indirectly the noble Earl, though he said that both parties were pretty equally responsible, laid the whole blame one one. Now, as a proof of the feeling which animated them, he might state that the Grand Orange Lodge had issued a monition to the Orangemen, desiring them to refrain from display or party procession on the 12th of July, and to act strictly in accordance with the laws of the land. He could not think, under the circumstances, that the noble Earl's insinuation was either just or called for.

THE EARL OF CARLISLE said, he could not quite understand the logic of the noble Viscount, who admitted that he had said that the blame was equally divided, and yet in the same breath accused him of throwing the whole blame on one party. If a Riband magistrate could be found, he (the Earl of Carlisle) should equally desire his removal.

THE EARL OF CLANCARTY protested against the rule laid down by the late Government for the exclusion of members of the Orange Lodge from the magistracy.

THE EARL OF KINGSTON'S QUESTIONS.

THE EARL OF KINGSTON, who had placed on the paper a notice of his intention to put nine distinct Questions to Her Majesty's Government, with reference to various subjects, including the appointment of Mr. Sullivan to the mission at Lima, the resignation of General Ashburnham, and the conduct of Rajah Brooke, expressed his desire to postpone the questions to a future evening.

EARL STANHOPE observed, that in some of these notices the conduct of a most valuable public servant, Rajah Brooke, was referred to in most unbecoming and improper language; and, as the notices had now been upon the paper for some days, he now called upon the noble Earl either to withdraw them, or at once to bring them forward.

THE EARL OF KINGSTON was understood to say, that his questions were founded upon statements contained in the blue-book, according to which a number of men,

women, and children had been destroyed as pirates under the order of Rajah Brooke; and also on his conduct on the occasion of the Chinese outbreak at Sarawak in 1856. He thought the subject was one which deserved inquiry.

EARL GREY observed, that there could be no objection to a discussion as to the conduct of Rajah Brooke, for every one who knew that gentleman would be convinced that the more the subject was inquired into, the more clearly would be demonstrated the wisdom and humanity with which he had acted on all occasions. With reference to the old charge that Rajah Brooke had treated as pirates, persons who were not pirates, a solemn inquiry had been instituted, which terminated in the complete and triumphant acquittal of Rajah Brooke from every charge that had been preferred against him. It was well known that, almost by a miracle, Rajah Brooke escaped from a cold-blooded attempt on the part of the Chinese to murder him by surprise, and that in self-defence he entered upon a war, in the course of which a great number of Chinese were killed. Whenever the noble Earl (the Earl of Kingston) thought proper to bring these questions forward, there would be no indisposition to discuss them if they were brought regularly before the House. What his noble Friend (Earl Stanhope) objected to, and what he (Earl Grey) also objected to was, that charges contained in language which was quite unusual in Parliament, and which reflected upon Rajah Brooke in a manner which he believed to be utterly undeserved, should continue day after day on their Lordships' Minutes, without any opportunity being afforded of fully answering them. If the noble Earl thought proper at that moment to bring forward his charges, he was sure their Lordships would be ready to listen to him, but he (Earl Grey) must protest against continuing upon the paper such notices as had stood upon it in the noble Earl's name for some days past.

THE EARL OF DERBY added the expression of his hope that the noble Earl (the Earl of Kingston) would either bring forward the questions of which he had given notice, or that he would abandon them; but if he did press them, he hoped the noble Earl would bring them before the House in such a manner as to enable their Lordships to give a decision upon the subjects to which they referred. The noble Earl had placed upon the paper a very extraordinary string of questions, some of them relating to persons altogether unconnected with Rajah Brooke; the noble Earl had, however, given notice of a number of questions which he proposed to put to the Government with regard to Rajah Brooke, some of which, it was self-evident, it was impossible for the Government to answer. For example, the noble Earl had given notice of his intention to ask what was the amount of Rajah Brooke's fortune when he went out, what revenue he had collected, and under what circumstances he sought to obtain the assistance and sympathy of the Government and people of this country. If the noble Earl put those questions to Rajah Brooke himself, he might choose to answer them, but it was impossible for Her Majesty's Government to do so. With regard to the last two questions of which the noble Earl had given notice—namely, whether the Chinese had not been subjected to great oppressions and exactions, which, to a certain extent, justified their attempt to murder Rajah Brooke, and whether the whole course and conduct of Rajah Brooke in the East had not been such as to desecrate the name of England for humanity and justice—he (the Earl of Derby) could only say that, if those questions were put to him, all he could state in reply was, that to the best of his belief Rajah Brooke was not liable to either of the imputations which they conveyed. Charges had been made against Rajah Brooke; a full and searching inquiry had been instituted; and impartial persons had declared their opinion that the course which he had pursued had been perfectly justifiable. If charges of this nature were preferred, they ought to be brought forward in such a form that a definite answer might be given to them, and not in the form of questions put to the Government which it was impossible for them to answer, but which conveyed imputations of a most serious character against a very meritorious official.

THE EARL OF KINGSTON was understood to assure the House that he did not wish to advance any charges which could not be fully proved, and to express his readiness to postpone his questions to a future day. [*Cries of* "Withdraw!"]

LORD CAMPBELL suggested, that the noble Earl had already received the only answer which, as the noble Earl opposite (the Earl of Derby) had stated, the Government could give to several of his questions, and he therefore suggested that they should be withdrawn.

VISCOUNT DUNGANNON said, he should like to move that the notices should be withdrawn, but did not know whether he would be in order in doing so.

LORD REDESDALE said, that such a course would not be in order. The noble Earl at the head of the Government had, however, answered the questions as far as he could, and he would appeal to the noble Earl (the Earl of Kingston) as to what good could be done by allowing these questions to remain on the Notice-paper? If the noble Earl intended to bring forward a charge, let him put it in a different form; let him propose a substantive Resolution, and their Lordships would know how to deal with it. But questions that had already been answered should not be allowed to remain on the Notice-paper.

THE EARL OF ROSSE also urged the noble Earl to withdraw his questions.

LORD CAMPBELL would move that the clerk at the table be directed that these notices be not printed with the Votes of the House.

THE EARL OF WICKLOW said, the questions of the noble Earl had been on the paper for four nights. On one occasion the noble Earl was sitting opposite when the clerk called upon him, but he merely shook his head, and refused to put the questions. On the other occasion when they were on the paper the noble Earl did not attend. He (the Earl of Wicklow) hoped there was some mode of avoiding such a practice, for it would reflect great discredit upon that House if it was in the power of any individual Peer to put forward, day after day, libels against individuals on the Minutes of their Lordships, and then, when called upon to bring them forward, to refuse to do so, and postpone them indefinitely. He hoped some measures would be taken for the protection of the public against such a practice.

VISCOUNT DUNGANNON said, that the course taken by the noble Earl, in reference to these questions, was in every way unfair to the individual upon whom they reflected.

THE DUKE OF BUCCLEUCH suggested, that, although it might in this case be a very proper course to resolve that the notices should not be printed, their Lordships ought to be careful that they did not establish a precedent. He thought, however, that it was most objectionable that any noble Lord should be allowed to continue to impute grave crimes and misdemeanours to individuals, without bringing those charges directly under the consideration of the House.

Several other noble LORDS having appealed in vain to the Earl of Kingston, either to ask his Questions or to withdraw his Notices,

LORD LYNDHURST moved, "That the said Questions have been sufficiently answered, and ought not to be renewed."

On Question, *Resolved* in the *Affirmative*.

OATHS SUBSTITUTION BILL—JEWS' BILL.

PRESENTED. READ 1ª.

LORD LYNDHURST *presented* a Bill to substitute one Oath for the Oaths of Allegiance, Supremacy, and Abjuration, and for relieving the Religious Scruples of certain of Her Majesty's Subjects.

Afterwards,

THE EARL OF LUCAN *presented* a Bill to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion.

LORD CAMPBELL said, that it never rained but it poured. Their Lordships had now two Bills before them, each having the same object in view. One of them was laid on the table in the early part of the evening by the noble and learned Lord (Lord Lyndhurst), and the other was now presented by the noble Earl (the Earl of Lucan). With all respect to his noble and gallant Friend he thought he had better leave the matter in the hands of the noble and learned Lord.

LORD LYNDHURST gave notice that he would move the second reading of his Bill on Thursday next.

THE EARL OF LUCAN wished to have his Bill considered at the same time as that of the noble and learned Lord, but thought that Thursday next was entirely too soon.

THE EARL OF DERBY said, it was important that every Member of their Lordships' House should know exactly what each of those Bills proposed to do. It appeared that they were to have rival Bills before them. He knew nothing of the merits of either measure. Under the circumstances he did not think he was asking too much when he said he thought that there ought to be, at all events, ten days' notice given before the Motion for the second reading of either of them.

LORD LYNDHURST said, as he had no objection to do anything that was convenient to the House, he would postpone the second reading of his Bill until Friday week.

EARL STANHOPE said, he had a Motion on the paper for Friday week, but under the circumstances he would postpone his notice to next Monday week.

The Bills were severally read 1ª; and ordered to be read 2ª on *Friday*, the 18th instant.

House adjourned at a quarter to Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 7, 1858.

MINUTES.] NEW MEMBER SWORN—for King's Lynn, Right hon. Lord Stanley.

PUBLIC BILLS.—1° Copyhold Acts Amendment; Joint Stock Companies Acts Amendment.

2° Friendly Societies Act Amendment; Titles to Land (Scotland); Vaccination (Ireland).

LANCASHIRE AND YORKSHIRE AND EAST LANCASHIRE RAILWAY COMPANIES BILL.—CONSIDERATION.

Order for consideration, as amended, read.

Motion made and Question proposed, "That the Bill be now taken in consideration."

MR. MACAULAY said, that this was the first time a Bill had come before Parliament by which it was proposed to amalgamate two lines of railway which were originally sanctioned as competing lines. The proposed measure was an unwarrantable interference with the principle contained in the recommendation of the fifth Report of the Select Committee on Railway Bills of 1853. That recommendation went distinctly to assert that amalgamations ought not to be allowed except in minor and special cases; and the present, so far from being a minor case, was a case of three hundred miles of railway, with a capital of twenty millions of money, and if any special reason existed it ought to be stated. Moreover, the measure had been proposed solely upon the evidence of the officials and servants of the two companies, and without any evidence on the part of a single individual member of the public who complained that he was ill-served by the action of the existing arrangements. He should, therefore, move that the further consideration of the Bill be postponed for six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question.

MR. NORTH said, the Committee on the Bill of which he was the Chairman had sat for eighteen days, and had given the Bill their fullest and fairest consideration. A more painstaking and attentive Committee had never been selected; and he was quite satisfied that, in the decision they arrived at, they had done justice alike to the public and the parties immediately interested. That decision, he might add, was unanimous, and he should, therefore, oppose the Amendment.

MR. CROSS said, he would give full credit to the Committee for the care and attention they had displayed in conducting their inquiries into the merits of the Bill. He would do them the justice of saying that he believed their decision was not only unanimous, but was also conscientiously agreed to by every member of their body. The present Motion, however, was not to rescind their judgment, but merely to suspend it until the House should have had an opportunity given it of laying down some definite principle with regard to these amalgamations. He did not complain that the Committee had come to a wrong decision, but he contended that it was the duty of the House before Bills of this kind were passed to inquire whether the Report of 1853 had been acted up to in its spirit, and also to see whether they could not lay down some broad general principle for the guidance of their Select Committees on Railway Bills in matters of this kind hereafter. He also thought that the Bill even as a Bill of amalgamation was defective, as the House ought at any rate to lay down the principle that the rate should be uniform over every portion of the amalgamated lines.

MR. CARDWELL said, he had no doubt the House would be disposed to abide by the Resolution of their Committee. He understood that by that Resolution the Committee affirmed that the proposed arrangement between the two railway companies would be beneficial to the public in the districts through which the lines passed; but the question to be determined was, the precise mode in which the arrangement should be carried into effect. Last week, when the Great Northern Bill came before the House, they ordered it to be adjourned for a week, and the ob-

ject of that was to exchange a working arrangement of twenty years for one of ten years, because a working arrangement of twenty years might be regarded as equivalent to amalgamation, and was, therefore, objectionable. He thought the House would act discreetly if they adopted a similar course in this instance, and adjourned the Bill for a like period, in order that instead of amalgamation a working arrangement of limited duration might be carried out, so that Parliament should not shut out from itself the power of securing by revisal from time to time that control which they now knew, from bitter experience, they had parted with too lightly on former occasions. The amalgamation proposed was between 15,000,000 and 5,000,000 sterling, together about 20,000,000; and he was afraid, unless they reserved some control over it, they might find that the freedom of transit between Hull and Liverpool, and the east and west of the kingdom, might be affected by the Bill in a manner that they did not contemplate; and he was sure they might give effect to what he believed to be the ciple of the Committee, by adhering to the policy which had hitherto been followed, and avoiding the mischief which appeared to threaten them now.

MR. CROSSLEY said, he thought the public interest would be served by at once agreeing to the amalgamation. The lines were not so much competing schemes as portions of one great chain of communication, which could be much more economically carried on under a single management.

MR. RIDLEY regretted that the opposition to the Bill had not been raised upon the second reading, because the promoters must have understood from the Bill being read a second time that the principle of it was conceded, and that it was only for them to give proof of good grounds for the amalgamation to obtain the report of the Committee in their favour. It was said that these lines were granted originally as competing lines; but even if that were so the Committee had evidence to show that all competition was dead, and that the traffic of the district was carried on by combination. The amalgamation would give the public the advantage of improved accommodation at several important stations, greater facilities of traffic, and more economical rates.

MR. FITZROY said, he understood that a Committee was to be appointed on the Motion of his hon. Friend (Colonel W. Patten), to consider the effects of railway legislation, and to deal with the various questions which were referred to in the Report of the Committee of 1853. But he would ask the House what would be the result if the further consideration of this Bill were delayed until that Committee had presented its Report? Why, that the parties promoting the Bill would be put to serious expense for its recommittal, that it would have to be placed perhaps in a new group, and be subjected to the consideration of a new tribunal, whose Report would be presented to this House too late to enable them to send the Bill to the House of Lords. He would, therefore, strongly urge the House to adopt the recommendations of the Committee, who, after eighteen days' inquiry, must know more about the matter than the general body of Members.

MR. HENLEY said, the Committee of 1853 did not lay down a general rule, but stated a principle from which they had excepted certain minor and special cases, to which they called the attention of Select Committees. Now, in the present instance he thought there was a case for pausing a week or ten days, in order to consider, not the question of amalgamation, but another very important question connected with the Bill. The Department of the Board of Trade had called the attention of the Committee to the great inequality of tolls which existed throughout the whole of the district proposed to be amalgamated. Those tolls were very unequal, some of the districts having special privileges, whilst others were left to take their chance with the companies. Now, if it were right that there should be amalgamation, it was also right that all parties within the territory amalgamated should be put upon the same footing. For his part he could not understand why that should not be the case, and it was mainly on that ground he should ask the House to agree to a short postponement of the Bill; because he was certain if the toll clause were not revised, the parties placed upon an equal footing, and these exceptions done away with, he should have great difficulty in giving his assent to the Bill. As it was, no reason whatever had been given by the Committee for continuing certain exceptions which existed in the districts proposed to be amalgamated.

MR. F. S. POWELL said, the present rate of tolls was very unequal, and was felt as a great grievance in the district with which he was connected.

MR. BRIGHT said, he had not charge of the Bill, but he had seen the Gentlemen who were interested in the matter, and he found they were quite willing to meet the President of the Board of Trade to effect an arrangement. What they objected to, however, was any delay, which might jeopardise the Bill for the present Session by making it too late to go up to the House of Lords.

MR. NORTH said, that the Committee had devoted two whole days to the revision of the tolls.

MR. HENLEY explained that the sole object he had in view in supporting a Motion for delay was to put the tolls upon an equal footing throughout the district.

MR. SMOLLETT said, the Bill had been very patiently and attentively considered in Committee with respect to both points—amalgamation and equalization of tolls; and he should be sorry to see its unanimous decision upon by the opinion of the President and ex-President of the Board of Trade.

MR. SOTHERON ESTCOURT said, it appeared that the opposition to the Bill turned chiefly on the difference in the rates of tolls, which his right hon. Friend the President of the Board of Trade considered would be detrimental to the public. To recommit the question on that point would involve considerable expense, and would be hard upon the parties. He would therefore suggest that the matter should be postponed for a few days, to allow the promoters of the Bill an opportunity of conferring with his right hon. Friend, with a view to modify the present arrangements.

MR. HOPWOOD was understood to say that the opinion of the Committee ought to be supported.

COLONEL WILSON PATTEN said, he believed it would be for the public advantage that this amalgamation should take place, but he knew that the different rate of the tolls in different districts had given great dissatisfaction. As the matter had gone through the Committee, however, he doubted whether his right hon. Friend the President of the Board of Trade would be able to effect an arrangement if it were referred to him, as he believed that in order to effect a satisfactory arrangement the tolls must be lowered in some districts and raised in others. According to the Standing Orders rates could only be raised in Committee. He should support the decision of the Committee, though he regretted they had not settled this question, and he believed that if the hon. Gentleman who had charge of the Bill would consult the President of the Board of Trade some means of arrangement might be found.

MR. BRIGHT said, he believed that those who were most active in the promotion of the Bill had no objection to confer with the President of the Board of Trade as to the rectification of any part of the Bill which might be thought to be unreasonable.

MR. WICKHAM said, the promoters had no objection to the Bill being referred to a Committee, if an assurance were given that such reference should not delay the progress of the Bill more than a week.

MR. FITZROY said, he did not think that public business would be promoted by the course suggested by the right hon. Gentleman the President of the Board of Trade.

SIR GEORGE GREY suggested, that the consideration of the Report should be postponed till the following day, in order that the President of the Board of Trade might have an opportunity of conferring with the parties.

Amendment and Motion by leave *withdrawn.*

Consideration, as amended, *deferred* till *To-morrow.*

MANCHESTER, SHEFFIELD, AND LINCOLNSHIRE AND GREAT NORTHERN RAILWAY COMPANIES BILL.

CONSIDERATION.

Order for consideration, as amended, read.

Motion made, and Question proposed—"That the Bill be now taken into consideration."

MR. SPOONER said, he rose to move that the consideration of the Report be postponed for a week. The Report had formerly been brought up, and his right hon. Friend the President of the Board of Trade objected to portions of it, when it was postponed to meet his views. At the same time it was proposed that the evidence should be printed, but the printer had informed them that copies of the evidence could not be furnished before Friday.

He rose to request, therefore, that the House would postpone their decision till they had the evidence before them. He would rest his Motion on that ground alone, and would not go into the merits of the case; but he might state that the Committee had taken upon them to decide a question now pending in the courts of equity. The London and North-Western and the Manchester and Sheffield had an engagement which was not terminable without a seven years' notice. By that arrangement, also, the Manchester Company enjoyed certain privileges at the London and North-Western Company's station at Manchester. But now the Manchester and Sheffield Company had broken the agreement, and entered into another with the Great Northern Company. The Committee had taken upon themselves to decide that the agreement between the London and North-Western and the Manchester and Sheffield Companies was *ultra vires*. Now, as this was a question before the Court of Chancery, he thought the Committee had done wrong in deciding it. The Committee had, however, negatived the charge of a breach of faith on the part of the London and North-Western. If the Bill, as it stood, was carried out, it would completely destroy all competition between the west and the east coast of England. He confined his opposition at present, however, to the fact that the evidence which the House had ordered to be printed could not be in the hands of hon. Members before Friday next, and, therefore, he moved that the consideration of the Bill should be postponed to that day week.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon Monday next."

Question proposed, "That the word 'now' stand part of the Question."

MR. MILNER GIBSON said, he must object to any further postponement of the Bill, and wished to know upon what grounds the further adjournment was asked? There had already been one adjournment for the purpose of introducing certain provisions which were necessary for the protection of the public interests; those provisions were agreed to, and now they were asked to adjourn a second time, till the evidence taken in the course of twenty-one days' sitting should be presented and laid before them. Unless the House was prepared to go through the whole of that evidence and review the decision of the Committee, he contended that no case had been made out. It was to be remembered that the Committee were unanimous in their decision. The only argument ever urged against the Bill was with reference to some supposed agreement, which was, or was supposed to be, contrary to public policy. He hoped that in this case the House would support their Committee. The Bill was now made entirely conformable to the principles established by the Committee of the right hon. Member for Oxford (Mr. Cardwell), and an Act of Parliament had been framed entirely upon the Report of that Committee. He trusted the House would show a confidence in their Committee, which had gone very deliberately through the evidence, and he hoped the hon. Gentleman would not press his Amendment.

SIR JOHN HANMER observed, that, as the Chairman of the Committee, he was bound to say that its Members were unanimous with regard to the point to which the right hon. Gentleman (Mr. Henley) had adverted last week. He, for one, adhered to that opinion, but now his hon. Friend opposite said that they had decided a question respecting which there was a *lis pendens* in the Court of Chancery. But it must be remembered that the Committee itself to which the Bill was referred was possessed of legislative powers, and he was not prepared to say that they were bound to wait for a decision of the Court of Chancery. The facts were that the London and North-Western and the Manchester and Sheffield Railway Companies entered into an agreement. That agreement was broken about a year ago, and in the course of the present Session, after the day was named for the Committee to sit, the London and North-Western Railway, on the 27th March, he believed, filed a bill in Chancery for the purpose of compelling performance of the agreement. Now, it was obvious that if there had been a real intention on the part of the London and North-Western Railway to vindicate their rights they would have done so long before. In truth, the proceedings in Chancery were commenced in order to defeat or delay the progress of the Bill. The Committee entered very narrowly into the question whether this agreement was within the powers of the company or not — whether rightly or wrongly, the Committee were unanimously of opinion that the agreement was one which was not capable of being supported.

There was another very important question with regard to which there was a *lis pendens* respecting the Manchester station, and, so far from interfering with that question, pending the decision of the Court of Chancery, where a question of the right to property was involved, the Committee refused to consider the question, but mediated between the parties, the result of their mediation being that the public interests would be protected until the question was decided by the Court. He must say he knew no reason why the Bill should be postponed; but at the same time he had not the least objection to its being postponed if the House thought proper.

MR. YOUNG said, that he would explain how the interests of his constituency (Yarmouth), were affected by the Bill. They were largely engaged in the fishing trade, and upwards of 50,000 tons of fish were landed every year in Yarmouth. Before this arrangement there was no facility for bringing fresh fish from Yarmouth to Manchester and the manufacturing districts before eight o'clock in the evening, but, since this arrangement, fish taken over night, arrived there at one o'clock in the day. He hoped the House would pass the Bill.

MR. HENLEY said, the promoters of the Bill had agreed to all the suggestions he had made, and he had nothing more to object. But his hon. Friend had objected on other grounds; and as it appeared that the evidence was not yet printed, he would suggest to his hon. Friend to allow the Report to be received now, on the understanding that the third reading should be postponed till Monday next. By that time the evidence would be in the hands of hon. Members, and his hon. Friend could object to the third reading if there was anything in the Report to justify that course.

MR. SPOONER said, he would be happy to adopt the suggestion of his right hon. Friend.

Amendment, by leave, *withdrawn.*

Main Question put and *agreed to.*

Bill *considered;*—Amendments made; Bill to be read 3°.

THE MILITIA—QUESTION.

COLONEL SMYTH said, he wished to ask the Secretary of State for War whether any steps have been taken for referring to a Commission, or to a Committee of either House of Parliament, the establishment and organization of the Permanent Staff of Regiments of Militia, with a view to rendering them more effective during the time the Regiments are not embodied; and, also, whether it is the intention of Her Majesty's Government to call out for training in the present year those Regiments of Militia which have not been recently embodied; if so, is it intended to quarter them in billets, or barracks, or under canvas?

GENERAL PEEL said, that in answer to the first part of the question of the hon. and gallant Member, he had to state that Her Majesty had been graciously pleased to approve the appointment of a Royal Commission to take into consideration several subjects relating to the Militia, among which the question of the employment of the Permanent Staff of the Militia would find a place. It was the intention of Her Majesty's Government to call out Regiments of Militia alluded to by the hon. and gallant Gentleman for training during the present year, and to endeavour to avoid as much as possible billeting the force called out upon the inhabitants.

REGISTRATION OF BIRTHS, &c. IN IRELAND.

QUESTION.

MR. BRADY, on behalf of Mr. Greer, said he wished to ask the Chief Secretary for Ireland whether it is the intention of the Government to introduce a Bill, this Session or next, to establish in Ireland a complete system of Registration of Births, Marriages, and Deaths?

LORD NAAS was understood to say that it was the intention of the Government to introduce such a measure.

ENVELOPES AND WRITING PAPER—DRAWBACK.

QUESTION.

MR. DILLWYN said, he would beg to ask the Secretary to the Treasury whether there is any difference between the case of waste cuttings of Envelopes and those of Writing Paper, which make it right that a drawback should be given to the former and not to the latter; and, if so, what is that difference?

MR. G. A. HAMILTON said, the peculiar shape of the waste cuttings of Envelopes enabled the excise officers to know whether the duty had been paid, and therefore a drawback could be allowed; but as re-

garded ordinary paper it was not possible for the officers to know whether the duty had been paid or not.

ATROCITIES IN CHINA.—QUESTION.

MR. ROBERTSON said, he wished to ask the Under Secretary of State for Foreign Affairs if Her Majesty's Government has taken any measures to prevent the continuance of alleged atrocities practised by the Chinese Authorities in Canton while under the protection of the English and French Flags; and if so, whether he has any objection to state what steps have been taken for that purpose.

MR. SEYMOUR FITZGERALD said, that when the attention of the Government had been called to the fact that unparalleled atrocities had been committed in China, they had felt it their duty to consider the course which they ought to pursue. It appeared to be useless for them to attempt to convince the Chinese Administration of the injustice of such proceedings; but when there were means at command, as at Canton, where the Chinese authority had been restored under the protection of the English and French flags, they had felt it their duty to endeavour to prevent the recurrence of similar atrocities, and Lord Elgin had been instructed, so long as there were British troops at Canton, not only to discourage such occurrences, but it was left to his discretion to adopt such measures, whether of dissuasion or restraint, as he might deem necessary, to prevent the recurrence of such transactions.

SHERIFF COURTS (SCOTLAND).

QUESTION.

VISCOUNT DUNCAN said, he would beg to ask the Lord Advocate what steps he intends to take to remedy the present defective accommodation for holding Sheriff Courts in Scotland?

THE LORD ADVOCATE was understood to say that it was only very recently that the attention of the Government had been called to the subject. The only fund from which to pay the expenses was the Consolidated, by Vote of that House. He could assure the noble Lord that an inquiry should be made in the course of the autumn, in order that an estimate might be prepared of the costs and expenses which would be necessary for the purpose.

Mr. G. A. Hamilton.

THE 78TH HIGHLANDERS.—QUESTION.

MR. CAMPBELL said, he would beg to ask the Secretary of State for War, in reference to the recent distinguished mark of Her Majesty's favour conferred on the 32nd Foot for their gallant defence of Lucknow, whether or not it is his intention to recommend to the gracious consideration of the Sovereign the claims of the 78th Highlanders, to redeem the pledge given to this regiment by Sir Henry Havelock and Sir James Outram.

GENERAL PEEL said, that this was one of those questions the propriety of which might well be doubted. The prerogative of granting honours rested entirely with the Crown. He could assure the hon. Member that no other part of his duty was so satisfactory as that of laying before Her Majesty recommendations from commanders with reference to individuals and regiments; but no despatch had been received recommending the bestowal of particular honours upon the 78th Regiment. No one could be more sensible than he was of the gallantry of that regiment, but there was no record whatever of any pledge having been given to it either by Sir Henry Havelock or Sir James Outram. On the contrary, the only statement upon the subject which he had seen was one contained in a letter in *The Times* newspaper, in which Sir James Outram was represented to have said, "Good and glorious as your conduct has been, 78th, your goodness and your glory have been nobly emulated by all the troops who have served with you;" and to have gone on to mention particularly the 90th and 64th Regiments. He could assure the hon. Member that if any of these regiments were recommended by the Commander in Chief for particular honours, he should have the greatest pleasure in presenting such recommendation to Her Majesty.

THE COMMISSION ON THE MANNING OF THE NAVY.—QUESTION.

ADMIRAL DUNCOMBE said, he rose to ask the First Lord of the Admiralty whether he has any objection to state the names of the Royal Commissioners on the Manning of the Navy; and whether he will lay on the Table of the House a Copy of the Instructions issued for their guidance.

SIR JOHN PAKINGTON said, that it was neither usual nor convenient to make known the names of persons selected to

serve upon Royal Commissions until they appeared in the *Gazette*. In this instance the hon. and gallant Member and the House would not have long to wait, because he confidently hoped that the Commission would be issued in the course of the week. The hon. and gallant Member's question as to laying the instructions upon the table he would answer after the Commission had been issued.

ADMIRAL DUNCOMBE: The names were known at the United Service Club last Thursday.

SIR JOHN PAKINGTON: One of the names is not yet fixed upon, and therefore there must be some mistake.

GOVERNMENT OF INDIA—COMMITTEE.

THIRD RESOLUTION.—ADJOURNED DEBATE.

Question again proposed,

"That in order to assist such Minister of the Crown in the discharge of his duties it is expedient that a Council be appointed of not less than twelve nor more than eighteen Members."

MR. GLADSTONE, who had given notice of the following Motions,

As an Amendment to the Third Resolution:—

"That regard being had to the position of Affairs in India, it is expedient to constitute the Court of Directors of the East India Company, by an act of the present Session, to be a Council for administering the Government of India, in the name of Her Majesty, under the superintendence of such responsible Minister, until the end of the next Session of Parliament:"

In the event of the adoption of the foregoing Resolution, to move thereafter;

"That in the said administration of the Court of Directors, so constituted to be a Council, be subject to all the powers at present vested by law in the Board of Commissioners for the Affairs of India; and furthermore, that the President of the said Commissioners be empowered to preside, when and so often as he shall think fit, over the Court of Directors in lieu of the Chairman thereof, and to assume and exercise any of the powers now ordinarily exercised by such Chairman:"

rose to address the Committee.

MR. ROEBUCK said, he rose to order. When the subject was last before the Committee, it was agreed that the proposition which he maintained should have logical precedence of every other. His proposition was, that there ought to be no Council for the Government of India, and he stated at the time that the most logical mode of proceeding would be to take that proposition first. The Committee agreed with him, and consented that by the logical mode he should have precedence. Since then the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had given notice of a Motion that the Council should consist of the East India Directors. If the Committee desired that there should be no Council, then there was an end of his proposition; if it desired that there should be, then the constitution of the Council would have to be considered, and his proposal that it should consist of the Court of Directors would come before them with logical correctness. If the right hon. Gentleman were allowed to bring forward his proposition at once, he (Mr. Roebuck) would be shut out altogether, and he appealed to the Committee and to the Chairman—he appealed to the chairman's head, as a logical head, whether his proposal ought not to come first—whether he was not, logically, first before the Committee.

THE CHAIRMAN said, he was decidedly of opinion that the proper time for the hon. and learned Member to give his negative to the whole proposition would be when the Amendment of the right hon. Gentleman (Mr. Gladstone) had been disposed of, and the Resolution, as amended, was put to the Committee. He, therefore, was clearly of opinion that it was his duty to call upon the right hon. Gentleman to proceed.

MR. ROEBUCK said, he again rose to order. The Chairman would recollect that on the last occasion on which these Resolutions were under discussion the question was raised when the proposition that there should be no Council should be submitted to the Committee, and it was decided that that proposition, being logically the first, ought to be first decided. The Chairman stopped at the word Council—"and that there shall be a Council appointed;" whereupon he rose and said "no" to that proposition. The reason that he had given notice of no amendment was, that his proposition was a direct negative to the Resolution before the Committee.

LORD JOHN MANNERS said, he rose to order. He wished to know whether, after the Chairman had ruled a point, it was competent to any hon. Member to question his decision.

MR. AYRTON submitted that, as the hon. and learned Member for Sheffield (Mr. Roebuck), was in possession of the Committee when the debate was last adjourned, he was in the same position now, and ought to be allowed to proceed. He thought it was not competent for any other hon. Member

to come in with a new proposition and take precedence of him.

THE CHAIRMAN said, that in the case of Mr. Duffy, three or four years ago, it was decided that an hon. Member addressing the Committee at the time of the adjournment was not of right in possession of the Committee upon the resumption of the debate. The hon. and learned Gentleman therefore had no right to precedence on that ground.

MR. GLADSTONE: Sir, I may take leave to assure the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck) that nothing could be further from my intention than to avail myself of any technical advantage in order to interrupt that logical order of proceeding upon which he so strongly insists; but I do not concur in the hon. and learned Gentleman's view of logical order. I perfectly admit that if we had determined upon the absolute abolition of the Court of Directors as at present constituted, it might then be very proper to decide whether we should have any Council at all before we considered what particular new Council we should have; but I must confess that it appears to me that the character of my proposal, the character of which was to keep the Court of Directors in existence for a limited time, subject to certain modifications, makes it one in which it is convenient and orderly for the Committee to decide before entertaining the proposition of the hon. and learned Gentleman. The hon. and learned Member for the Tower Hamlets (Mr. Ayrton) seems to think that some Resolution was come to on a former night which was intended to preclude, for an interval of weeks, as it has proved to be, the proposal of any new Amendment I am sure that a moment's reflection must convince the hon. and learned Member that such an understanding would have been alike irrational and contrary to the rules and orders of this House. Amendments might be *bonâ fide* the product of circumstances which have occurred in the interval. I do not hesitate to say that many of the considerations which recommend the Amendment that I am about to propose have acquired great force during that interval; for what is our present position? We are now, on the 7th of June, about to resume—I should, perhaps, more accurately say to recommence—the work of legislation upon the affairs of India. Now, I do not intend to lay any considerable stress upon a motive which, so far as it is entitled to attention, is obvious to us all—namely, the period of the year at which we are about to commence this work, because if there are public considerations which make it desirable that we should now proceed to definitive, conclusive, and comprehensive legislation, it is our duty to disregard every consideration connected with personal convenience, and with arrangements other than those of this House; but, at the same time, it must be understood by hon. Members that if we are to go on with such legislation, attempting a full settlement of the Indian Government, the Session of Parliament must be protracted to an almost indefinite period, so as entirely to alter the ordinary arrangement and distribution of business. We have, however, had other lessons within the last few weeks that are not without their bearing upon the subject now before us. In referring to the first of these I have no desire—in fact, I should be most culpable if I did desire—to reanimate any angry or excited feeling that may happily have passed away; but I cannot help thinking that a Motion recently propounded by a right hon. Friend of mine (Mr. Cardwell) upon high reasons of political duty, and resisted with at least equal zeal and fervour upon the other side of the House, has taught us that it is a matter of perhaps greater difficulty than some of us had supposed to keep the great affairs of India out of the arena of political contention, and has consequently done something to bring home to us in a practical form the proposition that in setting about the reformation of the Indian Government we ought to proceed with the utmost circumspection. But there is another circumstance which appears to me to have an important bearing upon the propriety—I do not say of proceeding at the present moment—but of the particular form and manner in which we are to proceed. I refer to the continuance of the war in India. Unhappily, the continuance of the war in India does not mean merely its continuance from one mail to another. Since we last discussed the subject of Indian government we have passed over a critical period of the year for our military operations. We are landed again in the hot season, and, I apprehend, the most sanguine man among us does not now believe it possible that a war which, unfortunately, has assumed so much more

formidable a character since we were accustomed to regard it as a mere military mutiny, can be terminated during the present Session of Parliament. There is, probably, no man who will not think that the turn of affairs has been more favourable than we have at present any right to anticipate if we are able to congratulate one another upon the complete re-establishment of order and tranquillity in India when we meet next year. I do not know what the feelings of others may be, but I look at the continuance and extension of the war, both upon general and particular grounds, as a circumstance having an important and even vital bearing upon the question whether we should now proceed to definitive and complete legislation for India. I would venture to ask the noble Viscount the Member for Tiverton (Viscount Palmerston) and those who were his colleagues in the late Government, whether, if they had anticipated at the commencement of the present year that hostilities would have been protracted to the present time with the prospect of at least a six months' further war in India before them they would have submitted their India Bill to the House. I doubt whether they would have come to any such conclusion, except under the influence of those more sanguine anticipations which most of us shared with them, and I am convinced the House would have given a very lukewarm reception to their proposition if it had not believed that we had at that period attained very nearly to the conclusion of hostilities. Now, Sir, I wish to explain to the Committee in few words what it is that I propose to do by the Amendment I am about to submit. Twice this House has considered the question whether it should legislate for India during the present Session. Once by a large majority —once by an overwhelming majority, it has determined not to postpone legislation. I wish frankly to testify my respect for the decisions to which the House has come, and to accept and give effect to them. The House, besides declaring in abstract terms that legislation ought not to be put off for a year, has affirmed two of the Resolutions proposed by the Government. The first and principal one of these declares that, in the judgment of the House, the time is come when the Government of India ought to be transferred from the East India Company to the Crown. The second Resolution, when constitutionally considered, is no more than an inevitable corollary from the first. If the Government of India is to be transferred to the Crown, it follows as a matter of course, unless we were prepared to depart from the principles of our law and constitution, that the powers thus conferred upon the Crown should be exercised through the medium of a responsible Minister. I therefore propose recognizing and seeking to give effect to the judgment of the House, that the Government of India shall be transferred to the Crown by Bill during the present Session; and I humbly and respectfully venture to submit to the Committee a mode in which it may be transferred to the Crown so as to satisfy the conclusion of the House that we ought to legislate for India, so as to meet in a great degree such practical objections as have been urged against the present system of Indian Government, and so as to avoid compromising ourselves by a premature discussion of many questions relating to Indian Government which, although of course we can proceed to decide them, we are far from being in a condition to settle. When the late Prime Minister introduced his Bill, the whole of his objections to the present system of Indian Government lay within a very narrow compass. I do not allude now to some reference he made, in a few passing and perhaps careless words, to the mercantile character of the body by whom the affairs of India are administered, because I do not imagine he intended to lay any invidious stress upon those words, and as one interested in and connected with the mercantile class of this country, I must say that those who seek to find grounds for disparaging the capacity of that class for Government ought not to look for the materials of their arguments in the history of the government of India. The objection made by the late Prime Minister to the present Government of India really rested upon the cumbrousness of the forms of business, and upon the delays necessarily attaching to its transaction. It is admitted on all hands that there is much in that objection, as far as it goes; but at the same time, do not let it be supposed that it ought to be the object of legislation to establish a railroad rapidity in the transaction of Indian business. I have been much struck with the truth of a weighty sentence, comprised in few words, in one of those able documents that have proceeded from the India House during the present discussions—a sentence in which

[*Third Resolution.*

it is stated that the forms for the transaction of Indian business are practically and in effect the constitution of India. But as I have said, it is admitted that those forms are accompanied with considerable inconvenience, and I propose to remedy that inconvenience by placing the Minister of the Crown who is to be responsible for Indian affairs in direct contact and juxtaposition with the Court of Directors for the limited period to which my proposition relates. There are two parts of that proposition, by which I hope it may be the opinion of the Committee, as it is my own, that we may be able to give sufficient and substantial effect to the spirit of the resolutions at which we have already arrived. The first is that the President of the Board of Control may become as soon as he pleases President of the Court of Directors in lieu of the Chairman of that Court, and the second empowers him to take into his own hands the exercise of the other powers of the Chairman of the Court of Directors over and above the power of presiding at their deliberations. The latter part of my proposition is intended to touch the important question which is known by the appellation of the initiative in the East India Direction. Practically, it may be said that the initiative which now belongs to the East India Company is in the hands of the Chairman and Deputy Chairman, and therefore by authorizing the President of the Board of Control to take into his own hands the "other powers" of the Chairman of the Company, the intention is, and the effect would be, to enable him to assume, as far as he might find it necessary for the discharge of his responsibility, the initiative in the transaction of Indian business. It would be in his power to direct the preparation of despatches and the framing of measures, but it would be his duty to pass them through the same ordeal as at present—that is to say, to submit them in the first instance to one of the Committees of the Court of Directors, and in the second place to the judgment of the Court collectively. Here I may observe, that it has been pointed out to me that it will be necessary to make some restrictions in transferring those powers to the President of the Board of Control, because it is no part of my object, under the limited and provisional arrangement which I propose, to alter anything that relates to the distribution of patronage; and I believe that the words as they stand will require some qualification with respect to the right of the Chairman in proposing appointments to the Court of Directors. But the general intention is this—that we should give to the President of the Board of Control, besides the full retention of those powers which he now enjoys by law, the power of presiding over the Court of Directors, and influencing their deliberations as chairman; and, besides that, the power of the initiative, or preparing measures for the Court, so far as he may find it to be necessary. It would, therefore, be a misapprehension of the case to suppose that these Resolutions are simply a perpetuation of the *status quo*, or that, on the other hand, they stop short with merely the nominal transfer of powers to the Crown; because I confess it appears to me that the changes which they make, are changes which, while they introduce no great derangement in the proceedings of Parliament, and no sensible derangement at all in the proceedings of the East India Company working under them, will satisfy the spirit of the Resolutions at which we have arrived, and almost entirely meet the practical objections made by the late Prime Minister to the present constitution of the home government of India, and pleaded by him as the reasons for the Bill which he introduced. Such is the character of the Amendment which I have ventured to propose. I do not mean to say that I have proposed it to meet the convenience of any party in this House. So far as regards the Indian Government, at least, that is a question not yet effectually involved in the vortex of party. I am one of those who retain the opinion that, on the one hand, we ought to respect and give effect to the judgment at which the House has already arrived; and, on the other hand, I have a strong opinion, which I believe is shared by many hon. Members, that it is not practicable during the present Session to dispose finally and conclusively of the question of India in such a manner as befits that question. I lay a stress upon the words "as befits that question." I do not doubt that it is in the power of Parliament to legislate during the present Session. If the plan of the hon. and learned Member for Sheffield (Mr. Roebuck) be adopted, the Bill before us may be made a very simple Bill. But I do not think you will adopt that plan. I do not at all dispute that, by devoting two or three months, or, perhaps, a little more to the subject, you may pass a Bill relating to

India; but I do not think that you can pass a Bill such as shall be worthy of yourselves and your subject. I do not think that the House of Commons, far less the country, is awake, even up to the present moment, to the difficulty and comprehensiveness of the question. I do not think we have realized to ourselves how true it is that the problem of the Indian Government presented to us is not only one of the most formidable problems which ever came before us,—for that description falls short of the truth,—but that it is the greatest and most difficult problem ever presented to any nation or to any legislative body in the whole history of the world; because it is the first time in the history of the world that a people at one extremity of the earth have endeavoured to hold within their rule 200,000,000 at the other. And to hold them within their rule upon what conditions? Not upon the conditions on which in other times great conquerors of other days have proceeded and held their conquests. Great conquests have been made by races of superior energy, who have gone in among inferior races, who have incorporated themselves with those inferior races, naturalized themselves in the country, associated probably with their religion and institutions, and at last amalgamated in one consistent and homogeneous body, so as to become essentially the same in all the particulars which go to make up national existence. That is not our case. We go into the Indian peninsula with no such purpose. We go to take power out of the hands of those who formerly exercised it. We have gone there to destroy, in a great degree, not from any vicious purpose but from necessity, the whole upper class. We go to India, not to become Indians—not to incorporate ourselves with the people. We go there as strangers and to remain strangers. No man goes to India but with the hope of an early return, and every Englishman now in India is as much an Englishman in his hopes and desires and the ultimate purpose of his life as he was before he quitted his native shores. This is, after all, but a faint sketch of those difficulties which lie around the great problem of the Indian Government, and make me feel that, if I am placed between the two opposite evils of precipitation and delay, the possible evils of delay are not only light and insignificant, but are not to be thought of for a moment in comparison with the evils of crude and hasty legislation. I will just beg the Committee to consider for a moment what are some of the points to which it is necessary to give full consideration before we can venture to say that we have finally and sufficiently legislated upon the question of Indian government, and how difficult it must be to do justice to them in the present state of affairs in the East. I will take that great question which in the early days of East Indian history—when the Company was a trading company—was never thought of, or, at all events, did not find its way into the first efforts of Parliamentary legislation; I mean the question of the state of the Natives, of the efforts which we are to make to keep open for them a career, and of the measures which we are to adopt for bringing them forward in the social scale, which, if it be a true advance, cannot be limited to the social scale, but must leave open a political career. We have to look at the question how far we can improve their qualifications for that career, and the measure of their qualifications must be the exact measure of their admission. This is not the opinion of theorists or the vision of philanthropists. There never was a more practical writer than Mr. Kaye, and in his history he says:—

"The admission of the Natives of India to the highest offices of State is simply a question of time."

And there is another name entitled to great weight in this House, Mr. Halliday. Mr. Halliday says:—

"I believe that our mission in India is to qualify the Natives for governing themselves."

Now, Sir, it is impossible that this House can be perpetually legislating about India. It cannot be perpetually considering from year to year in what manner it can frame and assert on behalf of the Natives that arrangement of government and administration which shall be well adapted to bring them forward in proportion to their powers in the work of governing themselves. So that the full consideration of this question ought to enter into any measure which purports to dispose conclusively of Indian government, and must form part of it, if it is to be of any value. But I confess I cannot conceive circumstances more unfortunate for the consideration of such a question than the present circumstances of India, when a considerable portion of the Natives are still in arms against you, and the concessions you may make, if too narrow, will fail to satisfy

[*Third Resolution.*

them ; while, on the other hand, if they are large and liberal, they may be ascribed not to your deliberate convictions of what is right, but to the apprehensions which they think they have excited. Again, take the question, which has been little adverted to in this House, of the two great services of the East India Company—the civil and military services. One would almost suppose, to judge from the debates, that there was no difficulty at all in this part of the question. As respects the civil service, I will not advert to that, because I wish to keep to points which are few and comparatively simple. But, as respects the military service, do you think it is a small matter to destroy altogether the relation which now subsists between that great army of India and the Government at home, to which it has heretofore looked up as its head and natural protector, and to substitute, I might almost venture to say, nothing in its place ? The Resolutions of Her Majesty's Government, which include, of course, the principal points which they think necessary in Indian legislation, do not mention the subject of the Indian army at all. Upon what footing it is intended to stand we have not the smallest means of judging. Nor am I at all making that a matter of censure. I am only referring to it as a fact. The Bill of the late Government did refer to the Indian army ; and I must confess that the manner in which the reference was made, made me devoutly to wish that no reference had been made to it at all. I do not mean the extension of the European force serving in India—that is a matter, however, which may ultimately prove much more difficult than we have yet been accustomed to acknowledge ; but rather the manner in which it dealt with the Native army, properly so called. As regards that army and its officers, they were no longer to be in the Company's service, nor, practically, were they to be in the Queen's service. No provision was made with regard to that vast body upon which we must, under all circumstances, place a great part of our reliance both for the maintenance of order and the defence of the country. It appeared, according to the provisions of that Bill, that the whole of that great Native army, including the body of officers by which it is commanded, was not to be a Queen's force nor a Company's force, but a mere local force, of a secondary character, deprived in a great degree of the military spirit which necessarily follows and is fostered by belonging to a distinguished service, even as if it were no more than an ordinary constabulary or police force in England. I have always thought it a misfortune that the Indian army should be placed in any situation of inferiority to the Queen's army. For what is India, and what is the Indian army ? India is the greatest and finest military school in the world. Such is the tranquillity of our dominions that we have the greatest difficulty in developing the military qualities of the Queen's army, but in India we have an opening for the acquisition of military knowledge and the development of military capacity such as no other nation possesses. What, then, can be more absurd than to treat the command of the Indian army as a secondary task to be delegated to secondary men ? But this important and difficult subject is entirely passed over in the propositions now before us, and I want to know how you intend to deal with it when you are laying down at once the whole system of Indian legislation. I want to know in what position you are about to place the Indian army, what provision you are going to make to give full scope for its energies, and to enable it to hold that rank and title in the eyes of the world and Europe to which it has a right. These are difficult questions, they involve the entire question of the reorganization of that army, and yet they cannot be excluded from consideration in a final scheme for the government of India. There is another question of the greatest importance, to which neither the Bills nor these Resolutions make the slightest reference—the constitution of the local Governments of India. We seem to think that we have got a machine that moves like clockwork, and that in legislating for India there is no occasion to touch on the question of the local Governments of India. Such, however, was not the opinion of Parliament in former times, and I do not believe it is the opinion of those best acquainted with India that we have arrived at such a solution of the leading questions connected with the local government of India as to justify us in throwing them behind us and passing to other matters. It has been a question much debated whether you should constitute the local government in each Presidency on a footing of independence, or whether, on the contrary, you should centralize the Government, and place it entirely under the

Mr. Gladstone

Governor General at Calcutta. At former periods the local governments enjoyed a great amount of independence, because in the early history of the connection of England with India, Calcutta was not the headquarters of British power. But that independence was greatly weakened in 1833, and at present there is a mixture of two systems in operation with regard to the local governments which are somewhat incongruous. The Government of each Presidency is complete—the Governor has councillors to assist him, just as though he had to conduct independently the affairs of that portion of the empire over which he presides; while, on the other hand, his independent powers have been reduced within the very narrowest limits. Generally speaking, he is a Sub-Governor, holding his powers at the discretion of the Governor General at Calcutta, while, at the same time, he has a Council placed around him, which seems to imply that he exercises an independent control. When we are revising the whole government of India, surely we ought to consider whether the Indian Government ought to be centralized, or how far the government of the several Presidencies ought to be independent. If you think the Government ought to be centralized, then arises the question whether the local Governors of the inferior Presidencies ought to be surrounded by Councils, which seems to imply that they are independent, or whether they ought not to be represented in the Council at Calcutta, where the matters of the greatest importance to them are, in the last resort, to be determined. These are questions of the greatest gravity, strictly relevant to the question of Indian government, and with which you have dealt in former years in renewing the East India Company's Charter; and yet upon them neither the present nor the late Government have given any definite opinion. Are they not questions on which we ought to have the power of consulting those distinguished men who are now exercising power in India? Is it rational that we should go through this important subject, either dismissing this point of the local governments altogether as not deserving of notice, or attempting to settle it without taking the advice of Viscount Canning, Lord Harris, Lord Elphinstone, and the number of able men by whom they are surrounded. There is a serious objection, too, to admitting of comprehensive and final legislation with regard to India at the present moment, which arises out of a consideration of the question of Indian finance. I do not refer merely to the claims which will doubtless be made on this House by those persons who are creditors of the Indian Government, and who think that Parliament ought not to alter their security or to remove the East India Company from the position of being their debtors without their consent. That is a matter to which, no doubt, this House will have to devote a great deal of minute consideration; but still it is a question merely of time, and at present I shall not dwell upon it. You are going now to legislate for India, and if you persevere in your intention, I presume you wish that your legislation should not be merely provisional, but, as far as possible, definitive. It is desirable, therefore, that you should be able to say that upon all the great subjects connected with the government of that country you have made arrangements which, with a fair allowance for human infirmity, may be expected to stand the wear and tear of time and circumstances. But how does the question of Indian finance stand in reference to the great question of the liabilities for Indian debt? When you thought you had to deal with a mere military mutiny—when you thought that the capture of Delhi or Lucknow would put an end to the war, it was natural enough to conclude that you had in view the extreme liabilities which you would have to incur, and, consequently, that you should proceed at once to legislate upon them. You might have supposed that you had nothing to consider but the ordinary balance in time of peace between the revenue and expenditure of India, and you might have proceeded to deal with the question upon what revenue and on what exchequer the Indian debt should be placed. But the Indian revenue forms a limited fund. I do not mean to say that it may not be capable of increase when order and good government are re-established in India; but at all events, looking to the nature of our tenure of the country, and not putting out of view the present difficulties of our situation, you will be calculating too extravagantly and too largely on the nature of Indian revenue if you treat it as an elastic fund capable of taking whatever you may choose to place upon it. You may mortgage the capital and the industry of this country as long as the creditor is willing to lend, or as long as you

think the necessities of the case exist, without throwing any doubt on the security; but that is not the position of Indian finance, nor will it be so long as the present war continues. The ordinary revenue amounts to £25,000,000 or £30,000,000 a year; but, in consequence of the war, the receipts have materially diminished, while, on the other hand, you cannot expect to carry on the war at a smaller annual cost than £10,000,000 or £15,000,000. If you, then, are worsening the financial condition of India by from £15,000,000 to £20,000,000 a year, is it wisdom to think you are providing for such a state of things merely by enacting—as you propose by these Resolutions to enact—that the debt contracted on behalf of India shall be chargeable only upon the revenues of India? You ought not to proceed with this measure until you are assured that you can give to the credit of India a sufficient basis to maintain it. We say, or at least in my judgment we say, that is an affair of the creditor, and, as long as he likes to lend, it is his business to see whether the security is of any value. But I do not think that is a safe or honourable course for this House. There is also the relation—although we have not yet sounded the depths or ascertained the limits of that relation—there is the relation between Indian debt and finance and the ultimate resources of this country. I do not want prematurely to open that question. The Indian revenue is now dwindling under the effects of war, and the Indian debt is expanding at an enormous rate; and, at such a time, the principle that the Indian revenue alone shall be liable for Indian debt is sound alone, and nothing else. It cannot be the *bonâ fide* and serious opinion of the House of Commons that under such a state of things—that with demands indefinitely and most rapidly extending, and with resources, on the other hand, contracting, the nature of the fund being limited now and in its foundation questionable, we are acting safely or prudently in choosing such a moment for the purpose of altering and reconstituting under a new Government of India the vast Indian debt and Indian finances. All of these are points upon which, I must confess, it appears to me that nothing can be more inconvenient than that we should proceed, or profess to proceed—for I can hardly call it proceeding—to definitive and complete legislation for the government of India at a time when war in India continues to exist upon its present unfortunately too extended scale. I do not know whether I ought to refer—at any rate, I will only refer for a moment—to that other question which I am bound to say, though it is not yet opened in any of the Amendments or Resolutions, must be opened and fully discussed and considered in this House when we proceed to legislate for India—I mean that of the unconstitutional position which, through a course of unforeseen circumstances, the prerogative of the Crown has acquired, by means of its powers over Indian finance, with respect to the Indian army for purposes which are not local and Indian purposes. At present we are in this strange condition—there are two armies at the disposal of the Crown; the one the British army, the other the Indian army. The British army exists by the authority of Parliament, and in the Bill of Rights you have declared that it is a high violation of the liberties of this country to keep on foot a standing army except by the authority of Parliament. That authority of Parliament is so jealously used that you will not deliver it out in the form of a permanent Act, but from year to year you define, in strict and rigid numbers, the amount of the force that it shall be lawful for the Crown to keep on foot. Not only the amount of the force, but every farthing it costs to support it, is voted by this House. And not only that, but whenever measures involving hostility are contemplated by Her Majesty's Government, if they are to be carried into effect by means of the British army, the first act of the Minister is to make known the intentions of the Crown to Members of both Houses by means of a message, inviting the concurrence of both Houses to the policy that it is intended to pursue. Such is the provision, complete and effective, that you have made as far as regards the employment of the Queen's army. But there is another army—larger, much more remote, out of the view of Parliament, out of the view of the people of England—an army the movements of which are not subject to public observation—an army the policy and management of which are not subject to the control of public opinion. And what are we going to do? We are going straightway—because the Resolution asserts that India is to be governed by the Crown—to place in the hands of the Crown the whole management and control of this finance and this army. Is it possible that, at this time of

day, the House of Commons will be so forgetful of the traditions of other times, so unworthy of the position we occupy, as to let this opportunity pass by of correcting what is not only an anomaly, but what, when the time comes for discussion, we must in all frankness and plainness of language denounce as a monstrous practical evil—the dangerous extension of the power of the Crown in India, which may injure the foundations of our liberty at home and of the privileges of Parliament. I am not willing for one to allow this to be done by a final measure without endeavouring to make some complete and satisfactory arrangement in that respect. I wish I could think as some hon. Gentlemen think in this House—my hon. and learned Friend the Member for Sheffield among others—that you have done all that is required from you as the guardians of the public liberties, when you have established a nominal Parliamentary responsibility. I mean by nominal Parliamentary responsibility, a system under which you put all the executive power—the power of the sword, the power of the purse—in the hands of the Minister. You allow the Minister to exercise those powers without observation and without control, and you will lay your head tranquilly on your pillow, and say you have discharged your duty as a House of Commons, because you have retained the power of calling him to account. I must confess that in my opinion such a notion is groundless and shadowy. Calling to account is all very well. It is a power that I counsel the House of Commons not to surrender one tittle of; but do not let us rely upon it, when we can get something better. I should not like to give to the Crown the power of raising as many soldiers as it pleased in this country. I mean by the Crown, the men who sit on this (pointing to the Ministerial) bench, be they whoever they may. They say, "Oh, it's all right, because we are responsible to the House of Commons." Well, I am not a jot the better satisfied with that responsibility, because the scene is in India instead of in England. There was something at least intelligible in it as long as your Indian wars were merely local wars. They have entirely ceased to bear that character. Now, that we rule our 200,000,000 of men in India, and are in contact with a vast extent of frontier, English Statesmen imagine that they see British interests, European interests, world-wide interests, in the question of an Indian war; and if we have arrived at the period when it is not necessary to cross the great central chains of Asia or to mount the Persian Gulf for the purpose of using the regiments of the Indian Army, then I say we have also arrived at the period when the House of Commons should maintain the substance of its powers, and not allow them to become a shadow and a mockery. It is requisite that we should proceed to apply the principles of the Bill of Rights to the system of Indian Government with respect to army and finance. All these are points with regard to which I do not claim the assent of the Committee. I have submitted them to the Committee in perfect *bona fides*, intending to raise no recollections that can be disagreeable to any one, but in perfect good feeling to the question now before us. That question is not whether we are to refrain from legislation at all, but it is whether we are to persevere in an attempt which I, for one, believe to be hopeless — that of a final legislation which shall be satisfactory in its character. If we cannot reasonably expect to have legislation both final and satisfactory, then I humbly submit that the moment at which we have now arrived is by far the most convenient moment for the course which I propose. My hon. and learned Friend the Member for Sheffield, if my Motion is rejected need not complain. There will be abundance of opportunity for discussing his proposition. But I submit this Motion to the House with confidence, because I say that it makes considerable changes which are perfectly safe, and in harmony and unison with the principle of the vote at which the House has already arrived. If you should think fit to engraft upon this Motion at a future period further changes, there is nothing in it that will operate as an impediment. On the contrary, it will give you some experience upon the practicability of such further changes. It will show you how far you can unite the operations of the Executive —the Minister of the Crown—with the proceedings of the Indian Council, and will thus afford you experience as to further legislation for India. I, for one, do not think that a more advantageous course could be proposed for arriving at a definitive solution of that question. Why should there be such extraordinary haste in this matter? You want to have the benefit of the authority of the Crown in India. That

[*Third Resolution.*

I can perfectly well understand. There might be much argument upon the wisdom of that change at this moment, but the House has decided that it shall take place. Well, then, take the benefit of the authority of the Crown. What else do you want by the changes that you wish to introduce into the Indian Government? You want, or at least I, for my own part want, to bring the public opinion of England to bear more upon Indian affairs. I want to see the people of England more sensible than they have hitherto been of the enormous responsibilities they have contracted with regard to India. But I shall lose nothing of these objects by refraining, during the present year, from accomplishing that task. I know it cannot be accomplished as it ought to be accomplished. The mind of England might indeed be withdrawn from Indian affairs in a period of tranquillity in India; but so long as every mail tells of the existence of new bands of insurgents and of the occupation by the mutineers of this or that district—so long as every mail details to us more or less — thank God, hitherto less, than upon the whole, we might have expected—that the precious blood of England is being lost in military expeditions against our fellow-subjects under the frightful disadvantages of a hot climate and a hot season, there is no fear that the attention of the British public will be withdrawn from India. There could be but one other ground for saying that there was a pressing and urgent demand to complete the task of Indian legislation. It might have happened that there was a total breakdown of the administrative power of the East India Company. It might have happened that all its departments were proved to be inefficient. It might have happened that they failed in sending to India at the right time, and in the right way, the maximum force which the circumstances of the case required they should have sent, and that that force was in every respect insufficient. But did these things happen? Can we honestly say that the system of Government of which the East India Company is the centre has broken down as an administrative system? It may be, as some say, that we are not as a nation endowed with great administrative talents; these things must go very much by comparison, and I must honestly say, as one that never has had any special leaning towards the East India Company, that, looking back on what has been done by the Government of the Queen and the Government of the merchants in reference to the administrative exercise of their duties—each of them under circumstances of great suddenness and of extreme pressure—I do think that the East India Company, so far from having failed in the discharge of its duties, has made out a title to the lasting gratitude of the country. There is, therefore, no argument of a pressing character to be derived from the administrative feebleness of the system that should induce us to rush upon the performance of a task which otherwise it is not convenient for us to discharge. If I repeat a statement formerly made by the right hon. Gentleman the Chancellor of the Exchequer, it is not for the sake of reproaching him, but for the sake of simply recording what I believe to be an indisputable fact which he had the candour to state, when he said there was not that maturity of sentiment in the House or in the country that was desirable for the settlement of so great and important a question as this. I will put this test to hon. Members:—Is there a Member of this House who has heard any one whose opinion is worth anything say, "If you want to get at a knowledge of the affairs of the East India Company, go and read the debates in Parliament?" I am sorry to say I have not been so fortunate. I have heard frequent and irreverent remarks on the imperfect and insufficient stock of information possessed by this House—on the disposition to dogmatize without knowledge—and on a disposition to shut our eyes and to march forward without being sensible whether the way before us will lead to a path or a precipice; but I have not been fortunate enough to come across the man who has given to our deliberations on the East India question that honour and credit which, I am happy to say, on most questions of great public interest is freely and fully given to our debates,—namely, that in those disquisitions we show that we are masters of our subjects, and that we know what we are about. I therefore do entreat the House that, as the proposition I have now to make is one not involving differences of party or differences of a personal character, but is based on an honest desire to get at a right settlement of this question, they will give to it a fair and candid consideration. It is not an attempt to rebel against the authority of the House. Mistaken I may be; but so far as I am concerned, it is an

honest attempt to give effect to the views and judgment of the House. I believe that if the House will adopt the proposition —if not in its precise terms, at least in its spirit—if we adopt this important change now, and postpone the consideration of other thorny and difficult matters till a more favourable opportunity, we shall do that which will best assert our own dignity, and be most consonant with our obligations and duty to study and maintain the interests of the people of India.

Amendment proposed,—

To leave out from the first word "That" to the end of the Question, in order to add the words, "regard being had to the position of affairs in India, it is expedient to constitute the Court of Directors of the East India Company, by an Act of the present Session, to be a Council for administering the Government of India, in the name of Her Majesty, under the superintendence of such responsible Minister, until the end of the next Session of Parliament."

LORD STANLEY: Sir, knowing as I do, and knowing as this House does, the power with which the right hon. Gentleman treats every subject with which he has to deal—knowing the sympathy which such an Amendment as that he has put on the paper could not fail to command from a section, and that no inconsiderable section of this House—knowing, moreover, how easy it is, even for those gifted with far inferior powers, to assign on almost any subject plausible reasons in favour of delay and against any decided course which it may be proposed to take, I cannot be surprised that the speech of the right hon. Gentleman should have produced, as undoubtedly it has done, a considerable impression on the House. But though I quite allow that the object and purpose of the right hon. Gentleman's Amendment is different in some respects from that of Motions formerly submitted in the same spirit to the House, yet I could not but think, while I was listening to the right hon. Gentleman, that some of the arguments which he most strenuously employed were arguments which I had heard before, and that at no distant date. The right hon. Gentleman dwelt on the late period of the Session at which we propose to make this change, on the disturbed state of affairs in India, on the dangers of party spirit, and on the complexity and intricacy of the subject with which we have to deal. These topics and arguments have been touched on before; they were all urged by the noble Lord the Member for Durham (Lord H. Vane) some six weeks ago; and what was the decision at which the House arrived? After a debate of scarcely two hours, the proposition then made in favour of postponing the discussion of this subject was negatived, not by a bare majority, but by one of the most overwhelming majorities ever recorded in this House. What are the objections to proceeding with the proposals of Her Majesty's Government? The right hon. Gentleman has stated them fairly and I shall endeavour to answer them in a spirit equally candid. He objects to proceeding with it at this time of the year, and he has referred to a late Motion made in this House as indicating the spirit in which it is likely Indian affairs will be discussed. He has adverted also to the continuance of the war in India, and he has told us of the great intricacies and difficulties of the question. Now, taking that first which is perhaps the least material objection—that of time—I will not go back beyond the precedent of 1853, though I may just mention in passing that on almost all former occasions when this House entered upon the renewal of the East India Charter the duty was undertaken at a period of the year quite as advanced as this. But to go no further back than 1853, I may remind the House that though the question of the Home Government of India was not then dealt with in so comprehensive a manner as now, yet in the Bill introduced by the right hon. Gentleman the Member for Halifax (Sir C. Wood) no slight or unimportant changes were imported into the system of government. It was no slight matter to convert the Court of Directors from a purely elective body into one partly nominated by the Crown; and it was no slight matter to open admission to the civil service of India to unlimited competition. Those large charges were introduced into, and passed through this House, in the months of June and July. Let me also remind the House that we are not now beginning anew to deal with this subject. We have had before us ever since February the plan of the late Government. Since December last we have had intimations of that plan being in progress, for we were then told in the speech from the Throne that Indian affairs would call for our most serious consideration. Ever since that time, and, indeed, for months before, every newspaper and every review has been full of the subject, and if it be desirable, as I think it is, to

deal with that question at a time when it is familiar to the public mind, I do not believe you can ever have a more favourable occasion than the present in that respect. It would be a strange confession of weakness and incapacity if, after six months' definitive notice, and after the attention of all England has been called for twelve months, and called in a special manner to Indian affairs, we were now to declare that we were incompetent to make a permanent settlement—I do not say of the whole Indian question, but a settlement of that part of the question with which alone we are required to deal. The right hon. Gentleman speaks of the effect and influence of party spirit on this question. The noble Lord the Member for Durham (Lord H. Vane) six weeks ago preceded him on that topic; but the noble Lord the Member for Durham had not the advantage of some events which have since occurred. The right hon. Gentleman referred to a late event, the memory of which is fresh with us all, as affording an unfavourable indication of the manner in which Indian questions are treated in this House. Remembering that event — remembering the debate that took place, and the conclusion to which the House came, I am inclined, from precisely the same premises, to draw a precisely opposite conclusion. I think many hon. Gentlemen were led at that time to support the Government of the day from an anxious and scrupulous desire not to bring India within the scope of party conflict in this House. With regard to the state of the insurrection in India I have no wish to mislead the House. I agree with the right hon. Gentleman when he tells us that the war now being waged in India is not at an end. I agree with him that, though the worst is now over, though it is no longer a war perilous to the empire, yet that in some districts military operations will long continue—that they will be harassing to the troops, and will involve a considerable sacrifice of valuable lives. But how far, and to what extent, does that state of affairs impede our proceedings in the work of reconstruction of the Home Government of India? For twelve months that war has raged, for six months the whole question has been open, and it has been publicly announced, on the highest authority, that the existing system of the Indian Government at home is discredited and condemned. Has there been any complaint — has it been said that the effect of that announcement has been to impede the carrying on of operations in India or to diminish the public spirit of those who are there employed? The right hon. Gentleman, indeed, appealed to the noble Lord the Member for Tiverton (Viscount Palmerston) and asked whether, if the noble Lord had known the dimensions which this disturbance in India was about to assume, he would have proceeded with his proposed course of legislation. But we stand in a different position from that in which the noble Lord stood. The noble Lord thought —and I am far from blaming him for it— that the state of affairs in India required greater promptitude in carrying on the Indian business at home, and that was one of the reasons alleged by him for entering on that course of legislation. We are in a different position now. It is not in our power to deal with this matter as if the question had not been raised. The question has been raised, and the confidence of all persons—I do not say in the government of India and the administration of Indian affairs at home, but in the system and mechanism by which the administration of Indian affairs at home is carried on —has been rudely shaken. It seems to me that the only manner of restoring that confidence—and its restoration is now more important than ever — is to close up again as speedily as possible, and as permanently as possible, that part of the question which has been opened. The right hon. Gentleman also spoke of the complexity and difficulty of Indian government. I am far from denying that it is a most difficult and intricate problem; but I think the right hon. Gentleman has confounded two things which, though connected with each other, are, nevertheless, essentially distinct—namely, the administration of Indian affairs in India, and the composition of that body which in this country is to exercise a general direction and control over the Indian Government. The right hon. Gentleman has entered on some of the largest subjects with which a statesman can possibly be called to deal. He has told us of the necessity of giving an open career to the Natives of India and of elevating them in the social scale; he has told us how social improvement is necessarily connected with the possession of political power; and with all that he said on that subject, and with the high authority he quoted to confirm his opinion, I fully and entirely concur. But

I agree with him also when he says—and there he seemed to be replying to his own argument — that this is not the time to deal with those particular questions, because, at present, when feelings of hostility exist against our Government on the part of the Native population, to make concessions on such points would be taken as a sign of weakness, while to resist concession would only exasperate the enmity already existing. Again, he told us of the relations between the military services of India and England. He said that the relation between the English and the Indian armies was not noticed in any of the Resolutions before the country. Undoubtedly it was not so noticed, and that for precisely the reason which he alleges. There is an inquiry at present going on, or about to commence, on the subject of the reorganization of the Native army in India. A full investigation will be entered on in reference to that subject, and when that investigation is completed we shall be prepared to give the result to the public. But the right hon. Gentleman throughout his argument proceeded on an assumption in which I should regret if the House were to share. He assumed, if we were to go over the questions connected with the Indian administration and attempt to settle any such questions permanently now, that so soon as the Bill which we shall shortly bring in was passed, the House would refuse to reopen any part of the Indian subject, and a door would be closed against all future reform. I should deeply regret if such were likely to be the case; but I am sure that if at one and the same time, and in one and the same measure any Government were to attempt to deal with all those questions touching the political *status* of the Native population, the relations between the Native and European armies, and those between the Governor General and the Executive here, the result would be that no measure would be passed, and probably the whole Session would be consumed by fruitless discusssion, while the recollections which it would leave behind would operate powerfully to prevent any future Minister or Parliament undertaking to deal with the subject in a comprehensive manner. The right hon. Gentleman has stated the objections which he entertains to the course proposed by the Government, and I must state in a few words what are the objections which I entertain to the course pursued by him. The right hon. Gentleman wishes to constitute the present Court of Directors a Council for administering the Government of India in the name of the Queen, under the superintendence of a responsible Minister of the Crown, until the end of the next Session of Parliament. In the first place and principally I object to any such mode of procedure, because it would place those who were to compose such a Council in a singularly false and inconvenient position. You would tell them that they were doomed, that their term of power would soon expire, that no efforts they could make, no energy they could show, and no public spirit they could display would avail to prolong that term of power. Would not the inevitable effect of placing such men, however able and laborious, in a position like that, be to a great extent to diminish the zeal and energy with which the public business would be carried on? But it is not merely as regards the Directors themselves that I think the proposal objectionable. You must look also to the effect it would produce on the public mind. When you say a certain body whom you would intrust with considerable power is to lose that power at the end of a not very lengthened term,—when you say openly, or by implication, that the only reason they are allowed to continue in the possession of power for that short time is the difficulty of finding a substitute, the effect must be to impair the confidence which the public will feel in them, and to discredit them before the eyes both of England and of India. We have ourselves experienced the inconvenience which is apt to arise when there occurs in our Parliamentary government a period during which Ministers only hold office until their successors are appointed; we have found that during such an interregnum of two or three weeks, or, at the utmost, a month, all even business comes to a standstill, arrears accumulate in all the offices, and great inconvenience accrues to the public service; and I must say that, in my opinion, we should be creating a similar inconvenience, but upon an infinitely larger scale and at a most dangerous time, if we were to tell the Court of Directors that they might hold their tenure of power until the end of next Session, while at the same time we announced to them that the only reason which induced us to continue power in their hands was our unwillingness at the present time to lay down

any scheme for the permanent government of India. They would be precisely in the position of a Ministry which has announced its resignation, but which has not been yet replaced. Again, the intention of the right hon. Gentleman undoubtedly is to do away with that which is thought by some to cause a great part of the inconvenience which has been complained of—I mean the existence of a double Government and the existing system of separate offices. Now, I do not think that the plan suggested in the Resolutions of the right hon. Gentleman even effects the object which he wishes to effect. All that the proposal of the right hon. Gentleman amounts to is, not that the Board of Control should be abolished, not that the President of the Board of Control for the time being should assume the functions of President of the Council in Leadenhall Street, and transact business there only; but he proposes to retain the two offices and the present system of communication between them, but to give the President of the Board of Control, whenever he might be so inclined, an optional power of going to Leadenhall Street, and being, when there, the Chairman of the Court of Directors. I cannot conceive that such an arrangement would bring about any economy of time or saving of labour, or that it would be productive of good to the public service. At present the Chairman of the Court of Directors is invested with large powers, and consequently with great responsibility; and his authority would be impaired if he were only to be Chairman when the President of the Board of Control did not happen to come down and assume his functions, while no diminution of delay or of expense would ensue, nor would the President of the Board of Control be regarded as the natural head of the Court of Directors. Then farther, is he in one capacity, at the Board of Control, assisted by his staff there, to sit in judgment on acts which he himself sanctioned while sitting as Chairman at the East India House? I do not think that such a plan would conduce to the good working of the department; but that is a question of detail, and I do not wish to rest upon it. My objection to the proposal before the House, plainly and briefly stated, is that it does not attempt any permanent settlement of the question. When I talk of a permanent settlement, I don't't mean to say that, when we have arranged matters between Leadenhall Street and Cannon Row, we shall have made great progress in settling that vast and complicated problem of the local administration in India — that is, I repeat, a separate subject—a subject, doubtless, which requires great care and attention; but, so far as regards that part of legislation for India with which we at present propose to deal, I confidently hope that even at this period, and notwithstanding the delays which have taken place, we shall be able during the present Session to agree upon some legislation which shall be of a permanent and not merely personal character.

MR. MONCKTON MILNES said, he believed that the noble Lord, who on that occasion appeared for the first time as Minister for India, would have suffered nothing in the estimation of the House if he had consented to the Motion of the right hon. Gentleman. The noble Lord had failed on many points to answer the arguments adduced by the right hon. Gentleman. He seemed, however, to have felt that it was most desirable to eliminate the question of India from all party struggles; and in so doing he appealed to the experience of the House as to recent events; but he (Mr. M. Milnes) was extremely astonished to think how the noble Lord could forget that within the last few weeks they had witnessed a party struggle of the severest character on an Indian subject, illustrating in a most marked manner the great danger and difficulty of bringing Indian questions as matters of party struggle before this House. If it were possible to take this matter out of the atmosphere of party struggle and transfer it to a quieter period, he did not think it would be any disadvantage to India or England. He could not agree with the noble Lord, that in another year the country would cease to take an interest in the subject, and he could not flatter himself that in that period the condition of India would be such that people in this country would cease to regard it with attention; but, however that might be, the question of governing 180,000,000 of men ought not to be treated as a party question, but ought to be brought forward at a time when it could meet with the calmest consideration, and he thought that they would be in a better state to legislate on such a matter at a future time than they were at the present moment. The noble Lord seemed to have misunderstood somewhat the Motion of his right hon.

Friend. He believed his right hon. Friend desired to abolish the double Government, by merging the East India Company with the Board of Control, rather than sacrificing the East India Company to the Board of Control. He was obliged to confess that he had heard nothing, and had seen nothing, to make him swerve from the opinion that the double Government was a most wise and providential arrangement, and he thought that the very delays which had been complained of had been efficacious in checking rash or immature innovations. Nor did he find that the most inveterate enemy of the East India Company had been able to bring forward one single case in which delays caused by that double Government had been any injury to India during these late perilous times. At the same time, there was a superstitious abhorrence of this double Government which it might be difficult at the present moment to overcome, and there was a great difference—if it were destroyed—whether it were done by a reform or a revolution. The double Government might be altered by making the President of the Board of Control permanent Chairman of the Company, and combining in his own person all the powers that at present existed in the Chairman of the East India Company. He did not know any very great practical advantage to be obtained from such a transfer, but he believed that they would satisfy public opinion on that matter, and at the same time preserve all that was most useful and important in the present system. When the noble Lord said that it was necessary to do something in the way of destroying the East India Company, because the Company was at this time wholly discredited, and when he said that during all this discussion, and the angry feeling that had been agitated, the present state of things had not in the least degree impaired their efficiency, or agitated the public mind in India, or caused any confusion or difficulty there, he thought he would find it somewhat difficult to reconcile those opposite opinions. It was a noble example of public duty well performed, that the East India Company, though insulted as they had been, and discredited as far as possible, had notwithstanding allowed no feeling of private pique to make them swerve from public duty, but had gone on doing their duty as the governing power in India, just as they would if that power had never been questioned, and that authority never challenged. He said that they had no right to assume that the East India Company was not at present an efficient governing body for India. The question of the efficiency of the Board of Directors had been before them for six months, during which period every attempt had been made to criticise what they had done, yet in all things they had found that under the guidance of the East India Company the operations of the war had been carried on with a rapidity and exactness which formed a singular contrast to the military operations of late years in other quarters of the globe. If they could not find any fault with the East India Company at the present time, why should they destroy that Company and work a great revolution in India, which the confused and desultory debates on this subject showed how little they were able to direct and control? The noble Lord objected to his right hon. Friend that his measure was only temporary, and not a permanent measure; but was he sanguine enough to suppose that any measure which he might bring forward would be secure from all alteration? Nay more, was it not an unfair assumption that the measure would be of a temporary character? Suppose the proposition were carried out, and suppose it proved to work satisfactorily, and that the East India Company should not be abolished, but retain its power, elevated and preserved from unjust suspicion, who would be rash enough to disturb it? If the noble Lord could not be induced to take this view of the case, he did trust that independent Members on both sides of the House and on both sides of the question would determine to view this matter in no spirit of party, but would endeavour to adopt those steps which would be most for the interest of India. He hoped that the House would feel inclined to maintain the East India Company, and that they would accept this proposition of the right hon. Gentleman, and that the measure would be found so satisfactory that it would not be a temporary but a permanent measure. He would say to those who wished to destroy the Company, "give it at least an opportunity of a fair trial, when the cause of the Company is disembarrassed from the question of the double Government." As he said before, the question was one of reform or revolution, and he did hope that the Committee would take a prudent, wise, and statesmanlike course in this matter, and that they would not pull down where they could not upbuild—that they would not

destroy the fabric of a century to place in its stead the fabric of a day. Let them show some respect, not a superstitious or servile respect, but still some reverence for the past. Let them not calumniate those great men who had in times gone by governed in India. Let them endeavour to legislate for that empire in a statesmanlike spirit, and not merely in obedience to a violent impulse of popular opinion, and from motives of which in a few years they would probably be the first to be ashamed.

SIR GEORGE LEWIS: Sir, I quite agreed with the noble Lord (Lord Stanley), when he said that this Motion is a repetition of that of my noble Friend the Member for the county of Durham (Lord H. Vane). In its effect it would undoubtedly be merely dilatory. It would postpone legislation upon the question now before us, and would substitute for a definite settlement that which professes to have no such quality. But while I agree with the noble Lord to that extent, I cannot but think that if these Resolutions of my right hon. Friend were fully carried into effect they would in truth involve us in difficulties scarcely less than those involved in the original plan. Let the Committee consider what would be the effect of these two Resolutions. My right hon. Friend did not in his able address very distinctly explain their meaning, and I confess that I have great difficulty in reconciling one with the other. The first Resolution says that the Court of Directors are to become a Council for administering the Government of India. If the Court of Directors are to become such a council it is clear that they must cease to be a Court of Directors. They must lose their independent character. If the first Resolution has the meaning which its words apparently convey the system which it would introduce would be that there should be a President and Council for the administration of the affairs of India; but that is, in fact, the system which is embodied in the Resolutions already before the Committee. That simple Resolution would, in fact, raise all the difficulties which are involved in the plan of the Government, because if you take away the independent character of the Court of Directors, if it ceases to be a Court and becomes merely the Council of the President, you must then solve all the questions which arise from bringing the two parties into contact with each other. My right hon. Friend distinctly stated that he wishes to place the Court of Directors in contact and juxtaposition with the Indian Minister. What I say is, that if you place the one in juxtaposition and contact with the other you necessarily impose upon this Committee the solution of the difficulties involved in the Resolutions already before us. You must face the difficulty of patronage; and there is another question which ought to be, and must be, dealt with—namely, that of the Secret Committee. What is the Secret Committee? It is a contrivance to enable the President of the Board of Control to correspond with the Governor-General and send him instructions upon his own authority, in accordance with the form and constitution of a separate Court of Directors. The Chairman, the Deputy-Chairman, and, I think, another member of that Court constitute the Committee, and they are the organ and instrument through which secret despatches are sent. But, according to these Resolutions, the President of the Board of Control will himself be the Chairman of the Court of Directors; and, therefore, unless you entirely alter the existing law, you will arrive at the absurdity that he is to send secret despatches through the Committee of which he is himself the President. The Committee must see that if once you give up the principle that the Court of Directors is an independent court, if once you make it a Council and bring the President of the Board of Control into direct contact with it, you subvert its existing constitution and enter upon that revolutionary course which my hon. Friend the Member for Pontefract (Mr. M. Milnes) deprecates, and destroy that constitution to which with something of a poetical license he ascribes a duration of centuries. You desert the prudent road of reform and create an entirely new home Government for India. The second Resolution does not appear to me to be in its terms consistent with the first. I would submit to my right hon. Friend that if he will closely examine his two Resolutions he will find that they are inconsistent with each other. The first Resolution might be introduced without the second, or you might have the second without the first. That is to say, you might keep up the Court of Directors as an independent body, or you might give to the President of the Board of Control power to become Chairman of that Court when he thinks fit, although I can hardly conceive a more capricious or inconvenient state of things than that regulation would introduce. Still, it is conceivable that such a

state of things should exist; but it does appear to be wholly inconceivable that the state of things contemplated by the first of these Resolutions should exist contemporaneously with that contemplated by the second. I really hope that the Committee, notwithstanding the advantage which this scheme has received from the advocacy of my right hon. Friend, will not be disposed to entertain it, or, indeed, to debate it at any great length; for I think we ought not to delay discussing the Resolutions already before us, which contain an intelligible—at all events, a consistent plan. Having stated the objections, the fatal objections, to which, as it seems to me, these two Resolutions are liable, I cannot but say that I think my right hon. Friend has greatly exaggerated the difficulties in the way of the plan already before the Committee. These Resolutions merely involve a plan for the improvement of the home government of India. They do not necessitate the consideration of the difficult questions that were passed in review by the right hon. Gentleman—that of giving political power to the Natives, that of the military system of India, and that of the local governments of India—none of these subjects need be treated in connection with these Resolutions now before us. But so far from agreeing with the right hon. Gentleman that because these difficulties exist we are not competent to deal with the home Government of India, it appears to me, on the contrary, that the settlement of the simpler question as to the home Government of India would very much facilitate the settlement of those other difficult questions. When we have the home Government settled in a direct and manageable shape with responsibility upon one head, this House will have facilities and advantages for dealing with the question of local Indian policy which it does not now possess. Although much has been said about the ignorance of this House, and we have been told that our debates are not looked to for instruction upon this subject, and we have heard repeated *usque ad nauseam* statements that this House is not competent to deal with questions of Indian government, yet I am decidedly of opinion that this House is perfectly competent at this moment to deal with the question of the home Government of India. We have all the material elements of the subject under our eyes—within our knowledge. We do understand the relation between Leadenhall Street and the Board of Control, we do know how business is transacted in those departments, and if we wait until next year no additional light will be thrown upon the subject, and we shall be no more competent to deal with it in the month of June, 1859, than we are now. There is nothing, in my opinion, in the further progress of the Indian mutiny or the war in Oude, in the details of the military system of India, or in any of the different subjects that have been dangled before our eyes, to raise a doubt as to the policy which I contend is clearly indicated as to the constitution of the home Government. We know the historical origin of the Indian Government. We know that, from a series of accidents, what was originally the Court of Directors of a trading joint stock company became invested with sovereign powers, that it was divested by Parliament of its trading functions, and that it has now become a subordinate part of the home Government of India. So far from thinking there is any practical difficulty or obscurity, it appears to me perfectly clear, and my only wonder on reviewing the whole history of the Company is not that we are now proceeding, as I believe we shall, to abolish the last traces of the East India Company, but that that form of constitution should have remained in existence so long after the Court of Proprietors had been shorn of all administrative power, and one-third of the Court of Directors have become mere nominees of the Crown, and the remaining two-thirds subject to the President of the Board of Control. The wonder really is that it has been postponed until this year to accomplish the reform which I trust is now about to take place by establishing a responsible Council in immediate contact with the Minister for India.

MR. LIDDELL said, the noble Lord had described the powerful arguments put forth by the right hon. Member for the University as old and stale, but as they were founded upon experience he (Mr. Liddell) preferred them to the new-fangled ideas and crude notions which had been introduced into the Government's late India Bill. The proposition of the right hon. Gentleman had been described as a simple proposition for delay, but that was not a fair way of viewing it. Was there no change involved in the Amendment? Was there no change involved in bringing the Minister for India into the position at present occupied by the Chairman and Vice Chairman of the East India Company? Was it no

change to give to the responsible Minister of the Crown the initiation of all measures of Indian policy, and to bring under one roof two deliberative bodies which had been hitherto located in different quarters of the town? Those were changes which possessed a quality not always attaching to change, that of safety. Reference had been made to the length of time which had been occupied in discussing Indian affairs, but he for one did not regret that circumstance. Since the discussion of this question commenced, a great revulsion of feeling had taken place in that House and in the country. Partly owing to misstatements in that House and partly to aspersions in the newspapers, a very false impression was prevalent three months ago respecting the East India Company. He did not know by what means exactly the change had been brought about, but certainly there had been a change of opinion upon the subject. He would remind the Committee that the question immediately before it was to provide a Council to assist the Minister for India, and there never was a time when a Minister more required the aid of an able and experienced Council. Several plans had been propounded for the formation of such a Council—that of the Government, which had been so well and so sarcastically criticized by the noble Lord the Member for Tiverton; the plan of that noble Lord himself, which would have reduced the Council to mere tools of the Minister; and that of the noble Lord the Member for London, who wished the members of the Council to hold their offices during good behaviour. The proposition now made was to give to the Minister the aid of the most experienced statesmen, men who were thoroughly and practically acquainted with India. He would, however, put it to the Committee whether, with the vast weight of an Indian war, it would be possible for a new Council to make up the arrears of work which must necessarily exist, or whether they could be of any great assistance to the Minister for India. The noble Lord the Member for Tiverton, in introducing his India Bill, had said that the very name of the Queen was calculated to produce the most beneficial effect in that country; but he (Mr. Liddell) might observe that the name of the East India Company was identified with a policy which was deep-set in the hearts of the Mahomedan, the Mahratta, and the Hindoo—a policy which was based upon the recognition of the religious feelings and usages of those under its dominion. The inference which he desired to draw from the opinions to which he had given expression was that such men as those would form the most fitting Council for the Minister for India, and that surrounded by such men his decisions must have greater weight and must inspire greater confidence in the minds of those whose affairs he would be called upon to administer than could under other circumstances be the case.

MR. DRUMMOND said, his right hon. Friend who had commenced the discussion in which the Committee were engaged had stated one of the reasons why he wished legislation in regard to an Indian Government to be postponed for the present to be that he did not think the country was sufficiently prepared to deal with the question, by which expression of opinion he had no doubt meant to imply that the Members of that House did not possess a sufficient amount of accurate information to enable them to arrive at a just conclusion upon the subject. Now, he felt assured that if his right hon. Friend had been in his place and heard the speech to which the Committee had just listened, he would have been furnished with a still stronger argument than any which he had urged in favour of the proposition which he had advanced. For his own part, his objections to the Bills which were, or rather which had been, before the House were, that they did not really touch the Government of India at all. The measure of the noble Lord the Member for Tiverton was, it was true, entitled "a Bill to provide for the better Government of India;" but the right hon. Gentleman the late Chancellor of the Exchequer had made the very distinct admission that there was no question of the Government of India in either the Bills or the Resolutions, and that the whole question involved was, in fact, nothing more than some hocus pocus about what was termed the Home Government. Now, in order to avoid all *equivoque* upon the subject, he desired, once for all, to state that that which he called the Government of India was a Government for India, and carried on by Indians for the happiness of the people of that country. If that were not the scheme which Parliament had in view, it certainly did not deserve to succeed in its attempts at legislation, and they as certainly would, as he hoped they would, lose their Government of India altogether. With respect to the question of a Council, he could only say,

that in his opinion, the right steps to secure the services of an efficient Council had not been taken. The point, indeed, was one upon which he might be permitted to observe *en passant*—for he should not enter at length into the merits of the question—great confusion seemed to prevail. Some hon. Members, for instance, talked of a Council as if it ought to be a body which should exercise a control over the Minister to whom it was constituted to give advice. This, however, was not the object of the Privy Council, nor of any other similar body of which he had ever heard. The result of placing the Council in a position to control the Minister would, in fact, be to create a double Government, and better than to do that, he should contend, would it be to let the subject drop altogether. But to revert to the remark of his right hon. Friend who had opened the discussion, he might be permitted to express his belief that neither the House of Commons nor the country was well informed with reference to what had hitherto taken place in connection with our Indian administration, and to state that those who were mentioned in the Bills and the Resolutions before the House were a class of persons who had been designated by all our Governors General as men who were profoundly ignorant of the country in which they had resided. Now, he was perfectly ready to admit that it was not right, an assertion so grave as that should be made upon his own individual authority; and, although he was aware it was very irksome for hon. Members to hear extracts from documents read at any length, yet he trusted he might be allowed to lay before them the evidence upon which rested the charge against old Indians to which he had just adverted. The first person whose testimony he should quote in support of his statement was Sir F. Shore, son of Lord Teignmouth, who said that the insolent behaviour which English people resident in India thought it necessary to pursue towards the Natives by way of keeping up their own dignity, was carried to such a pitch as to lead the latter to avoid as much as possible all intercourse with them, inasmuch as they were far more likely to meet with slights and neglect than with sympathy. The same gentleman added that it was not at all uncommon to hear young men who had been only a year or two in India, and who were wholly unacquainted with the language of the country, except, perhaps, that they could mutter a little Hindostanee jargon, speak of the Natives with the utmost contempt, looking upon them as a degraded race, and not allowing that they possessed a single good quality. The language of Billingsgate was, he went on to observe, constantly used towards respectable servants simply because they did not happen to understand what their masters said, a circumstance which was very often owing to the fact that they did not speak intelligibly. He might also mention the story of a certain magistrate who insisted that whenever a Native met him on horseback he should at once dismount and make him a salute, while he might adduce the authority of Mr. Norton to prove that we seemed disposed to regard the Natives now even with less kindness and sympathy than at the period when our relations with them had first been established. Mr. Rees stated, in his *Narrative*, that the conduct of many of our young officers towards the Natives was cruel and tyrannical, while the *London Quarterly* declared that the behaviour of Europeans was marked by a high degree of pride and insolence. Lord William Bentinck said that the result of his observation was, that the Europeans generally knew little or nothing of the customs and manners of the people; and Mr. Fraser Tytler asserted that the servants of the Company were the least able to supply correct information upon those subjects. Now, if we were proud of our aristocracy and mindful of their dignity, how could we think that these things did not rankle in the breasts of men who could trace their hereditary rank and their possessions up to a period anterior to the commencement of our history—in some cases, indeed, up to the time of Alexander the Great? Were we so foolish as to imagine that because they did not retort an insult upon the instant, they did not feel it? We might depend upon it that the Italian proverb was true in India as everywhere else—"Vengeance sleeps long, but never dies." He found the following in one of the last journals from Calcutta:—

"What with all this thieving and insolence, I am determined, for once, to take the law into my own hands, and thrash within an inch of his life the first man I have tangible proof against—be he a Pandy so much the better; and as for the thieves, I shall try and shoot somebody, whether it is the right or wrong it will not much matter. I have been bullied and hunted about by the Pandies quite enough, and have no idea of going through any more such fun. If the Natives are to be allowed to ride roughshod over us and insult us, we must just follow the example of the 10th at Dina-

[*Third Resolution.*

pore. The papers are full of this. From Agra, Delhi, everywhere, correspondents remark on the growing insolence of the Natives. The Government, for the last fifty years, have been doing their best to keep Europeans down and Natives up, and this was the cause of the mutiny—at any rate, of the indignities heaped on the victims of the mutiny. I do not want to see men servile or cringing, but I do want to see them civil and respectful, especially the Pandies, who know that if they got their deserts it would be the gallows. But that they should be allowed to swagger about in the way they do is preposterous."

These matters might seem unimportant, but he would ask whether it was possible, that if we had endeavoured to goad the people into revolt we could have pursued a different course from that which had been adopted? The provoking part of the matter was, that the "old Indians" presumed to be the only persons who knew anything of India, although all the prophecies uttered by them at every renewal of the Charter about the ruin of our trade with China and elsewhere, and the impossibility of the country being governed, had been completely falsified by events. Supposing there were a question in that House as to an insurrection in Poland or Hungary what weight would be attached to the opinions and statements of a man who presumed to know all about the matter because he had resided in Naples? The late Duke of Clarence was showing a portrait of Columbus to two ladies, of whom Mrs. Jordan was one. "Here," he said, "is a very fine picture of Columbus, a clever fellow, who dicovered America 500 years ago." "Oh," cried Mrs. Jordan, "it was not so long ago as that." "What do you know about it?" asked the Duke. "I have been lately reading *Robertson's History of America*," replied Mrs. Jordan. "Robertson!" exclaimed the Duke, "How should he know anything of the matter? He was never in America—I have been, and therefore I ought to know better than he." That showed what the testimony of "old Indians" was worth. The people of India having been subjected to such treatment, was it surprising that they should hate us? Mr. Fisher, a gentleman quoted by Mr. Norton, stated that the people generally were dissatisfied, and that they had too much cause for it. He added, that there was disaffection enough for half a dozen rebellions. Mr. Norton himself said that various large sections of the Natives hated us cordially, while Sir Charles Metcalfe declared that dissatisfaction existed because the dominion of foreigners must be odious. It had been proved in evidence that torture in one shape or other had been practised to a large extent by the lower subordinates in the Indian revenue service; and yet, not long ago, Sir James Hogg, Mr. Mangles, and Mr. Elliot stated, in their places in Parliament, that they had never heard, during their residence in India, of a single case of torture. Such were the men who were to give good counsel to the new President of the Board of Control. We ought to remember that the laws of the people of India were mixed up with their religion—that their land tenure and their theology were bound up together. But what had we done? We had sent out a parcel of English lawyers who had tried to introduce English courts and English law into that unfortunate country. At home there was nothing to which we stuck with more tenacity than our legal forms. Every English gentleman must think the constitution of the Court of Session in Scotland absurd; but mention the name of that court and see how Scotchmen would start up to defend it. One of the worst grievances complained of by the Italians was, that they were obliged, in the ultimate resort, to send their cases to Vienna to be decided by a law and in a language which they did not understand. That was the very evil we had inflicted upon India by means of our lawyers. Colonel Sleeman said that the people felt they were exposed to great injustice from the uncertainties of our law, the multiplicity and formalities of our courts, the pride and insolence of our Judges, and the corruption and ignorance of those who practised before them. The Natives, he said, could not understand our rules of law; our courts of justice, they declared, were the things they most dreaded, and they were glad to escape from them as soon as they could. Other writers gave evidence to the same effect. Yet the nostrum of all the lawyers was the introduction of English law, and the sending out more lawyers from this country, their universal panacea. That was their plan of government. Now, the root of the whole evil was the doctrine that India was a country to be exploited for the benefit of the civil service. If we were going to look upon India as we had looked upon it hitherto, as a mere place of plunder for English officials, we should surely lose it, and should deserve to lose it. The natural tendency, it had been said, of the principles inaugurated upwards of a century ago was to

place the patronage in the hands of a class who had no stake in the prosperity of India beyond the salary they drew from it. Another result was, that according to Sir Charles Metcalfe, the army was in a constant state of discontent with the large salaries given to the members of the civil service; and he might quote much more to the same effect. At some future time he should like to make some observations respecting our interference with the religion of the Natives. But, in his opinion, it was of paramount importance to issue a Proclamation in the Queen's name and let her take possession of that country. Talk of the respect the Natives bore to the Company! Why, they looked upon it with the most perfect indifference. Now, the Queen's name would be hailed with respect, and in that same Proclamation we ought to declare that we would govern India for the happiness of the whole population, and that the instruments of our Government should be, not exclusively Europeans, but the Native Princes and landowners of India.

MR. CUMMING BRUCE said, he would support the Resolution of the right hon. Gentleman the Member for the University, as he understood it recognised the propriety of that Resolution which had already been adopted by the House, of transferring the government of India in name, as it had long been, in fact, to the Crown. To him that was no new proposition. He had advocated the recognition of the Royal authority in India when the renewal of the Charter in 1853 was under consideration, and he had not changed his opinion in that respect. Campbell somewhere talked—he meant the poet, not the chief justice—of the "magic of a name," and he knew of none that was likely to exercise a more attractive influence for good than the name of our most gracious Sovereign. His hon. Friend who had just sat down, said that he could not approve of any system which did not contemplate the eventual transfer of the Government of India into the hands of the Natives themselves. Now, he could conceive nothing more likely to retard the object which his hon. Friend had in view than that our legislation should cripple the power of Englishmen in India, because such was the absence of truth among the Natives, and their want of reliance upon each other, that he believed the only way to raise them to a capacity for self-government was to keep them attached for many years to come, as a dependency to this country. His hon. Friend complained of the hauteur of members of the Civil Service to the Natives. He was afraid that was not confined to the Civil Service; but he did not see how that state of things was to be remedied by any change in the system of the Civil Service. He had himself put a Motion on the notice paper in some degree connected with the Amendment of the right hon. Gentleman. His intention was to propose that the present Court of Directors should constitute the first Council of India, reserving to them the power of suggesting or originating measures, but leaving with the president the power of overruling those measures if he disapproved of them, but requiring of him, if he did so, that he should put his reasons of disapproval on record. He did not intend that the Court of Directors should be continued as they were now constituted, or that they should be appointed for life; but he would leave it to future arrangements to settle the order in which they should retire, and in what manner the vacancies should be filled up. The noble Lord the President of the Board of Control had argued against the proposition of his right hon. Friend that it would cause delay, and that seemed to be the standing objection to every new proposition. He did not give any weight to that objection, for if there were twenty hon. Members in the House who believed that these Resolutions could be carried, and that a Bill founded on them would pass both Houses, they must have more faith than he possessed. The noble Lord farther said they would lose their character for common sense and discretion, if, after having two Bills laid before them, and now these Resolutions, they were by adopting the right hon. Gentleman's proposal, to declare that they would allow the question to drop altogether. He (Mr. C. Bruce) did not think there was much in that argument; for certainly if they were to trust the noble Lord the Member for Tiverton, the Bill of the present Government could not have been intended for serious legislation, so that it would be no disappointment if legislation did not go on in the course of the present year. The hon. Member for Pomfret (Mr. M. Milnes) made an observation which did not appear to be at all justified, when he said that both the present and the late Government had treated the Directors of the East India Company with disrespect. So far from that, both the noble Lord (Viscount Palmerston) and the right hon. Gentleman

(Mr. Disraeli) in proposing their respective measures, which involved the extinction of the East India Company, had spoken in terms of the highest commendation of the administration of the Board of Directors. The noble Member for Tiverton, while proposing the abolition of that Board, praised them for their success, and the House would readily remember the right hon. Gentleman's fine comparison of the Court of Directors to the founders of the great republic which had settled by the lagunes of the Adriatic; and he could only hope that the changes which were now impending over the East India Company would be productive of greater benefit to India than the changes in the Venetian Government had been to Venice. He would vote for the Motion of the right hon. Member for Oxford University, which, if it were adopted, would afford ample time for duly considering the arrangements to be made for the future government of India.

MR. LOWE said, he supposed his hon. Friend who had just announced to the House his intention of supporting the Motion of the right hon. Member for the University of Oxford understood the Resolutions proposed, but that was more than he (Mr. Lowe) could say for himself, and, he suspected, for a great many hon. Members. He did not think they were altogether to blame for this want of understanding, because it was exceedingly difficult to understand them, as they stood on the paper, and it seemed to him that the speech of the right hon. Gentleman had not done as much as might have been wished to clear up the difficulty. The difficulty under which he laboured had been well expressed by his right hon. Friend the Member for Radnor (Sir G. C. Lewis), namely, what were to be the relations of the Minister and the Court of Directors under the new provisional constitution which the House was invited to sanction. The first Resolution proposed by the right hon. Member for the University of Oxford provided that the Court of Directors of the East India Company should form a Council for the Minister; and if the Resolution had stopped there, it might have been understood, because it might have been supposed the effect of the Resolution would be that the Court of Directors of the East India Company was to be altogether abolished, but that the gentlemen now forming that Court would constitute the Council. That proposition, whether right or wrong, would have been intelligible; but the second Resolution, which, although not before the House, must be read in order to enable them to construe the first, provided that "the President of the Commissioners should be empowered to preside, when and so often as he should think fit, over the Court of Directors, in lieu of the Chairman thereof, and to assume and exercise any of the powers now ordinarily exercised by such Chairman." It appeared, therefore, that the Court of Directors was to have the right of deliberating as a separate body, and that the President of the Commissioners was to take the chair or not, as he pleased. This seemed to imply that the corporate existence of the East India Company was to be preserved. Now, at present, as hon. Members were aware, the only connection between the East India Company and the Board of Control was a corporate one; the Board of Control knew nothing of the East India Company, except in its corporate capacity, and it had no cognizance of the Directors of the Company as individuals. Was it intended that that connection should be abolished? Were the Court of Directors only to serve as a Council to the President of the Commissioners when he took the chair on the occasions contemplated by these Resolutions, and were they at other times to go on as they did at present? He thought this was a point on which it was desirable that some information should have been afforded to the House. Again, the powers of the Board of Control were preserved, and how could they be preserved without preserving the powers of the Company? All the powers of that Board were powers of control—of regulating, in some measure, the action of the East India Company; but if—as would be supposed from the first Resolution which had been carried—the power of the East India Company was to be abolished, why should they retain the powers of the President of the Board of Control to regulate the action of a non-existent body? His right hon. Friend complained of the forms that now existed between the Court of Directors and the President of the Board of Control, and proposed that these forms should be abolished. But, if the Court of Directors were not to be a deliberative body, what was the use of its existence? If it was to be a deliberative body, what new forms of connection between them were to take the place of the present ones?

As far as he could gather from the speech of his right hon. Friend, there were only two things to be done. One was, that the initiative should be given to the Minister for India, but that initiative the President of the Board of Control had already, if he chose, to exercise it. There was nothing now to prevent the President of the Board of Control from submitting despatches to the Court of Directors; and, therefore, if it was intended to give the initiative to the President by these Resolutions, it was clear that no innovation would be effected. Again, it was said that the despatches were to lie on the table to be read by the Committee, and then by the full Council. Why, that was the case under the existing system; and if the despatches were, in the first instance, to be submitted to a Committee, and then to the full Court of Directors, consisting of the same members as at present, he wished to know how they would escape that intolerable delay which was one of the main objections to the existing constitution of the home Government of India? Therefore he confessed he did not take much blame to himself when he said that he was unable to comprehend exactly the scheme proposed by the right hon. Member for the University of Oxford; but so far as he did understand it, he gathered that the object of the right hon. Gentleman was to effect some change in the relations between the Minister for India and the present Board of Directors, and that he proposed it as a provisional scheme, to be continued only until the end of the next year. Although he was aware of the Herculean powers of the right hon. Gentleman, who was doubtless fully sensible of the Herculean task he had undertaken, he (Mr. Lowe) wished the right hon. Member had explained the grounds upon which he proposed to abolish a state of things which, with all its faults, was understood and established, and to substitute another state of things, not founded upon permanent and durable principles, but upon temporary and provisional principles—to last, indeed, only for a year. He had waited to hear upon what grounds the Right hon. Gentleman would support such a proposition, but he had waited in vain. The House would recollect that the Right hon. Gentleman had really urged no arguments whatever in support of the specific scheme which he recommended. He had not shown why, at this crisis, he deemed it expedient that the Government of India should be rendered provisional and temporary, carrying with it avowedly the principle of dissolution. He had not shown how such a scheme would strengthen our armies, or give wisdom to our councils. He had not shown what was the necessity of encountering all the risks, and hazards, and inconveniences of making a change now, only to make the change over again in the course of the next year. He had not shown what would be gained by taking the Company into partnership with a Minister appointed directly by the Crown, after that House had expressed in the most emphatic manner their disapprobation of the system which he called upon them to continue. All that the Right hon. Gentleman said was, that his proposal, if adopted, would give the Parliament an opportunity of gaining additional knowledge on the subject of India, and would show that the East India Company had not broken down in their administration. It was, therefore, vain to argue against that which the Right hon. Gentleman himself had not supported by argument. The burden of proof lay on him, who proposed to disturb everything and settle nothing, and to make a provisional government at a time when permanency in the Government was required. So far from supporting his proposition, the greater part of the Right hon. Gentleman's speech appeared to be employed in forcibly proving that it would be most inexpedient at the present time to adopt it. The Right hon. Gentleman with great particularity went through all the difficulties which presented themselves to his mind in respect to the future settlement of the government of India and those difficulties could hardly be exaggerated, and he supposed that the Right hon. Gentleman was about to show that the scheme he proposed would have the effect of removing those difficulties. Most of those difficulties arose from placing the Government of India in the hands of the Crown; but his measure contained no provisions for rendering those difficulties more easy to cope with. He dwelt upon the inconveniences arising from the placing the Indian army under the control of the Crown; but his measure did not propose to withdraw the army from that control, nor did he propose any measure to settle those thorny difficulties between the local corps and the Imperial army. Then, there was the question of local governments—the relation of Bombay and Madras to Calcutta; but that question the Right hon. Gentleman left as he found it. Then there was the question of the

[*Third Resolution.*

Indian debt. The Right hon. Gentleman seemed to think that this House was not competent to change the Government of India unless it was prepared to pay off the Indian creditor. He (Mr. Lowe) could not agree with that doctrine; but granting it to be true, what did the Right hon. Gentleman propose to escape the difficulty? His only proposition was, that the difficulty should be doubled by proposing two changes instead of one. The truth was, that the Right hon. Gentleman proposed to the House a temporary measure, which opened several important questions, and settled none of them. He, on the other hand, would say to the House, that if they were to meet these great questions at all, let them face them manfully; if their time or their courage failed them, let them leave matters as they were; but let them not, in this critical emergency of India, adopt a measure which had neither the prestige of an old, nor the vigour of a new system, but which was likely to weaken the hands of their armies, to give confidence to their enemies, and to embarrass the action of the Goverment at home.

Mr. A. MILLS said, he would not trespass on the House for many minutes, for indeed he felt that any Member who wished an Indian Bill to pass would show his sincerity by not making long speeches on the Resolutions. There were at this moment thirty-five Resolutions on the subject of India before the House, exclusive of the Amendments and the two that had been passed, and of the one that was now before them. Allowing them the average time for speeches upon each of them, and considering the present state of business and the period of the Session, he thought it would be exceedingly wonderful if they succeeded before the end of the Session in passing the Bill. He must express his regret that such a Resolution as that moved by the Right hon. Gentleman should have been brought forward, and he must confess that, like the Right hon. Gentleman who had just sat down, he felt a difficulty in comprehending—not indeed its phraseology, but how any clause was to be framed which would carry out the object that he believed the Right hon. Gentleman intended. If it were adopted there would still be the same cumbrous machinery, which was admitted on all hands to be at present the cause of intolerable delay. He did not see how the objection would be removed by giving the power to the President of the Board of Control occasionally to attend the meetings of the Directors and to supersede the Chairman. He should be sorry to accept the office of Chairman under these circumstances, for the Chairman would be liable at any moment to be dethroned. The Right hon. Gentleman (Mr. Gladstone) seemed to be overpowered with the difficulty of carrying a Bill this year, and no doubt there would be a great difficulty, but if forbearance was showu by the House, and energy by the Government he did not despair. It appeared to him that they would have the same difficulty to contend with two years hence that they had now, so far as the obtaining any additional information was concerned; and no one who had taken the trouble of perusing the evidence given upon the subject by Sir James Melville, Mr. Waterfield, and other gentlemen, could entertain a doubt as to the exceeding difficulty of carrying on the home Government of India as it at present stood. With respect to the matters to which the Right hon. Gentleman (Mr. Gladstone) had alluded—namely, Indian finance, local government, the position of the army, and other points connected with the local government of India—he confessed he should regard the measure which if this Resolution were passed, would be based upon it as simply a staving off of difficulties, because two years hence they would have the same difficulties to contend with, so far as any information they were likely to possess on the subject was concerned. It was with extreme reluctance he felt himself unable to support the Amendment; but, on the grounds of the present emergency, and the immense importance of bringing the matter to a conclusion, he could not vote in its favour.

Colonel SYKES said, that the proposition before the House was that the Minister appointed by the Crown to conduct the Government of India should be assisted by a Council of twelve or eighteen persons; but the Amendment of the right hon. Member (Mr. Gladstone) was more simple. It was that that Council should, in the first instance, consist of the Gentlemen who now comprise the Court of Directors. Thirteen of that body now consisted of gentlemen elected by the proprietary body, and five had been nominated by the Crown. True, the qualifications of the elected body had been impugned, and it had been said that city men and bankers were put into the direction, but the fact was that there were only three Directors out of the present

eighteen who had not been connected with India in some way or other, and many of the Directors had filled administrative and executive offices in India of the most important character. These were the very men who ought to be selected to assist the Minister of State as Councillors with regard to the measures he should adopt. The function of the Court of Proprietors was to elect two thirds of the Court of Directors; but the court was also a safety valve for the complaints of India which, in that House, were likely to be made party questions. The army of India was a matter to which the Committee would do well to give grave consideration. It had widows' and orphans' funds, scales of retiring pensions—subscriptions for accelerating promotion, and the great principle of promotion by seniority, all of which had nothing in common with the royal army, and yet they were going to transfer this army of 250,000 men, under such a system, to that of the royal army, with which it could not amalgamate. He was sorry to hear the hon. Member for West Surrey (Mr. Drummond) outrage the character of Europeans in India as he had done to-night. The hon. Gentleman had quoted an author who wrote half a century back, and also an individual now resident in Calcutta, who had made equally unfounded and calumnious statements. He (Colonel Sykes) would appeal to the common sense of the House whether, if what these persons asserted were true to the extent they represented, and that such a feeling were prevalent between the Native and European communities, we should not have been chased out of India half a century ago? He had seen a good deal of India; he had seen unruly boys and young men who hated the Natives; but the hon. Member evidently did not know what were the rules of a camp or cantonment to restrain the petulance or violence of the thoughtless. If any officer beat his servant, the latter could go to the properly constituted authorities, and have his master up just as if he were in this country, and had summoned him before a police magistrate. Yet the hon. Gentleman said there was no redress? The same with regard to a debt—a camp or cantonment debt. A master did not pay his servant's wages, or the shopkeeper for his goods; the servant or shopkeeper at once went to the commanding officer, a court of requests was ordered, before which the officer was summoned, the matter was adjudicated, and the officer's pay was stopped. No redress! Why, how on earth could we exist if such a state of things prevailed in India as the hon. Gentleman represented? He wished the hon. Member would attend on one of those occasions when the Company's cadets were being sworn in. He would then hear an address from the Chairman of the Military Committee, couched in almost parental terms, in which, if one thing was more impressed upon the cadets than another, it was the absolute necessity of practising kindness towards the Natives of India. The same thing had always been done at the half-yearly examinations of the civil servants at Hayleybury, of which the hon. Member should have been aware, as the addresses were invariably published in the newspapers. If the hon. Gentleman had read Williamson's History of the Bengal Army, he would have known of instances of devotion towards their European officers on the part of that class of Sepoys who had lately run mad which would bring tears to his eyes, instances of devotedness which were not to be surpassed by those of any other army in the world. It was an extraordinary fact that, as yet, throughout all the discussions in this House, they had not heard anything about the feelings and wishes of the Natives themselves upon the subject of the future government of India. They were upon the eve of transferring 181,000,000 of people from a system of government under which they had been so long protected in their rights, feelings, prejudices, religion, lives, and properties to another system, under which it had been broadly stated in India, and by a party in this country, that caste was to be put down and Christianity extended by the action of the Government itself. Upon this subject he solemnly warned the House that there was a distrust growing up in the minds of the nations of India at this moment which would probably cost us our Indian empire if it were not speedily allayed. He had recently received communications from three Natives which convincingly showed what was the nature and extent of this feeling. They were all three men of education, wealth, intelligence, and capacity of observation. The first of them was a Parsee, whose family had been connected with the Government of Bombay from the period of its transfer to Great Britain by the Crown of Portugal, and he himself had been educated at the Elphinstone Institution in Bombay. Writing to him (Colonel

Third Resolution.

Sykes) on the 5th of May last, being at the time in England, he said:—

"Being the descendant of a family which has been serving the British Government from their first taking possession of the island of Bombay, now nearly 200 years ago, I cannot sit quiet without making a few remarks upon the discussions which are going on in this country upon the affairs of India, both in and out of Parliament, since the breaking out of the mutiny in that country; and also as to the transfer of its administration from the East India Company to the Crown. These discussions, I am led to believe, are based upon the imperfect knowledge which the English people have of that country, and will do more harm than any good towards India. I assure you that what I now write is not only my own sentiments, but the sentiments of the people of India. I do declare that the present Administration of India is imperfect, and requires reform in a great many points, still the present is not the time for the change. How can the people of this country assure the people of India that the transfer of the Company's government to the Crown will be beneficial to them, after having an example before our eyes of the mismanagement of all Her Majesty's colonies. It is nearly a hundred years since the British Parliament and people committed a most gross blunder, and what was the consequence? You have lost the earlier British colonies in America; and for God's sake don't commit the same blunder and lose India. The public press and public meetings in this country have lately much unsettled the minds of the people of India, and led them to believe that the change of government will force them to change their religion and destroy their caste. Hundreds of petitions are now lying before the Crown and the Parliament, praying them to enforce the Christian religion on the Natives of India, and to do away with caste. The educated people of India all know that the Government will not do such things; but how are you to satisfy the minds of the millions when the Government of this country never come forward and declare that these absurd petitions will not be acted upon? When the colonies in America revolted, they only had 3,000,000 of population, and were only 3000 miles distant from this country; yet, with all the mighty power of England, it was unable to put them down, and was forced to acknowledge their independence. Now, if you excite the feelings of the 200,000,000 of people in India upon their religion and caste, and they should immediately revolt (which is as sure as the day, if you interfere with their religion and caste), and that empire is 15,000 miles distant from this country, what resources have you against them? The present disturbance is only the mutiny of a few Native troops, joined by the budmashes of the country, and it requires 120,000 European troops, with the assistance of a large Native army, to put them down; and even now you have not accomplished your object; but assuredly if any interference takes place with their religion, the whole country will rise against the Government, by which act you will not only lose your Indian empire, but it will end in anarchy, murder, and plunder."

In another part of the letter he said:—

"Is this country free from those prejudices to which the Natives of India are subject? Why do you make a distinction between Jews and Christians and between Protestants and Roman Catholics? Perfect your own country and your own people first, and show examples to those whom you wish to force to abandon their religion and caste, which they have enjoyed thousands of years before you. Now, a few questions about the change of Government. Have the Natives of India petitioned for such a change? Have the Government ascertained whether the Natives would like such a change? No!"

He (Colonel Sykes) echoed that answer, and said emphatically a thousand times—No. The next communication was from a Native, the manager of an English newspaper at Bombay, and in that communication occurred this passage:—

"Are not the people themselves for whom you are about to legislate at all to be consulted in the matter? Is it not fair and just to ascertain their wishes on the subject? Is it not advisable to invite the opinions of respectable and enlightened Natives of all parts of India as to the advisability or otherwise of the proposed change? Such an inquiry is not only in itself indispensably necessary, but it will tend to conciliate the Natives of India to the British rule, and make it clear to them as noonday that the authorities are not regardless of their wishes in the conduct of their Government. In India itself, before any Act is passed by the Legislative Council, a draught of the same is published in the Government gazette, and at least three months' time is given before it is passed into a law, that the people to whose interest it relates may in that period have the opportunity of representing their own views upon it."

He (Colonel Sykes) would call the particular attention of the House to the fact stated in this Native's letter, that no law affecting the Natives of India is passed until it has been three months before the public, that the Government may be made aware of every serious objection to its being carried into effect.

The third letter was from a judicial officer to the same effect. The advantage of carrying the Motion of the right hon. Gentleman would be to give people here time to reflect on the magnitude and the difficulties of the question, it would give the Natives time for the expression of their feelings and wishes, and it would also give time for the tranquillization of India.

Mr. BOVILL said, he thought that it would be impossible to pass a Bill founded upon the Resolutions this Session; and as both sides desired some measure on the subject, he was in favour of the Motion of the right hon. Member for Oxford. The House had decided almost unanimously that the government of India should be transferred from the Company to the Crown, and that the President should be assisted by a Council. [*Cries of* "No!"] The principle of a Council had been sup-

ported by two Governments, and the Resolution of the right hon. Member for Oxford went to provide such a Council as all were anxious to obtain—namely, a Council partly nominated, partly elected, and composed of members practically acquainted with the affairs of India. If the House agreed to that Resolution, they would secure not only an efficient Council in the meantime, but would give the people of India an opportunity of expressing their opinion on the various and complicated questions connected with the subject.

MR. DANBY SEYMOUR said, that for reasons exactly the opposite of those stated by the hon. and learned Gentleman who had just spoken, he should vote against the Amendment. He really could not understand the argument of the hon. and gallant Member for Aberdeen. It seemed to him (Mr. Seymour) that, if they adopted the Amendment, they would leave everything in a state that would excite criticism both here nad in India. He thought that, as the House had decided to make a change in the Government, it would be the height of folly to leave India in doubt for the next twelve months as to what the details of that change were to be. It appeared that a correspondent of the hon. and gallant Member for Aberdeen (Colonel Sykes) was of opinion that the public meetings in England with respect to India had unsettled the minds of the people of India; but did not the speeches of the hon. and gallant Gentleman himself tend to unsettle their minds? When the people of India heard that a gentleman of his high official position came down to that House to state that it was the intention of the Government and people of England to act upon a different policy henceforward with regard to India, to interfere with their religion, what would be their feelings? Was not the hon. and gallant Gentleman a greater firebrand than those who had attended the public meetings in England? Some speeches had no doubt been made, upon platforms at religious meetings, expressing a wish that Christianity should be spread by means which he (Mr. Seymour) thought inconsistent with our religion; but Parliament had not sanctioned such a course. The people of India knew well that the greatest authority in this country was vested in the Legislature, and that very little regard need be paid to speeches made at public meetings in this country. They would learn from the public press that the British Legislature, which was the representative of the wishes of the people of this country, was animated by a most civilized spirit, and anxious to treat the people of India as the people of this country, so far as their rights and interests were concerned. But he regretted to say that, of late years, the East India Company had sanctioned proselytism in India. He had frequently seen despatches which the Company wished to send to India, from which it was evident that the Company was desirous of spreading our religion by other than legitimate means. But he believed that the people of India did not impute to the people of this country a desire to interfere with their religion in that manner. The House had already resolved to legislate upon India this year, and, as they had put their hands to the plough, they ought not to turn back. He was surprised at the courage displayed by the right hon. Gentleman the Member for the University of Oxford in bringing forward the same question a second time in the same Session. The House ought to show to the people of India that they were determined to complete the task which they had begun, of permanently legislating for India, however much their time and recreation might thereby be trenched upon. For these reasons, he hoped that no further obstruction would be offered, but that they would immediately enter once more upon the consideration of the measures they had to determine.

Question put, "That the words 'in order to assist such Minister of the Crown' stand part of the proposed Resolution."

The Committee *divided:*—Ayes 265; Noes 116: Majority 149.

MR. ROEBUCK: Were I to consult only the probabilities of success in the proposition I have to make I should certainly be daunted, for I am tolerably sure there will be an immense majority against it. But that to me is no new thing. I have brought forward many propositions, which were at first rejected, but which afterwards became the creed of this House. Some years ago I contended for a particular course being followed in our colonial policy, and was always outvoted; but a time came when that which had been so often rejected, almost with scorn, became the creed of the Colonial Minister. I am not daunted, therefore, at the prospect of a large majority against me. This House has resolved—first, that the Government of India

shall be transferred from the Court of Directors to the Crown; next it has decided that the power of the Crown shall be exercised by a Minister of State; and now it is proposed to give to that Minister of State a Council to aid and counsel him. It is against this last proposition that I now address the House. I must remind the House of a distinction to which allusion has been made to-night, but not sufficiently dwelt upon — I mean the distinction between the Government of India that is in England, and the Government that is in India. With this last point we have now nothing to do—the Resolution before us concerns the part of the Government of India only, which is located in England, and which conveys to the Executive Government in India the principles and the opinions of the Parliament and people of England. The question we have to answer is, whether there shall be a Secretary of State by himself alone, and responsible for his own acts, or whether he shall be shrowded and screened from all responsibility by being aided by a Council. I adhere to the first. I say that a single Secretary of State responsible for all his acts, relying on himself alone, and bringing his own mind to be his guide and counsellor, is the proper Governor of India. I hold this view first on account of the mental and moral benefit which a man derives from acting alone. He has a more distinct and pressing interest in what he has to do than a man who shares his responsibility with others, and therefore mentally and morally he is a stronger man, and better able to carry on the government with vigour. I have heard it said, "Why, under your plan, only fancy India governed by the right hon. Gentleman the Member for Northampton" (Mr. Vernon Smith.) Well, we have seen India governed by the right hon. Gentleman the Member for Northampton, and governed without responsibility. Under my plan, however, I would so fasten responsibility on him as to make him afraid of governing India alone. On the other hand, a divided responsibility is a sort of homeopathic responsibility. But I am told that the days of responsibility are over, and that we don't now deprive Ministers of their heads, but of their places. I have, however, seen three notable instances of the results of responsibility. I have seen the Government of the Earl of Aberdeen turned out because the people of England thought their honour was not safe in their hands. I have seen the Government of the noble Lord the Member for Tiverton turned out of power for the same reason. I have seen the almighty power of this House hurl him from his place

> "——headlong flaming from th' ethereal sky,
> "With hideous ruin and combustion, down
> "To bottomless perdition."

I have seen, on this very business of India, a President of the Board of Control driven from power simply by the expression of opinion—not by a Resolution—in this House and out of doors, and that within a few weeks past. Shall any man tell me, then, that there is no responsibility? Aye, but it is said, there was at that time, when he was so driven from power, a Board of Directors. Does not every body know that the Board of Directors was at that time destroyed, and that the very fact of his being responsible was because he acted by himself alone? And did not he say that he acted by himself, without their consent and without consultation with them, and that he was answerable for his conduct? And did not the House and the country accept that statement, and punish him for his conduct? I don't say the House or the country was right; but what I say is that, believing he was so responsible, they punished him for his act. This is the only constitutional responsibility in fact, and the milder manners of modern times, which do not allow us to cut off the heads of Ministers, by allowing us to displace them make them responsible to us for their acts. But, it may be said, a Council is necessary for the purpose of affording advice. Well, then, we have to consider the Council which is to aid this Indian Minister, first, as to the men from whom it is to be derived; next, as to the manner of its election; then as to its tenure of office; and again, as to its power. With respect to the men from whom it is to be derived, I have in this House spoken of the class who are generally called "Old Indians." I am told that a large proportion of the men who are to assist and advise this Minister of the Crown are to be selected from that class of Old Indians. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) made upon me a somewhat weak joke. He said, "The hon. and learned Gentleman takes exception exactly to those men who have some means of acquiring knowledge." I am going to speak of Old Indians, but not on my own authority; and the right hon.

Gentleman must pardon me if I say his authority in matters of Government is not possessed of any great weight. Invariably have I found the right hon. Gentleman opposing almost all the advances made by mankind since I have been in this House. I recollect that upon that very question of colonial administration among my most formidable opponents was the right hon. Gentleman. I think he also opposed the free trade measure. But it is not for me to say that the right hon. Gentleman has not many claims to the admiration of this House. He has a most captivating eloquence, but he wants judgment to guide it. In fact, his mind is like a tangled web of gorgeous material. It is a thing marvellous to look at, but utterly useless for any practical purpose. I am going to put against his authority that of a very different man, who deeply dived into all human thoughts, who ransacked human nature, in order to understand and guide it. I mean Mill, the historian of British India. You are told to consider the advantage you would derive from framing a Council of Old Indians for the guidance of the Indian Minister; and I would have you recollect the mode in which the Anglo-Indian acquires knowledge. He goes out to India a youth, and has very little power of acquiring a knowledge of mankind. He studies a language or two. He is segregated from his own class, and sent at once to govern. Now, Mill, in the preface to his history, discusses the question of the advantages which the historian of British India would derive from going to India, and says that the powers of observation in every individual are exceedingly limited, and it is only by combining the observation of a number of individuals that a competent knowledge of any extensive subject can be acquired. Now, let us recollect that our dominions in India extend from the Himalayas to Cape Comorin. There are, I believe, in that space thirty different nations, all speaking very different languages, and all having very different customs, as different as Italy is from Denmark; and I would suppose a traveller in Italy called on to legislate for Denmark. You know what that would mean. For the same reason, a man who had passed his life in the Punjab would be as unable to legislate for Travancore as a man living in Naples would be to legislate for Denmark. My hon. Friend the Member for Surrey (Mr. Drummond) quoted opinions concerning the moral condition of gentlemen who have gone to India, but I have only to do now with their intellectual character. Lord Teignmouth points out in emphatic language the difficulty of acquiring a requisite amount of knowledge to enable us to govern India by reminding his readers of the magnitude of our acquisitions there, the character of the people placed under our dominion, their difference of language, their dissimilarity in other respects, and that we began our rule in the country in ignorance of its former Government. I could also quote to the same end the authority of Lord W. Bentinck, Sir H. Stracey, Sir J. Malcolm, and other distinguished men—in short, that of all the men of mind who have gone to India. I do not mean to say that the mere going to India totally unfits a man for governing India, but I say, that taking the mass of men who have gone there, the mere fact of a man having been in India gives him no greater power of governing that country than he could have acquired by study and reflection at home, and, in fact, not so much so far as regards knowledge of the feelings and habits of the people. Now, Sir, I come to the question, by whom is the proposed Council to be selected? It is said partly by the Crown, and partly by election. Now, if I know anything of this House—and I have had a long experience in it,—I am confident that the doctrine of election in this matter will not be received—in short, that it will be scouted; and the real fact will be that the appointment of this Council will be in the hands of the Ministers of the Crown, for when we say that it will be in the hands of the Crown, we mean that it will be in the hands of the responsible advisers of the Crown. "Oh," but says the right hon. Gentleman, "that will be an enormous power to confer upon a Minister." Now, what power is it proposed to confer on the Minister? Why, it is proposed to confer on the Government of the day the power of electing persons who will be screens to those who elect them, and for that reason I object to any one having such power of election; but at the same time, if it is determined to confer upon any one that power of election, I think that the person who is responsible to this House is as likely to be a good elector as any holder of so much India stock. The right hon. Gentleman the Member for the University of Oxford has proposed to form the Council from the existing Board of Directors. Now, the existing Board of Directors has been elected by the holders of India stock; and I would ask the House, do you consider

that gentlemen so elected would be more responsible or would be better chosen than persons chosen literally by this House? I say literally chosen by this House, because it is by this House that the Minister is chosen by whom the Council is to be chosen, and therefore it is by this House, in the last resort, that the Council would be chosen; and I ask you if you consider that holders of India stock form a better elective body than this House? Oh, but it is said, you are putting into the hands of the Government of the day a vast engine of corruption. Now, as regards the question of the virtue of this House, in the first place I do not think that the mere appointment of ten or twelve persons to hold office for six or seven years would afford a means of corruption that this House could not withstand. Then we are told that the appointments to all positions in the army and civil service would be in the hands of the Minister, and that that would exercise a corrupt influence over this House, for that we could not resist the blandishments of a Minister armed with such a power. Now, if there is the least honest sincerity in this objection, the House will see at once how easily it is got rid of by the mode which I should suggest. I would suggest that all first appointments in India should be bestowed upon the principle of fair and open competition. Do not let me be misunderstood. I would have a clear, open, honest competition. Say there are twenty places to be given away. Well, I would allow every man capable of making an application in writing to undergo the trial and be examined. Let there be no pretence, as there is now, of compelling persons to beg to be placed on the list for examination, but let it be competent for every man who is willing to do so to put his name down and be examined, even if there should be 1,000 competitors for the twenty vacant offices. That, to my mind, is the only fair mode of employing the principle of competition, and that would, I think, take all power of corruption out of the hand of the Minister. I now come to the question of the time for which the Council is to be appointed. Some say that the appointment should be for life, others for ten years, and others for six years. Now, the fact of electing members of the Council for six years would deprive them of all responsibility, while at the same time the Minister for India would be an irresponsible Minister. Depend upon it that if you adopt that principle you will abolish all responsibility in the government of India; if you give the Minister of the Crown the aid and assistance of a Council you will take responsibility from him and destroy his power of governing India. I have now passed over the questions as regards the persons to be elected, and the persons by whom they are to be elected, and I come now to the question as regards the powers which it is intended to give to the Council. It is said by some that the connection between the Minister and the Council ought to be something like the connection between the Governor General and his Council, that he should take the advice of the Council, and act upon it. Now, that would be to deprive the Minister of all responsibility, and I don't think that the majority of this House would wish to see the establishment of a Council to control the Minister. The effect of such a Council would be to shroud the Minister when in the wrong, and to hamper him when in the right; for if wrong his responsibility would be taken away, and when right he would be afraid to act in cases where it might be said that he was acting contrary to the opinions of ten or twevе persons associated with him. I know that such would be the case from what has occurred since I have been a Member of this House. We have been told that the President of the Board of Control is really the Governor of India, and that is the fact, and that he may do as he pleases. Now, I upon one occasion moved a vote of censure upon the President of the Board of Control, and what course was adopted by the East India Directors who were Members of this House? Time out of mind I had heard them say that they had nothing whatever to do with the war in Affghanistan, and yet when I moved a vote of censure upon the President of the Board of Control in connection with that war, all the Directors who were Members of this House voted against me. Now, that is a very striking fact, and I may say that they have upon all occasions shielded themselves under the system of non-responsibility. I remember an attack which I made upon Sir J. Hobhouse and the noble Lord the Member for Tiverton, and upon that occasion two or three of the Members of the Court of Directors spoke and voted against me. Still, then I ask, what could be the responsibility felt or acted upon by the Council? To connect the Minister to whom the government of India may be intrusted with such a Council would be like putting wine

into water, an operation by which both the wine and the water are spoilt. Having stated my objections, and the ground for them, I do not wish to detain the House, but there is one point to which I wish to refer. I know that I shall have very high authorities against me, and, among others, that of the noble Lord near me (Lord J. Russell); but the noble Lord, like the right hon. Gentleman the Member for the University of Oxford, is no great authority, in my mind, in matters of legislation. From the very outset of my political life I have found the noble Lord in opposition. He always puts me in mind of what we lawyers term "a case lawyer." He knows very well what has been done, but he never knows what ought to be done. He is a capital pilot in the shoals and cross-currents of party life, but put him out into the open sea and he has neither compass nor chart. Therefore, Sir, having found the noble Lord so often in opposition, it is with some satisfaction that on this occasion I see him in opposition to myself. In fact, if upon the first blush of this proposal he had thought I was right, I should have been disposed to think I was wrong. This is a frank avowal. I hope the noble Lord will not take it amiss that I have made this statement. I am quite sure that his good nature and good feeling will go with me. I move, Sir, that the word "Council" be omitted.

Amendment proposed, in line 3, to leave out the word "Council."

LORD STANLEY: Sir, although the question of Council or no Council is one of the most important which can be raised in the course of these discussions, it is one with regard to which the argument lies in a very narrow compass. There are only two grounds upon which objection can be taken to the appointment of a Council. One of them was not noticed by the hon. and learned Member, and I think the Committee will not attach much importance to it—I mean that of expense. I do not apprehend that, where the question of the efficiency of the home Government of India is concerned, the Committee will be inclined to attach much importance to the expenditure of £10,000 or £15,000 more or less. The whole discussion, therefore, turns upon the point—whether the appointment of a Council will, as the hon. and learned Member contends, diminish the responsibility of the Minister. Is the responsibility of a Minister necessarily incomplete if there is a Council to assist him? That, I apprehend, will depend upon the relations to be established between the Minister and the Council. In the main those relations are very simple. The Council is bound to give advice, and the Minister is bound to hear, but he is not bound to take it. It is for him to decide whether he will take or reject it; and whether he takes it or rejects it, he will equally act upon his own responsibility. But then it is said that, if this Council is composed of persons eminent for their knowledge of Indian affairs, he will shelter himself under the authority of their opinions. My answer to that is, that the Minister will not have it in his power to shelter himself more under the opinions advanced by eminent persons being members of his Council than he would if they did not stand in that relation to him. No doubt any Minister, whose measures were attacked, would be glad to bring forward in his defence the opinions and authority of men eminent as Indian statesmen. That is a degree of shelter which he would obtain from the authority of such persons, whether they are his colleagues in administration or not; but any other protection it is expressly provided that he shall not receive. What, then, is this Council intended to do? To supply that special departmental knowledge which it is utterly impossible that any public man, trained in the ordinary school of English administration, can possess upon purely Indian questions. And now let me ask the Committee, what will be the result of negativing the appointment of the Council? Does any hon. Member of this House really imagine that, upon any one of those multifarious questions which come before the Directors of the East India Company and the Board of Control, the Minister will depend upon his own exclusive and unassisted judgment, formed simply upon reading the papers and a knowledge of the facts? Why, every one knows that he cannot. He must rely to some extent—that, I admit, is inevitable—upon the advice which he receives from his Council. If he does not, he will have to depend upon that of other persons who will be councillors in fact, though not in name—upon the advice of the permanent officials of his department. The hon. and learned Member says that the members of this Council will, in reality, be irresponsible Ministers for India. I answer, that their position in that respect will be in no respect different from that of those other irresponsible advisers whom every head of a department habitually and ne-

cessarily consults upon matters of departmental knowledge of which he has no previous official experience. The only difference is, that, by placing these gentlemen in a more eminent position, by bringing them more before the public, you will obtain for that branch of the service men of high reputation, who have filled offices of great distinction—men whom you could not otherwise place in a position of direct subordination to the Minister. I have not heard it from the hon. and learned Gentleman, but elsewhere I have frequently heard a parallel drawn between the administration of India and that of the Colonies; and I will, for one moment, ask the House to inquire how far these two administrations resemble each other. Under the Colonial Department, there are altogether about 7,000,000 of persons, of whom you may say that, speaking roughly, 3,500,000—the population of British North America and Australia—manage their own affairs with very little reference to the Department at home. Under the Indian Department you have, I will not venture to say what number of persons, because I never heard two statements on the subject, either in this House or out of it, which agreed; but putting it at a very moderate estimate, if I were to say 140,000,000, that would be twenty times the number who are under the Colonial Department, and all of them under a Government which is of a very absolute kind. Then the hon. and learned Gentleman raises a great objection to those whom he calls "Old Indians," and assumes that they must exclusively compose this Council. He said that there might be eminent men among their number, but that the mass of them knew very little more of Indian affairs than if they had never been in the country. I will not stop to inquire how much of that proposition is true and how much it is exaggerated, and for this reason, that those whom we hope to include in the proposed Council will be not the mass of those who have served in India, but those whom the hon. and learned Gentleman himself admits constitute the eminent exceptions. We have heard the worst and the blackest side of the Anglo Indian character stated to-night, and I dare say there may be, as applied to a small fraction of those who serve in India, some truth in the description; but we must not forget that the service which he has so criticised has, in former times, produced men like Malcolm, Munro, and Elphinstone. And looking to the present generation, it can hardly be said that men like Sir John Lawrence, Sir H. Lawrence, if he had lived, and Sir James Outram, whose names are at this moment so prominently before the people of England, are incapable of offering advice to any Indian Administration. The special gain of surrounding the Minister for Indian affairs with men of this class will be that you will obtain, what you can get in no other way, that kind of knowledge which only comes from personal contact with the Natives of India, and personal experience of what are their habits and feelings. There is, I hope, no fear that any one undertaking the business of this department will come to it otherwise than with good intentions, and a sincere desire to promote the welfare of the Natives of India; but, unluckily, when you are dealing with alien races, differing among themselves hardly less than they differ from you, more mischief may be done with the most sincerely benevolent intentions, and by carrying out plans which are abstractedly good, than perhaps in any other way, or by any other error into which an Indian statesman is likely to fall. Again, the hon. and learned Member said that each Member of the Council will only represent some one particular part of India, and therefore his special knowledge will be quite useless as applied to questions affecting any other part of the country. This is to some extent true, and it is a very fair, and to my mind a conclusive argument against unduly limiting the number of the proposed Council. You do require to have, if possible, each Presidency and each department of the public service in India represented in the Council which you are to constitute; but it may often happen that some persons will be competent as regards more than one part of India, and in more than one department; because if you look into the career of most of the eminent men who have served in India, you will find that they have not served all the time in one branch of the service, or in one part of the country, but have been transferred from one post of difficulty to another, sometimes in one part of India and sometimes in another, accordingly as the pressure and emergency of the public service was greatest. Now, as to patronage, I should not propose to constitute a Council simply for the purpose of absorbing a certain amount of patronage which could not be otherwise disposed of, but there being other reasons for its creation, I think it is worth while to consider

how materially its existence will assist you in the settlement of that difficult part of the question. I know of only three modes of dealing with that portion of the Indian patronage which has to be exercised in England, and which is mainly military. Either you must vest it all in the Minister—a course which on his account is very much to be deprecated, and to which this House would not readily assent—or you must open it altogether to an intellectual and literary competition,—a mode of procedure excellent, I think, as regards the civil service, and one which I cordially supported when its introduction was proposed by the right hon. Gentleman opposite in 1853, and when on many sides it was strenuously opposed,—a mode of procedure applicable also, I doubt not, to the scientific branches of any service, whether civil or military, but one upon which, I think, you cannot so implicitly rely when it is a question of giving away those simple military appointments for which one must acknowledge that high intellectual qualifications are not those particularly required. I am far from saying that open competition should not be introduced into the Indian army. I only request the Committee to consider how little experience we have of that principle, how much it is still an experiment—that it is an experiment of which in a few years more we shall be able to see the results as exhibited in the working of our civil service; and then I ask them whether it is not premature, whether it would not be trusting too much to theory, to say at once and in one sweeping measure, that the sole mode of entering the non-scientific branches of the military service in India should be after undergoing an intellectual and scientific examination. I believe competition to be a good and a sound principle, but like all other good and sound principles, it may be pushed too far. If then there are objections to at once throwing open the whole patronage, and objections equally strong to investing it in the Minister, I think that the most convenient, if not the only mode to deal with the difficulty is to place it in the hands of Members of the Council. They will be men—if the Council be constituted as we hope it will be—who will be perfectly independent of the Minister of the day or of any Minister,—men with no inducement to job away their patronage, with no Parliamentary or electioneering interest to serve—with a strong interest in the well-doing of India—men whose habits and inclinations will lead them to consider alone the public advantage. These are the grounds upon which I oppose the hon. and learned Gentleman's proposition. There must be, practically, an Indian Council; the only question is, whether it shall be composed of persons avowedly placed in that position, or of the subordinate officials of the Indian department. It is by means of a Council that you will get rid of the patronage difficulty; and if you constitute it, as I think you may, with a due admixture, tempering the Indian with the English element, you will accomplish the end we all have in view.

MR. CUMMING BRUCE said, he wished to make one remark with regard to an observation of the hon. and learned Member for Sheffield. That hon. and learned Member referred to the Affghan war in support of his views, but the facts were a complete refutation of his argument. Just before the Affghan war broke out Lord Heytesbury was appointed to the Government of India by the late Sir Robert Peel. The Government which succeeded Sir Robert Peel thought fit to cancel that appointment, and to appoint an estimable and well-intentioned but inexperienced nobleman in his place. That appointment was made solely on party grounds, and from the want of administrative abilities on the part of the well-intentioned nobleman so appointed, sprung the Affghan war.

Question, "That the word 'Council' stand part of the proposed Resolution," put, and *agreed to.*

MR. LINDSAY said, he rose to move that the word "appointed" should be left out, and the words inserted, "and that the first Council of India consist of the present Court of Directors." The object of his Motion might be explained in a few words. The Committee had agreed by a large majority that India should be governed by and in the name of the Queen, and that there should be a Secretary of State appointed, and also a Council. What he now proposed was, that the Council should be the present Court of Directors. He did not propose to give them any executive powers, but to give them only the powers conferred upon the Council by the Resolution. He would leave the Executive in the hands of the Secretary of State for India. By acceding to the Amendment he proposed many difficulties would be avoided as to the number of the Council, their qualifications, and the disposal of the patronage. He thought the administrative capacity of the present Court of Directors had been proved under

[*Third Resolution.*

the late emergencies, and their conduct in forwarding troops and providing land transport in India contrasted favourably with the management of the Government during the Crimean war. He could not see upon what grounds it could be proposed to lose all the benefits of the knowledge, the experience, and the administrative abilities of the present Court of Directors, who had so well managed their affairs during the late crisis. By adopting his Amendment the Committee would remove many difficulties, and be able to dispense with Resolutions 6, 7, and 8.

Amendment proposed,—

In line 3, after the word "appointed," to insert the words, "and that the first Council of India consist of the present Court of Directors."

LORD STANLEY said, he did not feel at all disposed to dissent from the complimentary terms in which the hon. Gentleman had spoken of the Court of Directors, and he was sure the Committee would bear testimony to the truth of what he stated when he said that, however much he might have found fault with the system under which the Government of India was carried on, he had never spoken disparagingly of those by whom that system was administered. He was, however, of opinion that it would be premature to accept the Amendment which the hon. Gentleman had proposed, inasmuch as the Committee had as yet come to no decision as to how long the appointments of Members of the Council were to be held. With respect to that question various propositions had been made, and he could not help thinking it would not be a very businesslike proceeding upon the part of the Government to say to any Gentleman, "We offer you those offices, but we are not in a position to state whether you are to hold them for life, or for a term of years, or merely during pleasure." But the hon. Gentleman asked, why remove the members of the present Court of Directors? His answer was, that, although practically speaking the tenure of office upon the part of some of those who constituted the Court of Directors was very long, yet that looking to the fact that the term of office of one-third of their number would expire next year, of another one-third in three years' time, and of the remaining one-third in 1863, it was quite clear that at the end of five years all vested rights in the case of those who were at present members of the Court would have ceased. He should simply say in conclusion, that, although he should not enter into any pledge upon the part of the Government to make any particular appointments, they would not of course preclude themselves, should the nomination of the Council be placed in the hands of the Crown, from accepting the very valuable services of those who now carried on the service of the Company.

LORD JOHN RUSSELL said, he wished to make a few observations, not solely upon the question immediately under discussion, but upon the general proceedings of the Committee. He was of opinion that, taking into account the period of the Session at which they had arrived, it was extremely desirable that the Committee should, as soon as possible, come to a decision upon the main points embraced in the Resolutions, and that the Government should be enabled to proceed at once to the introduction of a Bill founded upon them. It was with that view that he should propose, not alone the Amendment of which he had given notice, to the effect that the new Council should consist of not more than twelve members, but also another Amendment, of which he begged to give notice for the next time when the Committee should meet, and the object of which was that those members should be appointed by the Crown. Another point of some importance remained to be considered—namely, for what period the members of the Council were to be appointed. In the Resolutions as proposed by the right hon. Gentleman the Chancellor of the Exchequer no fixed time, he believed, was laid down; but if the noble Lord the President of the Board of Control wished to raise the question, he might do so upon the discussion of his Amendment. There was also the subject of patronage, which was of considerable importance; but, in his opinion, if the Committee were to assent to two or three Resolutions, in addition to those which had been already passed, it would be desirable, instead of going through the whole fourteen, to proceed at once to the introduction of a Bill. With respect to the proposition more immediately before the Committee, he quite concurred with the noble Lord opposite (Lord Stanley) in thinking that it was somewhat premature, and that if the whole of the proposed Council were to be appointed by the Crown it would be competent for the Government to consider how many members of the present Court of Directors should be selected to advise the new Minister for India.

LORD DUNKELLIN said, that in re-

ference to the remarks which had fallen from the hon. Member below him (Mr. Lindsay) in relation to the credit which he had said was due to the Court of Directors for the arrangements which they had made for the conveyance of troops to India, he wished to remark that it was only fair that a great portion of that credit should be attributed to the Government of India on the spot.

SIR HENRY WILLOUGHBY thought that under all the circumstances of the case the hon. Gentleman opposite would exercise a wise discretion in withdrawing his Amendment.

LORD STANLEY said, he found that the proposition of which notice had been given by the noble Lord the Member for London was one which it had been the intention of his right hon. Friend the Chancellor of the Exchequer to submit to the notice of the Committee. It would, perhaps, be convenient to hon. Members that he should state at that stage of their proceedings that whereas in the Resolution under discussion as it stood it was suggested that the Council should not consist of less than twelve nor of more than eighteen persons, he was prepared to adopt the number twelve, not, however, as the noble Lord the Member for London proposed, including the new Minister for India, whose functions and those of the Council would be essentially distinct.

Question, "That those words be there inserted," put, and *negatived.*

LORD JOHN RUSSELL said, he would now propose his Amendment.

Amendment proposed, in line 3, to leave out the word "less," in order to insert the word "more."

Question proposed, "That the word 'less' stand part of the proposed Resolution."

LORD STANLEY said, he was willing it should stand that the Council should consist of twelve.

MR. ROEBUCK said, that "not less than twelve" might mean that the Council was to consist of 100.

COLONEL SYKES moved that the Chairman report progress.

Motion made and Question proposed, "That the Chairman do report progress, and ask leave to sit again."

THE CHANCELLOR OF THE EXCHEQUER expressed a hope that the Committee would, before acceding to the Motion, dispose of the Resolution which they were engaged in discussing. Although they might not that evening have made much progress in the business upon the paper, yet the tone of the debate tended, he thought, to show that hon. Members were anxious to make some advance, and that it would be unsatisfactory to the Committee if the Resolution were not agreed to.

VISCOUNT PALMERSTON suggested that the words, "not more than twelve," should constitute the words of the Resolution in reference to the number of the proposed Council. Many hon. Members were of opinion that the Council should consist of a smaller number than twelve.

LORD STANLEY observed, that many hon. Members, upon the contrary, thought that twelve was not a number sufficiently large. He, however, must confess that he considered it a very fair number, and he was, therefore, quite willing to strike out the words "not less," if the noble Lord, upon his part, would assent to striking out the words "not more."

Question put, and *negatived.*

MR. T. BARING said, he was astonished at the course which the Government seemed disposed to adopt. They had submitted a Resolution stating that the Council should consist of not more than eighteen, nor less than twelve members. The precise number was to be decided according to the nature and extent of the duties imposed upon the Council; but now, without any intimation of what those duties were to be, without saying whether the Members of Council were to be advisers or mere clerks, without announcing any change in their own opinion, the Government were ready to agree to a most important alteration of their Resolution. If the Resolutions submitted by the noble Lord the Member for London had been proposed and adopted, he could understand the course which was now pursued; but, after having deliberately declared that the number should not be more that eighteen, nor less than twelve, Ministers would act most inconsistently if they agreed to limit the number to twelve. He hoped the President of the Board of Control would, upon reconsideration, think it advisable to defer that limitation of number until he had explained to the Committee what were the duties which he intended to impose upon the Council.

THE CHANCELLOR OF THE EXCHEQUER said, that the object of the Government in submitting the Resolutions now upon the table was, not to give a definite

and precise decision as to the number of the Council, but to elicit the general opinion of the Committee upon the point. The Government thought that the Council ought not to be an inconsiderable one, and they asked the Committee to consider whether the number of Members should be not less than twelve nor more than eighteen. It was necessary to arrive at some result, in order to prepare the Bill which they were to place before the House, and which would contain their definite conclusions. The President of the Board of Control was perfectly justified, and was acting in accordance with the usual course of procedure, when Resolutions were brought forward in order to obtain the opinion of the House, when he accepted what he considered to be the general sense of the Committee. It appeared to be the predominant feeling of the Committee that the number of the Council ought to be fixed at twelve, and not at eighteen. If that were so, the Government were advancing the progress of Indian legislation when they endeavoured at once to come to some more precise conclusion than was to be found in the Resolution, and he agreed with the President of the Board of Control in thinking that the general opinion of the Committee was in favour of limiting the number of the Council to twelve. If he were mistaken in that, it would be in the power of the Committee to prove he was in error.

Mr. VERNON SMITH remarked, that the Chancellor of the Exchequer had stated accurately enough that the object of the Resolutions was, within certain limits, to lay down rules which might afterwards be embodied in a Bill; but the right hon. Gentleman had fallen into a mistake in supposing that the Committee had come to any conclusion as to the precise numbers of the Council. That was a matter for the Bill, but not for the Resolutions; and, for his own part, he thought they should confine themselves at present to saying that the numbers should not be more than twelve. If we were to have a Council as cumbrous as the Court of Directors, little would be gained by any alteration in the system of government. No blame, he thought, could be attached to Ministers for the course they had pursued on the present occasion; but, instead of fixing the number absolutely at twelve, the words ought to be "not more than twelve," leaving the precise number to be hereafter determined by the Bill.

The Chancellor of the Exchequer

Mr. CUMMING BRUCE denied that the general opinion of the Committee was in favour of limiting the number of the Council to twelve; on the contrary, it had been proved that the duties could not be discharged by fewer members than eighteen.

Viscount PALMERSTON said, that the subject before the Committee involved a very important principle, and one which hon. Gentlemen, perhaps, had not sufficiently considered as belonging to it. The question was whether, when the government of India was transferred from the Company to the Crown, the administration of Indian affairs was to be carried on in London or mainly in India. If it was intended that all the details of Indian administration should be judged of and transacted in London, as heretofore had been the custom, then a large Council would be required; but those who thought that the interference of the home Government ought to be restricted within narrower limits with respect to details, than had hitherto been the practice by the Court of Directors, would probably be of opinion that a small Council would be more convenient than a large one. It was natural that the Company—having begun as a trading association—should exercise the most minute and detailed supervision over all the transactions of those engaged in the conduct of affairs in India; but that was not the manner in which Parliament thought the dependencies of the Crown abroad ought to be governed; and if it should be the opinion of Parliament that the superintendence of the home Government should be more confined to general matters, not touching that mass of details which had hitherto come before the Court of Directors, then it would be found, he thought, that a large Council would not only be useless but cumbrous, and that a small number of advisers would be preferable. He therefore recommended that, instead of attempting now to fix the precise number, the Committee should leave it to be determined when the Bill came under discussion, and when the powers and functions to be intrusted to the Council should have been more fully considered.

Lord JOHN RUSSELL said, he agreed generally in the observations which had fallen from his noble Friend. Heretofore many details of business had been brought to this country which, perhaps, it was not necessary to transact here; but, at the same time, it appeared to him that this was not only a change of great importance, but one which could not take place com-

pletely for a considerable period. Of course the papers generally sent from India would be forwarded as usual for some time to come, and, if there was a very small Council at first, they would find the mass of papers referred to them such that they could hardly deal with them properly. Under the circumstances, therefore, he thought the proposal of the noble Lord opposite for a Council of twelve a very fair one; but provision might be made in the Bill, not absolutely but conditionally, that, if the business should be found to diminish, the Crown should have the power to reduce the number to ten or eight, as might be thought proper. He thought the number of twelve was not too great at present, but eighteen would be a much larger number than was necessary for the transaction of business. With regard to the notice he proposed to give for adding words to this Resolution, he had since understood that the Chancellor of the Exchequer intended to have fewer Resolutions, and in this case he should not now press his notice; but he hoped the right hon. Gentleman would agree that the question of the appointment or election of the Council should be comprised in the next Resolution.

MR. CUMMING BRUCE said, he would remind the Committee that this Council would, in fact, be the Court of Appeal for the Natives of India; but no efficient supervision over the local Government of India could be furnished unless the number of members was large.

MR. T. BARING said, the amount of business imposed on the Government of India was such that to digest properly the information placed before them, and to mature their plans, would require a considerable number of Members in the Council and its fusion into Committees. Now, whatever the opinion of the Ministry might be on this subject, they ought not to have changed the number of Members from eighteen to twelve without notice. From the remarks of the noble Lord (Viscount Palmerston) it appeared such a change in the number was of much importance as regarded the future government of India, yet there had been no discussion as to the number. It was thought that the Government would abide by the Resolution; but now, all at once, the question not having been brought under consideration at all, the Committee were called upon to limit the number to twelve. The right hon. Gentleman the Member for Northampton (Mr. Vernon Smith) said the Committee could not be taken by surprise, because it was known that the Resolution was to be discussed; but he (Mr. T. Baring) certainly had no idea that such a change would be proposed without notice first given. He trusted the Government would see that this was not a fair way to deal with the question, and that at all events they would not press it that night.

MR. P. O'BRIEN remarked, that the Government were in an unhappy position between the hon. Member for Huntingdon, an old member of their party, on one side —and the noble Lord the Member for the City of London, who had got them out of the scrape before, on the other. [*Cries of* "Question!"] He was speaking as to the constitution of the Council, a most important subject, and hon. Gentlemen had no right to call "Question."

SIR G. GREY doubted whether it was right now to fix absolutely the number of members in the Council. The Committee hardly possessed the means of determining this question precisely before knowing what the functions of the Council were. If the House was not to be bound by the number mentioned in the Resolution adopted in Committee, what was the use of now discussing the subject? The best plan, he thought, would be to omit in the Resolution all mention of the number of the Council, and then in Committee on the Bill that point might be fully discussed and determined.

THE CHANCELLOR OF THE EXCHEQUER said, that no doubt it would greatly facilitate the passing of these Resolutions if they left out all its marrow; and if all the Resolutions were treated in the same manner they might all be passed that night. In that case, when the Bill came to be discussed, instead of passing it in a short time all the discussion would come over again. Having collected generally what was the feeling of the Committee as to the number of the Council, he had endeavoured to fix that number accordingly. In the Resolution as at first submitted the Government had left an interval between the two numbers twelve and eighteen—without binding themselves to either. Their own opinion was, on a strict investigation as to what would be the probable duties of the Council, that twelve would be able to fulfil those duties. For his part, he should be glad if the Committee would agree to fifteen, because, perhaps, it might at first

be more prudent to have that number; but the Government believed that the business could be efficiently carried on, and that even Committees could be formed by twelve members. What chance, however, was there of legislation, if the Committee did not endeavour upon every fair occasion to arrive at some decision? If this Resolution were passed without some conclusion as to the number of the Council no time would really be gained, but there would be a proportionate increase of discussion on the Bill, and they ought, therefore, now to come to some definite decision on the Resolution before them. At that late hour, however, he did not wish to attempt to press the Resolution, and if the hon. Member for Huntingdon (Mr. T. Baring) was of opinion that it required further discussion, he (the Chancellor of the Exchequer) was ready to consent that progress should be reported. He hoped, however, that hon. Gentlemen would not carry too far the privilege of moving that progress be reported, and thereby prevent the Committee from deciding upon important points. If the Committee had settled the question now before them to-night they might, when the Resolutions again came under their consideration, have decided upon the elective principle, and after very little further discussion the Government would, no doubt, be enabled to bring in a Bill.

Sir CHARLES WOOD said, he had understood the Chancellor of the Exchequer to state, a short time ago, that they might agree, by Resolution in Committee, that any number of members of Council should be appointed, but that such decision would not be binding upon the House when the Bill was brought under their consideration. If that was the case, he (Sir C. Wood) did not see what could be gained by deciding upon any specific number in Committee. Nor could he understand how the right hon. Gentleman had arrived at the conclusion that the opinion of the Committee was in favour of the number twelve; he had been in the House since half-past four, and had not heard anything to justify such conclusion. An hon. Gentleman had expressed his opinion that the reduction of the number of Directors in 1853 had been a mischievous measure, but he (Sir C. Wood) had heard it stated by some of the most experienced members of the Court of Directors that the alteration then made had greatly increased the efficiency of that body.

Colonel SYKES said, that the work of the Court of Directors had greatly increased since 1853, and for that reason he intended to move that the Council should consist of fifteen Members.

Lord JOHN RUSSELL said, he concurred with the hon. Member for Huntingdon that it would not be advisable to proceed with the Committee at that hour; but if the discussion was to be renewed, he must express his intention to persist in his Amendment to the effect that a Council be appointed of not more than twelve members, and that the members of such Council be appointed by Her Majesty.

The CHANCELLOR of the EXCHEQUER then moved that progress be reported, when

Mr. CHAIRMAN said, an Amendment had been moved that the word "less" be omitted, for the purpose of inserting the word "more," and he had to put the question that the word "less" stand part of the Resolution.

Question, "That the word 'less' stand part of the proposed Resolution," put, and *negatived.*

The CHANCELLOR of the EXCHEQUER moved that the Chairman report progress.

Lord ADOLPHUS VANE-TEMPEST said, he thought no satisfactory settlement as to the number of members of Council could be arrived at that hour (a quarter to One o'clock). He was not at all aware of the nature of the Amendment which had just been put by the Chairman, and he was glad the Chancellor of the Exchequer had now moved—as he (Lord Vane-Tempest) had attempted to do some time since—that progress should be reported.

Viscount PALMERSTON suggested, that if the Government intended to make any changes in the Resolutions as now laid on the table, it would be desirable to lay them again on the table with the proposed alterations, in order that hon. Members might know beforehand in what shape the Government proposed to submit the Resolutions.

The CHANCELLOR of the EXCHEQUER said, that, of course, if any extensive alterations should be proposed in the Resolutions, they would be placed in a new form before the House; but it would be difficult to substantiate the doctrine that on Resolutions being brought forward alterations might not be proposed in the course of the discussion. On the contrary,

it very frequently happened that Resolutions were altered in the course of their progress through the House; and were that not the case, the discussion on them might never end in legislation.

VISCOUNT PALMERSTON said, he would admit that it was perfectly competent for the Government to make changes in the Resolutions, and he had merely submitted that, as a matter of convenience to the House, the course he suggested should be adopted.

Motion *agreed to.*

House resumed; Committee report progress, to sit again on *Friday.*

MARRIAGE LAW AMENDMENT BILL.
COMMITTEE.

Order for Committee read.

Motion made, and Question proposed—"That Mr. Speaker do now leave the Chair."

SIR BROOK BRIDGES moved the adjournment of the debate.

VISCOUNT BURY said, that having introduced certain modifications into his Bill to meet the views of hon. Gentlemen opposite, he understood the Bill was not to be further opposed until its third reading.

MR. KINNAIRD remarked that, he did not know what arrangements the noble Lord might have made with hon. Gentlemen opposite, but certainly the opponents of the measure on that side of the House had entered into no arrangement with him.

THE CHANCELLOR OF THE EXCHEQUER observed, he must disclaim any knowledge of the arrangement referred to.

MR. HENLEY suggested that, the noble Lord should mention the names of those who had entered into the agreement with him.

MR. BERESFORD HOPE said, that on the noble Lord's consenting to modify certain clauses in the Bill, he had agreed not to oppose its being committed *pro forma.*

MR. LYGON said, he had been strongly opposed to the committal of the Bill *pro forma.*

MR. SCHNEIDER suggested that, the second reading of the Bill might be taken at a morning sitting.

Motion *agreed to,*

Debate *adjourned* till *Monday* next.

House adjourned at quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, June 8, 1858.

MINUTES.] PUBLIC BILLS.—1ª Hainault Forest (Allotment of Commons).
3ª Portumna Bridge (Ireland); Stamp Duty on Passports.

CHANCERY AMENDMENT BILL.
REPORT.

Amendments reported (according to Order).

LORD BROUGHAM said, the Bill was the converse of a somewhat material amendment of the Courts of Chancery and Common Law, passed by the Common Law Procedure Act. That Act gave to the Courts of Common Law certain portions of equitable jurisdiction, and this Bill, on the other hand was to give to the Courts of Equity certain portions of what had been hitherto common law jurisdiction. There was one part of the measure to which he objected—namely, the giving to the Court the power, without the consent of the parties, and without the intervention of a jury, to send questions of the assessment of damages before the Masters or Chief Clerks in Chancery. He had prepared an Amendment to carry out his views in that respect, but he would forbear moving it until the third reading of the Bill, in the hope that its promoters would themselves consent to make the requisite alteration.

After a few words from Lord CAMPBELL,

LORD ST. LEONARDS said, if this Bill passed in its present form, in all cases for the specific performance of a contract there would be another issue as to the amount of the damages sustained. He objected to a Judge sitting alone assessing damages, and should have divided the Committee on the point if anybody would have supported him. He trusted that his noble Friend on the woolsack would reflect seriously on the effect of this Bill, so that some alteration might be made in it before the third reading.

THE LORD CHANCELLOR said, he believed Lord St. Leonards stood alone in his objection. The Bill was founded on the recommendation of the Chancery Commission of 1856; it had passed the Commons, and there the matter was fully considered by the lawyers who were Members of that House, and they were unanimously of opinion that the Bill ought to pass.

The only difference from the recommendation of the Commissioners was in the special machinery by which the Judges would be able to perform the functions which were given them in assessing damages or ascertaining facts, namely, by enabling them to summon a jury. The noble and learned Lord near him (Lord Brougham) objected that the Judges, to whom was given the power by this Bill of assessing damages, might be disposed to transfer to the Chief Clerks that particular duty, and he objected to that being done without the consent of parties. He understood the Lord Chief Justice to suggest that there was no necessity whatever for this particular Amendment, because he considered the Judges would never shift from themselves the responsibility of assessing the damages except in cases of trifling amount, where it was infinitely better that they should be settled by the Chief Clerk than by the Judge in open court. He thought he might suggest to his noble Friend that it was not necessary to press his Amendment.

LORD CRANWORTH thought they were discussing a very unneccessary Amendment. There was nothing in the Bill to enable the Judge to transfer the assessing of damages to the Chief Clerk.

LORD BROUGHAM read the clause, which stated that "it shall be lawful for the Court to award damages, and such damages may be assessed in such manner as the Court may direct." This wording, he considered, justified the opinion he had expressed.

Report *considered*. Bill to be read 3ª on *Monday* next.

COMPETITIVE EXAMINATIONS FOR THE CIVIL SERVICE—QUESTION.

LORD LYTTELTON rose to put a question to the Government upon a subject to which he attached great importance—namely, the system of competitive examinations for the civil service. He believed the recent change in our system had been productive of much good to all parties, for it had tended to remedy the evils of patronage and improve the general standard of education. The results of the system, as appeared by the Report of the Civil Service Commissioners, had been good; and the examinations on the whole had been well and judiciously conducted. He was not, however, about to enter into the general merits of the system, which he conceived to have been placed beyond argument. The point to which he wished to refer was that of open, general, unrestricted, competition—he did not, of course, mean unrestricted in every sense—unrestricted as to the appropriate qualifications of the persons examined; but in the sense that the examinations should be open to every person properly qualified. The original Order in Council, which was dated May 21, 1855, expressly reserved the system of nomination. He did not mean to say that Order had not been acted upon, or that it had not been productive of good. At a very early period after the Order in Council to which he had referred was issued, a Motion was made in the House of Commons to the effect that an humble Address be presented to Her Majesty, praying that Her Majesty would be graciously pleased to direct the establishment of a system of open competition in the case of candidates for the Civil Service. That Motion was met by the previous question, which was carried by a majority of 140 to 125. An address upon the same subject was again, however, within a year moved, which was also met by the Previous Question, which upon a division was carried by a majority of 21—the numbers being 108 and 87. The question was, he might add, once more submitted to the notice of the House of Commons on the 2nd of July, 1857, when a Resolution was passed to the effect that it was the opinion of the House that the principle of unrestricted competition ought to be extended in conformity with the decision at which the House had previously arrived. To that Resolution an unanimous assent was given. Now, he must say that he had heard with some little surprise that hardly any result had followed that Vote of the House of Commons. The Commissioners themselves had, for instance, in their last Report stated most distinctly that competition for situations in the Civil Service had not been open to all those who were desirous of coming forward and who had fulfilled the requisite conditions; the competition being limited to persons who had been nominated by the authorities to whom was intrusted the duty of making public appointments, in direct contravention of the Vote of the other House of Parliament. In the case of India he believed there now existed a really effective system of open competition for the Civil Service, and he was sorry to find that some doubt prevailed as to whether such was the

case in regard to the Civil Service at home. A vote of the House of Commons had but a few days before been given in favour of the system of open competition at examinations for the Artillery at Woolwich; and he could not, taking into account the frequent expressions of opinion in favour of the general establishment of such a system, help thinking that there was some little reason to complain of the position in which the question at the present moment stood. He was not, however, disposed to cast the slightest blame upon the present Government, which had been only a short time in office, in reference to the subject, and he should therefore content himself with simply asking whether it was the intention of the noble Lord at its head to carry any further the system of competitive examination for appointments in the Civil Service?

THE EARL OF DERBY said, it was not his intention, in replying to the question which had just been put to him, to enter into any general discussion of the merits of the system of competitive examination. He might, however, state that that system prevailed in the case of appointments to clerkships in the Treasury, in the Secretary of State's offices, in the Board of Trade, and in the Customs Department. The principle which it involved was nevertheless of quite a novel character, and one the development of which their Lordships and the country ought, in his opinion, to watch with great care. It was not at all improbable that many cases would, under its operation, occur—as many had occurred—in which candidates who had, beyond all question, proved themselves to be superior, so far as a mere examination was concerned, to their opponents, and who had in consequence obtained the public appointments which they sought—would be found to be in other respects completely inadequate to the discharge of the duties which they would be called upon to perform. In support of that view he might observe that he had heard of three young men who not long ago had passed an examination in a most creditable manner for admission to Woolwich, and yet it had turned out that one of them could not be taught to ride; while another objected to the system of drill to which he was subjected; the third declared he could not live at Woolwich. He might also mention the case of a young gentleman who had been appointed a clerk in the Foreign Office, after having passed an examination in which he had shown himself greatly superior to his opponents, but who laboured under a physical infirmity, which—although he might perform the duties of his office exceedingly well—rendered him in some important respects less qualified than others would be for the particular position which he happened to occupy. With respect to competitive examinations, he could only say that in his opinion the greatest care ought to be taken in determing their character. The same kind of examination was not adopted for all cases. The same form of examination ought not, for instance, he thought, to be invariably laid down in the case of candidates for situations the duties of which were entirely different. It must also be borne in mind, in dealing with the question, that in examination from papers or *vivâ voce*—and particularly *vivâ voce*—many men superior in real qualifications failed to obtain the places to which their attainments entitled them. Some men were of a nervous temperament, while some had not their powers of memory so completely at command as those with whom they were called upon to compete. Some men, moreover, might fail in those portions of the examination to which they might be subjected, which were utterly insignificant; and he could not, under these circumstances, help feeling that it was the duty of Parliament to be exceedingly cautious and circumspect in extending the principle for which his noble Friend contended. In giving expression to those sentiments, however, he must not be understood as being opposed to that principle. He, upon the contrary, was as anxious as any man could be to see the means of obtaining honourable employment in the public service placed within the reach of the middle classes in this country; but he at the same time felt quite sure that it was expedient that the system of a competitive examination should for some years to come be regarded in the light of an experiment which required to be carefully watched. Their Lordships should recollect that, although it was very easy to extend the system if it were found advantageous, yet there would be much greater difficulty in restricting and diminishing the amount of competition, if it were once extended too far, however great the inconvenience which might result from it. For his own part, he differed from his noble Friend if he thought that every clerkship

in every office should be open to the unlimited competition of any number of persons who chose to come forward. He (the Earl of Derby) thought it was due to the heads of the different departments that they should have the opportunity of selecting from their lists persons whom they thought most likely to suit the requisitions of the different offices which became vacant. Subject these to the greatest amount of competition possible; let the best men win without reference to influence; and, above all, of those who were subjected to the competition, let none be selected who did not come up to a certain minimum standard of qualification. He did not agree either that only one out of a large number of persons who entered into competition should be selected. If eighteen or twenty presented themselves for examination, and only one were selected out of those, the number of disappointments would be unduly large, and young men would be discouraged from coming up when the chances of success were so greatly against them. His opinion was—and he believed arrangements to that effect were in contemplation at some of the public offices—that a greater number of persons should be introduced for examination, and that they should compete for more than one office at the same time. Thus, instead of having three men to contend for one appointment, the result of which might be that two men of superior qualifications might fail to get anything, three or four clerkships should be put up at the same moment among three times the number of candidates. In that case, out of twelve or fifteen competitors, the three best men would obtain employment; whereas according to the present system there might be three very inferior men contending for one clerkship and three very superior men for another, so that it did not follow that the two appointments would be filled by the two best men. Some alteration of this kind might be necessary, and meanwhile the attention of the Government and of the different departments should be steadily directed to this principle of competitive examination, not with a view to abandon it or to hastily extend it, but with a view carefully to watch its effects and introduce such changes as experience might seem to render desirable. He believed that in all the different offices there was every disposition to give the fullest and fairest trial to this experiment; and he did hope their Lordships and the other House would consider it as an experiment, the progress of which should be watched with the greatest possible caution.

EARL GRANVILLE said, he did not think that the noble Lord (Lord Lyttelton) had any good grounds for accusing the late Government of having broken faith with the House of Commons on this subject; because, if he remembered right, in the last debate which took place in the other House, when a Resolution passed in favour of competitive examination, both the then Chancellor of the Exchequer and the Prime Minister clearly laid down that, in agreeing to it they agreed merely to the limited amount of competition which was now in force; and the Resolution was agreed to on that understanding. He concurred with the noble Earl at the head of the Government that it was much easier to extend than to contract the system of competitive examination, and that, at all events, there was no harm in going slowly to work. He must say, however, as far as his experience went—and it would probably be confirmed by the noble Marquis who succeeded him—that in the Council Office the success of the system had been very marked as to the clerks selected under it. He believed, too, that the general experience of all the public offices was in favour of the system. No doubt, in some instances the result, as mentioned by the noble Earl, might be rather ridiculous. There was a difficulty, for example, in competitive examinations for military appointments which did not exist in civil offices, because in the former case certain qualities were necessary which it was very difficult to test by examination. With regard, however, to the gentleman in the Foreign Office who had obtained a clerkship by a competitive examination and was then found to be suffering from physical infirmity, if he was not greatly mistaken, one of the most useful clerks in the Foreign Office appointed under the old system was certainly suffering under at least an equal physical disability. On the whole, he believed that if you took any large number of cases into account the men who had given proofs of study in a competitive examination were more likely to have those habits of industry, attention, and accuracy which were, after all, of the most importance in those who aspired to fill public appointments. Then, also, it should be remembered that probation formed a very important part of the new system. Besides

the certificates of character required—which, he admitted, were often not much to be depended on, any more than the recommendations under the old system—no appointment was finally filled up until the candidate had undergone a considerable probation in the office, by which his moral qualities were tested in the same manner as his intellectual qualities had been proved by examination. On the whole, he believed the system worked well.

THE EARL OF ELLENBOROUGH said, their Lordships were aware that the civil service of India had been thrown open to competition by Act of Parliament. He had been induced to make some inquiry as to the manner in which that principle worked, and he could not say that the result of his inquiry had been by any means of a favourable nature. In the first place, he found, what he certainly expected, but was extremely sorry to find, that the social position of the gentlemen appointed under the competitive system was very inferior to that of the gentlemen appointed under the old system; and this, he thought, was a subject of very grave regret. From private inquiries he had instituted he found, too, that after they had arrived in India, whatever their success might have been previously, their progress was not proportionately rapid. They stood still; they thought they had obtained their end, and that they had nothing further to do except to enjoy themselves in the lucrative offices conferred upon them by Act of Parliament. He had written to Lord Canning on the subject, and had requested him to send home a full report as to the comparative efficiency and competency of the persons appointed from Haileybury and those appointed under the system of competitive examination. While we were endeavouring to frame as good a theoretical government as we could for India, he trusted their Lordships would recollect that if the persons sent out from hence to govern that empire were of an inferior character no improvement we could by possibility effect in the form of government would counterbalance the mischiefs which would be thus produced.

EARL GREY said, he had heard with great satisfaction the answer given by the noble Earl at the head of the Government, and was glad that he recognized the importance of proceeding cautiously in this matter. His own opinion, from all he could hear was, that very great caution indeed was necessary. No man could doubt that a few years ago some great reform as to the mode of admitting persons into the civil service was called for; that an examination was required which would fairly test the qualities of the candidates and exclude the incompetent; and that this examination should be conducted by an independent authority different from that by which these persons were appointed. He, for one, had long been convinced of this, and to such an extent he was very glad of the adoption of the principle of competition. When, however, you came to competitive examination, and, above all, to what his noble Friend (Lord Lyttelton) desired—open competitive examination—the case was very different. He believed that no care which could be taken, no caution which could be exercised on the part of those who were to administer this system, could prevent appointments in the civil service under open competition from becoming the reward of successful "cramming." He believed it was impossible to devise an examination which should not be open to that objection. In the early stage of the system this was not felt. People were not prepared for the examination; they did not quite understand it. The system of cramming grew by degrees. We were not, therefore, to judge from the results at present obtained as to what would be the effects of the system of cramming hereafter. Now, he was convinced that with regard to the efficiency in after life of those who were employed in the public service there was no system so fatal as that of cramming. The memory was forced with knowledge which in itself was useless, at the expense of all the higher qualities of mind. Judgment and the powers of reflection were sacrificed, without developing those talents which were really wanted; the brain was over-stimulated at an early age, and the memory overloaded. He believed this to be the tendency of the system; and what had been stated by the noble Earl opposite (the Earl of Ellenborough) as to the results which had already made themselves felt in India afforded some confirmation of that belief. Looking at the effect which might be produced not merely upon the civil service, but upon the general education of the country—looking at the prospects of the rising generation, whether intended for the civil service or not—he was persuaded that if the system of cramming were introduced into all our places of public education, owing to the competition which would arise who should get most of these prizes, the

utmost mischief would be done. He earnestly pressed the noble Earl opposite—while he acted with the caution which he had said would be observed by Her Majesty's Government—to lose no time in making some inquiry as to the effect of the system of competition in other countries, where it had already been established to some extent. He was informed that in France, according to the opinions of men who were best able to form a judgment on the subject, the effect of throwing open many appointments to free competition had been very prejudicial to the young men of that country; and he hoped the noble Earl would take measures for ascertaining accurately what had been the result of such a system in France and in other continental countries in which it had been adopted. He wished to make only one other observation—that he feared if the House of Commons pursued the practice of coming to decisions upon very important questions affecting the administration of public affairs, not by Bills, but by simple Resolutions adopted very hastily, after very little consideration, and frequently against the opinions of Members on both sides who were most competent to give advice on such subjects, they must be prepared to find that the votes so given would often remain a dead letter, and that too with the approbation of the country.

LORD WODEHOUSE felt as much as any man that cramming could never be productive of sound results; but the question to be considered with regard to the proposal to establish competitive examinations was, whether the system now in force gave better men than could be obtained by competitive examinations. He entirely agreed with the noble Earl at the head of the Government that they ought to rest for a while, and see the effects of what had already been done; but he saw nothing to prevent the possibility of further extending the system. Cramming had some merits. It tested, at any rate, whether a man was able within a given time to get together a large amount of information on any one subject. It might not qualify him for the public service, but, on the whole, it was a considerable advance on the former system; and in considering what they had done, they should endeavour to ascertain whether better men were not got under the new system than when selections were made by a Minister. During his own brief experience he had never found that too much knowledge was a fault, and in selecting men he thought competition gave a great spring to an honourable ambition, and a great motive for industry and attention. He believed they could not do better than cautiously to pursue the same system they had entered upon, under which he thought they would find a greater amount of energy, activity, and zeal, for the public service than had hitherto existed.

LORD REDESDALE said, that in the army as much depended upon the body as upon the head; and as riding had been alluded to by the noble Earl at the head of the Government, he must say he did not see why candidates for commissions should not be subjected to a competitive examination in riding. He believed that if, on admission into a cavalry corps, there was a competitive examination "across country," with marks for those who got on well, many efficient men would be admitted who would be excluded if it were left entirely to head work. It was no doubt desirable to take care that we did not admit to the public service men who were entirely ignorant; but if we restricted the examination for the army to head work, we should get a set of men who would not be so efficient in the field as could be desired.

THE SLAVE TRADE.

NOTICE OF MOTION.

THE BISHOP OF OXFORD: My Lords, I give notice that on Thursday next I will present a petition from Jamaica touching the Spanish Slave Trade, and that I will call your Lordships' attention to the prayer of that petition.

LORD BROUGHAM rejoiced to hear that such was the intention of the right rev. Prelate. The petition was of the greatest importance, and deserved the fullest attention and consideration at their Lordships' hands. He solemnly adjured his noble Friend (the Earl of Malmesbury) that no time should be lost in urging upon the Spanish Government to effect what they were bound by treaty to do, as well as by every principle of honour and humanity—to take measures for the extirpation of the slave trade from its colonies—by prohibiting effectually the corruption of its governors and others under whose connivance the slave trade had flourished in those colonies. Brazil was under the same stigma at one time; but the firmness of the Portuguese Government finally put a stop to it, and the Portuguese slave trade was absolutely gone. If anything could increase his grief it was by Spain abandon-

ing those efforts which she had made for the suppression of the slave trade, leaving the coast of Cuba open in a great measure to that infamous traffic, for it would be impossible to make a blockade there effectually without very great risk of coming into conflict with another power which, unfortunately for the cause, and most disgracefully for itself, had not the same feeling on the subject of the slave trade as we had.

RELATIONS WITH THE UNITED STATES.

QUESTION.

THE EARL OF CLARENDON wished to put a question to his noble Friend opposite, the Secretary for Foreign Affairs, with reference to the subject to which the noble and learned Lord (Lord Brougham) had just alluded. He wished to know whether his noble Friend could afford the House any information that might tend to allay the great uneasiness which had prevailed in the public mind during the last few days with reference to certain alleged proceedings on the part of British cruisers, and the preparations it was said the United States Government were making to prevent acts which they regarded as equivalent to that right of search which had never been conceded by the United States, and which were looked upon in that country as national insults. He (the Earl of Clarendon) believed that no information on the subject had yet been received in this country beyond certain *ex parte* statements which had been published in the United States, and the abstract of some correspondence which had been laid before the Congress by the President. There was, therefore, no means of judging how far the cruisers of Her Majesty had exceeded their instructions by stopping some American vessels which were engaged in the coasting trade, and by firing into others. He not only hoped, but expected, that it would be found there had been a great deal of exaggeration in the statements which had appeared on this subject, and he had no doubt that if his noble Friend had received any information, he would not hesitate to lay it before their Lordships. At all events, his noble Friend would probably inform their Lordships whether he had had any communication from the United States Government on the subject, and in what state matters were. If, as he (the Earl of Clarendon) had no doubt was the case, no other or more stringent instructions had been sent out than those under which cruisers had been in the habit of acting, he felt assured that not only were there no grounds of quarrel between the two Governments, but that the irritation—which would be justified if the statements that had been put forth were true—would be but momentary. There were no instructions, of which he had any knowledge, under which the commanders of British cruisers would be authorized to do what it was said had been done; and if they had exceeded their instructions, Her Majesty's Government could have no hesitation in stating that that was the case. This was a question upon which, in his opinion, it was requisite that great forbearance should be exercised by both Governments, to prevent a state of things which neither of them would desire—an extension of the slave trade, or a rupture of political relations. The United States Government were the first to declare the slave trade piracy, and he was therefore convinced that the President of the United States and his Government were no more desirous than were the Government of this country that that trade should be extended. But it could not be concealed that vessels belonging to the United States had carried on the slave trade on the coast of Africa, and that the flag of the United States had been used as a cover for that trade; and he did not see how, unless some right of search was given, the real nationality of the flag of suspected vessels could be ascertained. Such a right had been admitted by all maritime nations for their common protection, for without it the most atrocious deeds might be perpetrated and yet remain unpunished. But the possession of such a right was a very different thing from the manner of exercising it. He was certain that no officer commanding a British cruiser, whatever his suspicions might be, would exercise the right of searching an American vessel if he was really convinced that it was *bonâ fide* American. We were as proud as the Americans were of the honour and independence of our flag, and just as determined to protect it whenever protection was lawfully claimed and could be legitimately given; but we should consider our flag tarnished if it were made a cover for nefarious transactions such as he had referred to; and, so far from finding fault with any foreign Powers which should interpose to prevent the perpetration of such offences, we should rather be obliged to them for their interference. He did not think the American Government would differ from us on that point, and he there-

fore hoped that both Governments would calmly consider the matter, and, continuing to entertain towards each other friendly feelings and sentiments of mutual respect, come to some good understanding on the subject. He wished to ask his noble Friend whether any late communications on this subject had passed between Her Majesty's Government and the Government of the United States, and whether anything had occurred to justify the apprehensions which had been entertained?

THE EARL OF MALMESBURY: My Lords, I am extremely glad that my noble Friend has prefaced his question by the very judicious language which he has used. Great advantage must necessarily follow such a course, when in a moment of difficulty like this between two Governments, a leading member of the Opposition is seen rising in his place, and expressing such sentiments and such views as we have just heard expressed by my noble Friend. My Lords, I am not in a position at this time to give your Lordships any ascertained information upon this subject. The events which have been stated to me as having occurred up to this time are but *ex parte* statements on the side of the American Government. If, however, these events are correctly reported—if the events which have taken place are exactly such as have been described by the American Government, I have only to say that Her Majesty's Government will certainly not be prepared to defend or to justify them. But I trust that a great deal of exaggeration has been committed in the description I have received of them; though at the same time I must confess that some acts have been committed which cannot be justified by any provision of international law, nor by any treaty in existence between Her Majesty's Government and the Government of the United States. My Lords, I have been informed that on one occasion a body of men landed upon the coast of Cuba from one of Her Majesty's ships. That is, of course, peculiarly a Spanish question, and can only be incidentally mentioned in connection with the American complaints. There has been also a statement made that considerable annoyance has been experienced by American traders lying in the port of Havannah, from a system of watch boats, as they are called, being ordered to row round those ships and watching the cargoes that were taken in or out of those vessels; that this sort of surveillance or espionage was continuously kept up, and that when the ships were quitting the port they were followed and chased at sea. It is also stated, my Lords, that every American ship, upon leaving was pursued by our cruisers in the Gulf, and was brought to and searched. Now, I have not the least idea whether these alleged facts are correct; but these are the statesments that have been made, and your Lordships are aware that there is nothing in the international law nor in the treaty of 1842 to justify the adoption of those measures. My Lords, if these facts be literally true it is impossible that the Government can defend them. But I entirely agree with what my noble Friend has said, that the American flag is frequently prostituted to cover the slave trade and other illegal acts. It is most desirable, therefore, that some agreement should be come to by the Governments of the two countries by which it will be distinctly understood that certain proceedings may be taken by the officers of the respective States with the view to the discovery of the impositions to which I have alluded, whilst at the same time nothing shall be done that could be offensive to the honest trader. It is to that point I have directed the attention of the United States Government, in my conversation with the Minister of that country. I do not think there is any great difference between us as to the view in which we regard the matter. After the conversations I have held with the Minister on the subject; after the despatch which I have written to Lord Napier; and after the distinct orders sent out to the squadron in those seas, I trust, my Lords, that there will be no repetition of the acts described. Under these circumstances, I trust and hope that in the meantime no act will be committed by either conntry calculated to give offence. I believe that as soon as the conversations to which I have referred are repeated upon the other side of the Atlantic, this country will remain under no apprehension of any consequences occurring at all likely to break that alliance between the two great Powers which have so happily existed for many years.

THE EARL OF HARDWICKE: My Lords, I wish to say a few words in reference to the service with which I have the honour to be connected. Her Majesty's Government have proceeded in this matter most carefully and deliberately, and they have sent out distinct orders as to the operations to be performed by the officers employed in this service in regard to questions

of nationality. If these operations have been exceeded by any of our officers they must be responsible for that excess. They were especially admonished to give no offence, if possible, to any nation in conducting their operations in those seas.

House adjourned at a quarter to Seven o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 8, 1858.

MINUTES.] PUBLIC BILLS.—1° Clerk of Petty Sessions (Ireland); Piers and Harbours; Leases and Sales of Settled Estates Act Amendment; Members' Freedom from Arrest.
3° Church Rates Abolition.

LANCASHIRE AND YORKSHIRE AND EAST LANCASHIRE RAILWAY COMPANIES BILL.—CONSIDERATION.

Order for consideration, as amended, read.

MR. CROSS objected to the Bill.

MR. CHEETHAM hoped that the House would uphold the decision of the Committee.

MR. HENLEY said, that this was a larger amalgamation than had been permitted to take place between competing lines. If Parliament consented to this amalgamation he hardly knew what amalgamation or what anomalies it could object to.

MR. MILNER GIBSON thought that the parties who had been to the Board of Trade to make representations against this Bill would have done well to make them before the Committee, and to substantiate them by evidence. The Committee had decided that there was a special case for amalgamation, and he advised the House to support the decision of its Committee.

MR. POWELL denied that the towns affected by this Bill were satisfied with the proposed amalgamation.

MR. VANCE believed that the traders and manufacturers of Yorkshire were favourable to the measure.

MR. SOTHERON ESTCOURT thought that the President of the Board of Trade had only done his duty in calling the attention of the House to the circumstances of this amalgamation. He would advise his right hon. Friend to move the rejection of the Bill on the third reading, if, upon further consideration, he should consider the precedent established by it mischievous and dangerous.

Clause *added:* Amendments made.

Bill to be read 3°.

CHURCH RATES ABOLITION BILL.

THIRD READING.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [1st June], "That the Bill be now read the third time."

Question again proposed.

Debate *resumed.*

SIR JOHN TRELAWNY said, he could not conceive that any great advantage would be gained on the part of the mover if he were to go into any arguments upon a question which had been so fully discussed as that which was before the House. But it had been charged against those who supported this Bill that they were not disposed to accept any compromise, and that they had shown no disposition to entertain proposals which came from the Ministerial benches. It was not their fault, but the fault of those who made proposals which were either useless or impracticable. He was satisfied the measure would work, as he believed that members of the Church of England had sufficient love and veneration for the establishment to support the fabric. He would suggest that if hon. Gentlemen opposite conceived there were any practicable means of meeting their views they should leave the House of Lords to exercise their powers of invention; and then, when the Bill came back, the *onus* would be cast upon its supporters of refusing that which might be a practical suggestion. He called upon Members to consider what their condition would be if they went on having debates upon the subject of church rates every day, morning and evening, till the dog days, and concluded by asking the House to assent to the third reading.

SIR BROOK BRIDGES said, he must admit that every thing that could be said for or against the Bill was exhausted, but as he had never before addressed the House on this subject he would crave its indulgence while he put before them his notion of the position in which the question of church rates stood. To his notion our pious ancestors, in establishing a Church in this country, had declared that they would not leave the manner in which God should be worshipped a mere matter of chance, but that the whole of the landed property of the country should be

liable to its support. Accordingly, they recognised the principle that those who were rich should maintain that Church for the benefit of the poor, and placed upon the landed property of the kingdom the impost of tithes for the support of the ministers of the Church, and the impost of church rates for the sustentation of the fabric of the Church. Was this an unreasonable, unjust, or unfair thing? He thought not. They did not admit the possibility of those who shared in the advantages of the Church ever neglecting it. They believed as little that a man could neglect his parish church as that he was capable of committing parricide; but they gave to the parishioners the right of saying when the church required repair, and to what extent repair was necessary: and this this appeared to him (Sir Brook Bridges) a just and necessary arrangement. It had been reserved for the present times, however—and the contrast was not a flattering one—to relieve a large portion of the land from all future charge for tithes, and to receive with favour the proposition then lying on the table. But who was the hon. Gentleman who had introduced that proposition? He (Sir John Trelawny) was the owner of large landed property, the representative of one of the oldest and most respected families in Cornwall, and he (Sir Brook Bridges) should not certainly have expected such a measure to emanate from him, seeing that if it were passed into law its immediate effect would be to relieve his property from a charge to which it had been legitimately subjected for ages. He could easily understand that the Bill would affect rich parishes in a degree comparatively slight; but what would be its effect in those parishes where the poor abounded? How were the poor who laboured for their daily bread to maintain a church, when the rich man who possessed the property of the district would no longer be bound to supply them with the means of worshipping God? It was said that many persons felt aggrieved at having to pay church rates, because they dissented in opinion from the Established Church; but if this argument were good for anything—if it were just and right and liberal on the part of those who founded the Church to place this charge upon the land—how could gentlemen say that their consciences were aggrieved by having to pay it when the land passed into their hands subject to the impost? Why, they might as reasonably object to pay a quit rent to the lord of the manor. The hon. Member for Tavistock told them the other day of instances in which the destruction of foxes and sparrows had been charged to the church rate. Well, he (Sir Brook Bridges) did not stand up in that House for the purpose of defending abuses; and he did not hesitate to say that he believed the only charge that ought to be placed upon the rates was that which the honour and glory of God required—the maintenance of the fabric and the carrying on of Divine worship in a decent manner within its walls. With regard to the grievance which was said to be involved in the question, how did that really stand? Every encouragement had been given to the opponents of church rates to bring their case before the House. Yet what did it amount to after all? Why that church rates were refused in about 5 per cent of the parishes of the kingdom; and the House was now called upon for the sake of five parishes out of a hundred to do that which must result in deeply wounding the consciences of men. It was now proposed to substitute mere voluntary contributions for the long-established system of church rates; and he believed that if it were adopted, and the Church had to rest for its support upon what might be the whim of fancy of the public at the moment, we should have no right to expect the blessing of God upon us as a nation. If he could believe that the levying of church rates was either illiberal or unjust, he should be among the first to object to their continuance, and call for an alteration of the law. He was anxious that if there were any proved abuse, it should be rectified; and he should be happy to give his vote in support of a measure which would effect that object; and when a district church had arisen he had no objection that the new edifice should be kept up by the rates of those who resided in the district, who should then be relieved from contributing to the old church; but nothing he had yet heard had induced him to swerve from the opinion he had hitherto entertained—that the sustentation of the edifice of the church ought to be provided by means of church rates, and therefore, he should move as an Amendment, that the Bill be read a third time that day six months.

MR. PACKE seconded the Amendment. It had been said that no compromise had been offered by those who objected to the unconditional repeal of church rates; but

he would appeal to the House whether many compromises had not been thrown out to hon. Members opposite, both in the present and former Sessions. But the fact was that every effort at compromise had been indignantly rejected by the opponents of church rates who were evidently resolved to carry their Bill without modification. It was also said that this measure would benefit the Church itself; but he was at a loss to see how a measure could benefit the Church which deprived it of the means of maintaining and repairing the sacred edifices. With regard to raising the amount required by voluntary contributions that was just as reasonable and practicable a proposal as if the Chancellor of the Exchequer were to bring forward a voluntary budget for levying voluntary taxes. One measure would work, he apprehended, just as efficiently as the other. There were many Gentlemen in the House who would give their support to the Bill who were undoubtedly good members of the Established Church; but he was sure they could not be aware of the great difficulties in which they would place the Church by the votes they were about to give. The fact was, that the whole system at present in operation for the management of the Church would be upset by the Bill. His hon. Friend had alluded to the statement of the hon. Baronet (Sir John Trelawny) that in many parishes the rates had been applied to the killing of vermin and other unworthy purposes. Now, he (Mr. Packe) believed that very many persons did entertain conscientious objections to the maintenance of church rates; but he must say that he feared the great majority of persons were actuated in the opposition to those rates by no higher considerations than those which were connected with the pocket. If the Bill passed this House he should rejoice at its going up to the House of Lords, because in that assembly there had not been a discussion upon the subject since the year 1853, and we should probably have the advantage of hearing from some noble and learned Lords an explanation of the judgment of Lord Truro in that year, when that noble and learned Lord stamped the opposition to church rates as a stigma upon those who resorted to it, and declared that it reflected disgrace upon them. Their Lordships would also give the matter calm and deliberate consideration, unfettered by those influences which, more or less, warped the judgment of Members of this House.

Amendment proposed, to leave out the "now," and at the end of the Question to add the words "upon this day six months."

MR. AKROYD said, he was opposed to the total and unconditional repeal of church rates, and must therefore vote against the Bill of the hon. Baronet; but at the same time, he was as much in favour as any one could be of relieving Dissenters from a rate to which they conscientiously objected, in a manner consonant with their views and feelings, but so as not to raise an impassable barrier between church and dissent. It was not so much upon doctrinal points as upon questions of Church government, that Dissenters and Churchmen differed; and hence, he did not lay that stress which some might be disposed to do upon the religious objections to the payment of church rates. In the manufacturing districts it was not uncommon for Churchmen and Dissenters to aid each other in their respective labours. But the Dissenters might justly claim exemption from the imposition of church rates, on the ground that having their own places of worship to build and maintain, they ought not to be called on to contribute towards the maintenance of the parish Church. The inhabitants of the new districts which had been carved out of the original parishes sought exemption from payment to the parish Church, in order to relieve themselves from a double burden; and the Dissenters with greater justice might urge the same argument. At the same time, while they did justice to the Dissenters they must take care they did not do so in a manner to inflict a perpetual injustice upon the Church. The Church had a right to raise its funds in its own way; and if it chose to adopt the old and constitutional form of levying a rate, it ought not to be prevented from collecting such a rate from its own members. Moreover, the Bill could not be expected to prove a permanent settlement of the question, because it left untouched a serious grievance under which Churchmen laboured—it left Dissenters at liberty to interfere in the appointment of persons who had important functions to perform in relation to the services and discipline of the Church—he meant the churchwardens. Surely those only who paid church rates ought to be allowed to meddle with the election of church officers. No doubt churchwardens had secular duties to perform as well as those which were purely ecclesiastical; but he thought that the parishioners might elect a parish warden, leaving to the

members of the congregation the privilege of choosing their own church officers—and this was no more than what the Dissenters themselves enjoyed. He had hoped that some compromise would have been offered which would have carried out his views, and some had been proposed which he would have supported; but they had fallen through from want of preconcerted arrangement and organization. Looking at the influence and character of many Members, both of the late and the present Government, he was surprised that none of them had proposed any Amendment calculated to settle the question in a spirit of justice to all parties. The difficulties in the way of a settlement had been greatly aggravated by the suicidal policy of the Church herself. By her very constitution she ignored the existence of Dissenters, she forgot that they were the descendants of the stern old Puritans, who would never forego their rights, and the consequence of a policy which refused to yield to the altered circumstances of the age had been to raise an organization throughout the whole kingdom, which was felt at every election, and influenced Members in their conduct in the House. Still that was no reason why the just rights of the Church should in turn be encroached upon. The Braintree case was regarded by Dissenters as the foundation of their rights in reference to church rates; but it seemed to him that they were in danger themselves of departing from the principle which was asserted in the final decision upon that case. For what was that principle? It was that the minority should have no power over the majority to make a rate against their will; but this Bill proposed to take away the power of the majority in those parishes which now granted church rates, and to prevent rates being granted at all. It seemed to him that the principle of the Braintree case being now established, the question might easily be settled. As the law stood a majority could make a rate; and all that was to be accomplished was, that they should have the power to levy them, at the same time respecting the rights of the minority by exempting the Dissenters. The mode which Dissenters uniformly adopted for the purpose of raising funds for the maintenance of Divine worship, was by a pew rate; but even they were beginning to doubt the propriety of that plan, and to substitute in many places a voluntary weekly contribution from the members of the congregation. But if they did not dictate to Dissenters as to the mode in which they should raise their funds, so neither ought the Dissenters to dictate to the Church. In places where church rates had been long discontinued, they ought to leave churchmen to impose a voluntary rate upon themselves, but in rural districts they might leave the present system in operation, only preserving the rights of individuals. Certainly he could never consent to transfer £300,000 a year from the Church to the landowners, who for the most part neither asked for it nor desired it. Just reverse the operation — talk of transferring £300,000 a year from the landowners to the Church, and see the outcry that would be made. And was the Church of England so passive that she would tamely submit to such injustice? Having thus examined the position in which the question stood with regard to members of the Church and to Dissenters, he had now to consider the subject in so far as it affected the people. The Church of England had a right to be called a national Church, because there were certain rites which she still performed for the bulk of the people —baptism, burial, and the visitation of the sick. These constituted her claim to be considered a national Church; and until they entirely upset the parochial system they could not abolish her right to the title. She might also lay claim to it on another ground—the right which the entire population had to accommodation within the walls of their parish churches, without money and without price, whenever they chose to attend. He remembered seeing that right asserted during the Chartist agitation, and a most impressive and affecting sight it was. Never did he see a more earnest or devout congregation; and his only regret was that the right which those Chartists claimed had not been more frequently asserted. There could be no permanent settlement without preserving the rights of all three parties — Churchmen, Dissenters, and the people; for if they encroached on the rights of any, they would only sow the seeds of future discord and agitation. He augured well for the future settlement of the question from the spirit of forbearance and moderation which had been displayed, and he could not altogether disguise his wish, although perhaps it was unconstitutional to anticipate what the decision of the other House might be, that they might have an opportunity of legislating in another Session under the Chris-

Mr. Akroyd

tian feeling of mutual respect for the rights of all parties interested in the settlement of this question.

SIR JAMES GRAHAM: Sir, I cannot give the vote which I am about to give without asking permission of the House to explain the reasons which will guide me in giving it. And although, Sir, this is not the place or the opportunity for the profession of a religious creed, yet I must be permitted to preface what I am about to say with a single sentence upon that subject. I was born and educated within the pale of the Church of England. With my deliberate judgment I have adopted its creed, I wish from my heart that its doctrines were more embodied in my life; and I hope to die in its communion. Therefore, Sir, there is no more attached friend of the Church of England than he who has the honour of addressing you. And, being an attached friend of the Church of England, I am bound to consider the position of this question as it now stands with reference to the interests of the Church. I have listened to the speech which has been just addressed to us with the greatest interest, and to many of the propositions I give a ready assent. I am not one of those who think this question of church rates a question of religious liberty, and I am not prepared to admit the right of Dissenters to claim the abolition of this rate; I am disposed rather to consider the question with reference to the interests of those two other classes to which the hon. Gentleman has adverted—the interests of the Church and of the people at large. Viewing it in this light, with respect to the interests of the Church, I would gladly have seen a compromise if a just one could have been effected. All compromise has hitherto failed, and I must regard the question as it now stands. With the hon. Gentleman who has just sat down, I do not think it right to speculate upon the possibility, or even the probability, that the Bill will be rejected elsewhere, and that we may see it again in another Session. But if I could allow myself so to speculate, I should boldly consider what is the best prospect, if this measure should not succeed in the present Session; and I should come to the conclusion that, with the view of arriving at a reasonable compromise, it would be better to send up the Bill to the House of Lords by a commanding majority. I have taken a part in various attempts to arrive at a compromise of this question. In the Government of Lord Grey I was associated with Lord Althorp—and my noble Friend opposite (Lord J. Russell) was a party to the proposition—in a plan by which it was hoped we might have effected even then a compromise of this matter. That Government, in the height of its popularity and power, proposed a measure which appeared to them a reasonable settlement: but so little even then was there a disposition to come to a compromise that the Government yielded to public opinion and withdrew the measure. My hon. Friend has alluded to attempts more recent to effect this same object: however paradoxical it may appear, I think the existing state of the law, though anomalous, is better than any compromise which has yet been proposed. For what is the practical working of church rates? In populous districts and in the large cities of this kingdom practically the rate has fallen into desuetude: no rate is levied, speaking generally, in large and populous districts; but though the rate has fallen into desuetude no difficulty is found in providing funds for sustaining the fabric of the churches. The rate is most wanted in the rural parishes, where the population is scanty, where the burden of maintaining the church is comparatively heavier, and there, as the law stands, the majority decide whether the rate shall be levied or not; and, generally speaking, in these rural parishes there is no opposition to the rate. But I must say it is fallacious to endeavour to institute a comparison between the number of parishes where the rate is granted and the number where it is refused. The only proper comparison is between the proportion of the population who are unwilling to bear the rate and the proportion of the population who are willing to bear it. I will refer again to the different compromises that have been proposed. I have a most decided objection to the imposition of pew rents as a substitute. The great principle for which the hon. Gentleman contends is the legitimate principle—the principle of a national church, the principle that the poor shall have church accommodation. It is difficult enough, with every influence which can be used by the parochial clergy, to induce the population, even without money or price as the hon. Gentleman expresses it, to attend divine worship; but to institute as a rule in the rural parishes that pew rents should be received from the congregation would have an effect which Churchmen least desire. Shame would prevent the very poor from coming and not contributing, and the compulsion to contribute

would increase the disinclination to attend the service. It has been suggested to mark, to brand, the Dissenters—that if they think fit to declare themselves Dissenters they shall be exempt from payment of the rate. I have the greatest objection to any such course. I regret the unhappy religious differences which prevail in this land, and the proposal of ticketing the Dissenters tends greatly to perpetuate those differences. There are many attractions in the Established Church which are inherent in our common nature. If the daughter of a Dissenter is about to be married, she naturally wishes that the marriage shall be solemnized at the same altar where her parents exchanged their marriage vows. If a man is about to die, the voice of nature cries within him, "Let my bones be laid beside his bones. Let me be buried in the churchyard where my forefathers lie, where worldly anxiety and religious differences are buried in the same grave." These are attractions which operate upon Dissenters, and frequently lead the children of Dissenters to return to the bosom of the Church. But if you once fix what is termed the "ticket" on a Dissenter—if he is to be marked by some overt act as a Dissenter — if he is required to put his hand and seal, as it were, to his dissent, it will become a point of honour with his family to adhere to that form of dissent to which their father gave a fixed and firm adherence, and all return to the Church will be for them very difficult, if not impossible. These are some of the compromises which have been proposed, and I confess I have heard no compromise suggested which is either judicious or acceptable. Elsewhere it will be for the heads of the Church, if the Bill should go up by a commanding majority, to devise, in their wisdom, that which may be acceptable. I sincerely desire to see a reasonable compromise. But, not seeing it, I am bound to exercise my option, and decide whether, on the whole, it is not for the benefit of the Church to deal with this impost, with all the heart-burnings attending it, and all the evils generated by it. In the remote valleys of Cumberland and Westmoreland, where there exists a population which I know well, and which is the most peaceable, the most orderly, and the most virtuous—in those most remote valleys this unhappy question has begun to start up from the root of bitterness and strife. And is it unreasonable that there should be disgust in this matter? The question has been stated with great fairness by the hon. Member for Kent (Sir Brook Bridges) and the hon. Member for South Leicester (Mr. Packe). The hon. Member for Kent referred to certain abuses, such as the charge on the church rates for the destruction of vermin, which are altogether ridiculous. But there are other abuses which, I am sorry to say, greatly disgust Churchmen. There are charges included which, as it appears to me, are altogether indefensible. The dignitaries of the Church, through the medium of the church rates, pay their officers. At every visitation of the bishop or archdeacon, fees payable to themselves are paid out of the church rates. Then we have officers who get paid, but who ought to be paid by the dignitaries themselves. Then we have the apparitor and procuration fees, and every species of impost, which, as I think, are abuses, also paid out of the church rates. The churchwardens, the parish clerk, the officers of the church have to attend visitations at considerable expense, all at the charge of the church rates. Again: it is not only the simple requisites of divine worship which the ratepayers are called upon to provide—there are what may be termed the luxuries of worship, the organ, organist, even pensions to parish officers, charged on church rates. These matters are well known, much canvassed, and of course very odious to Dissenters, but they also create considerable disgust even in the minds of Churchmen. It may be asked why has all this not been remedied? Lord Althorp proposed a plan for maintaining the fabric of the church, and confining the rate to that legitimate object; but his proposal, although reasonable, was not accepted by the public, and Lord Althorp, with great discretion and knowledge of this House, did not persevere in it. I am asked if this Bill should pass how the necessary expenses for maintaining the service of the Church can be raised? I quite agree with the hon. Gentleman that the country gentlemen and the nobility will scorn to pocket the £300,000 which is a charge on their estates. The remedy which has occurred to me, and which I have long entertained has been announced by the Right hon. Gentleman the Member for Morpeth (Sir G. Grey). There are some points in his plan with which I did not agree, but I cordially agree with him in the wish to relax the Statute of Mortmain to a limited extent, so as to enable the holders of land either in fee or even for life to charge their

Sir James Graham

estates for the maintenance of the parish church within certain limits. That proposal appears to me to be perfectly unobjectionable. I have spoken before of the luxuries of religious worship—the music, the choral service, &c.—and I cannot conceive any subjects for the offertory which come more entirely within the rubrics of the Church, and are more entirely in accordance with them, than such expenses. With regard to the other charges, the fees to officials, it is the duty of the dignitaries of the Church—of the bishops and archdeacons—out of their ample funds themselves to bear those charges. I am bound, however, to say that I should have hesitated to give this vote if it had not been for an important circumstance. A Bill has come down to us from the House of Lords which has been quietly withdrawn, but which was introduced by the Archbishop of Canterbury, and which received the support of the great body of the Bishops. Now, what is the principle of that measure? I am not one of those who think that it is imprudent on the part of the Church of England to rely upon the voluntary principle; on the contrary, I think there is too much distrust on the part of the Church of the voluntary principle An hon. Gentleman has referred to the origin of tithes, but I must remind him that a very large portion of the property of the Church was the voluntary offering of our pious forefathers. In more modern times has the Church any reason to regret the trust she has reposed in the liberality of her sons? Upon what does the colonial episcopate rest at this moment? What are the resources of the Christian Knowledge Society and the British and Foreign Bible Society? The funds of those societies are enormous. The Christian Knowledge Society is a branch of the Church of England; the British and Foreign Bible Society may be said to be supported mainly by Dissenters, but it is largely supported by churchmen. But the Church of England has never called on her members to contribute to her necessities and found the members of her community—and they are probably the most wealthy portion of society—slow to answer the appeal. At this moment the Church of England seems imbued with a new principle—I hope it may be for good—but there seems to be just now something like a revival in the heart of the establishment. By the Bill to which I have alluded every Bishop was to have the power, by this Bill, of licensing, in any town where the population exceeded 5000, any building where any portion of the liturgy of the Church might be performed—not excluding, as I understood, the Sacraments. That certainly seems to me to set aside the principle on which of old churches were required to be consecrated. But the matter does not rest there. What have we all seen and heard? A most amiable and excellent Bishop has been enthroned in St. Paul's Cathedral, and has taken possession of the palace at Fulham and of London House in St. James's Square. His first act was to attend a meeting at Islington in aid of building a new church, and he then declared that he had heard with satisfaction that prayer meetings were held on Sunday morning in the yard of a hackney-man. He said that divine worship there performed was as acceptable to the Most High as any divine service that might be celebrated, with all the solemnity of cathedral worship, under the fretted vault of the most gorgeous temple. I cannot deny the truth of this assertion. But if that be the case, and if the Church of England is about to become a missionary Church, and is about to descend into the arena with the Dissenting Churches, we cannot surely with justice continue to tax the Dissenters for church rates. Is that all? We have Bishops preaching in the open air. We have Deans "Spurgeonizing" at Exeter Hall. We have dignitaries of the Church advertized and paraded on the stages of music halls, and we have priests evangelizing on platforms throughout the country. An Evangelical Alliance has been held in Lambeth Palace, and Dr. Bunting has offered up family prayers in the presence of the Archbishop of Canterbury. I pray that this movement may be favourable to the interests of piety and religion; but this is, to say the least of it, a great departure from the principle of an Established Church. I hope it may be for good, and I do not venture to predict what its effect may be; but it is certain that this is at variance with all the doctrines that have hitherto been considered the recognized doctrines of the Establishment. I am against carrying on a "war to the knife" against the Dissenters. The time has arrived when the policy of the Established Church is not to fight this desperate battle to the last extremity, but to make timely concessions in the hope of peace. It is said that the sum raised by this impost does not exceed £320,000 a year, and I,

for one, having hitherto always opposed the abolition of church rates, call upon the friends of the Church not to continue the contest further for an amount so inconsiderable compared with the wealth of the endowments. For these reasons my vote will be given in favour of the present Motion.

MR. BALL was understood to say that he should support the Bill; but that he was far from inimical to the Establishment. He thought indeed that the abolition of the church rates would be a positive benefit to the Church; for if, instead of exacting money from unwilling contributors, she distributed the bread of life with a free hand to the people at large, she would be regarded with far more respect, and would obtain a larger degree of affection. When it was considered how liberal the Dissenters were in respect to their chapels, schools, and missionary enterprises, it was absurd to impute to them that they looked upon this as a mere breeches-pocket question. He wished to see the Church descend into the common arena, and work hand to hand with the Dissenter in the service of their common Maker.

MR. WALPOLE said, he hoped his right hon. Friend (Sir James Graham) would forgive him if he said that there was some inconsistency between different parts of his speech. At one time his right hon. Friend appeared to be opposed to the abolition of church rates, while at the conclusion he said he should vote for their abolition, and for sending the Bill up to the House of Peers. His right hon. Friend scorned the notion that the landed gentry would put a sum of £300,000 in their pockets, and yet he was going to vote for a Bill that would necessarily have that effect, although a great portion of those hon. Gentlemen did not wish to save themselves from the payment of what was due. His right hon. Friend had alluded to certain novelties introduced by the dignitaries of the Church, tending to place Churchmen and Dissenters on the same level; but was there anything inconsistent in an attempt to preserve the consecrated buildings of the Church and to supplement them by allowing for a temporary purpose prayers to be offered up in other buildings? His right hon. Friend had also alluded to certain proposals for the compromise of this question. Lord Althorp had made a proposal to commute church rates by transferring them to the land tax, or rather by applying a portion of the land tax in paying the amount now levied by church rates. [Lord JOHN RUSSELL: £250,000 a year.] Such a proposal was clearly not just, since half the land tax had been redeemed, and the effect would have been to exonerate those landlords who were still liable to land tax, to the whole of the rate which was due from others as well as from them. Another proposal was made by Lord Monteagle to apply to this purpose the surplus revenues in the hands of the Ecclesiastical Commissioners. The answer was that the funds in the hands of the Ecclesiastical Commissioners were devoted by Parliament to as great a purpose as church rates, namely, the augmentation of those small benefices in which the Ministers of religion were so ill-paid. That proposal also failed. The next was a proposal made by the late Sir Robert Peel. When twenty-three years ago, that right hon. Baronet first announced that in his opinion this question ought to be settled, he proposed that the maintenance of the sacred edifices should be provided out of the Consolidated Fund. His right hon. Friend (Sir James Graham) was a Member of the most powerful Government this country had had for years. That Government might have settled the question of church rates during the years 1841 and 1845; but during the five years his right hon. Friend was in office nothing was accomplished towards this end. The argument pressed upon the Government of that day was, that if church rates were made good out of the Consolidated Fund they would still be taxing the Dissenters for the support of the Church. After that proposition was mooted, but not attended to, a proposition was made, first by the hon. Member for Finsbury (Mr. T. Duncombe) and afterwards by Dr. Phillimore, to exempt the Dissenters, upon the ground that those who did not share the privileges of the Church should not bear the burdens. But it required the counter proposition to make it just,—that those who did not share the burdens of the Church should not be entitled to claim, as a matter of right, the privileges of the Church. When he came to this part of the case the right hon. Gentleman (Sir James Graham) said "It will not do to brand the Dissenters." He believed that no desire had been felt or expressed to do anything in the shape of "branding the Dissenters." He believed that it was an honest proposition, made to satisfy the Dissenters whose consciences were aggrieved by the payment of those rates. But the inference which he drew from the refusal to accept

that offer was, that the plea of conscience raised by the Dissenters was not the only plea which they had to urge, and that there were some other reasons why they would not accept even that kind of settlement. A settlement just in itself and equitable to the Dissenters was freely and frankly offered by the Church, and, therefore, when that proposition was so refused, the right hon. Baronet ought not to say that since no means of settling the question were offered on the part of Her Majesty's Government, they had arrived at a point when there was no remedy except to abolish that which had existed from time immemorial. If that were the position of the question he wished to ask the right hon. Baronet, who was desirous to send the Bill into the other House by a "commanding majority," whether in voting for the abolition of church rates he was or was not prepared to acquiesce in the proposition of the right hon. Gentleman the Member for Morpeth (Sir G. Grey) of which he had expressed his approval, that there should be some means of commuting or redeeming those rates, by repealing the mortmain law so far as to enable the owners of land to charge their land to that extent. The regret which he should feel at his right hon. Friend voting for the abolition of the rates would be much diminished if he could find that some such settlement as that could yet be effected. But he could not help feeling that a settlement of the question was not the object which the Dissenters had in view. It appeared from the general tenor of the Non-conformist press, and from the evidence of an eminent Non-conformist, which was taken before the Select Committee, that no settlement would satisfy the Dissenters, because they had the ulterior object of fighting their battle with the Establishment upon that ground. He did not quarrel with the Non-conformists for having their own views with regard to the Establishment, but he was surprised to see the right hon. Baronet join in a proposition which must not only have the effect of abolishing church rates but of breaking up the parochial system and ultimately severing the connection between Church and State. In saying that, he was not against a settlement of the question, for he hoped it might yet be effected; but the very identical arguments which were used for the abolition of church rates would equally apply to the abolition of tithes, which were an obligation similarly imposed by our ancestors for the maintenance of the minister. If they gave up church rates without a fair settlement it would be a stepping-stone to further advances, until they ultimately arrived at the voluntary principle throughout the country. He thought the voluntary principle an admirable ally of the Establishment, but he denied that it could ever be a substitute for it. In places where the people were congregated together, whether acted upon by Nonconformists or Churchmen, the voluntary principle would be largely beneficial; but when they came to apply the voluntary principle to places where by reason of poverty or some other reason the people would not pay their money for such purposes it must fail. They were not asked to found an Establishment for the first time; and, after all, the churches were the churches of the poor more than of the rich. The great object of an Establishment was to have a church in every hamlet and village where the poor man could without obstruction, or as the hon. Gentleman (Mr. Akroyd) expressed it, "without money and without price," receive all the blessings and ordinances of religion by means of a charge on the property of the country which did not affect the poor. He was perfectly confident that the voluntary principle never would be able to supply that which the Establishment had supplied, and for these reasons he thought the best course to take on the present occasion was not, as the right hon. Baronet recommended, to pass the Bill by "a commanding majority," but to get such a division on the question as would show that, though prepared to settle it in a reasonable spirit, they were not prepared, for the benefit of those who were the owners of land subject to the rate, to abolish the means by which the poor of this country had brought home to their very doors the blessings and the ordinances of our holy religion.

MR. AYRTON thought there could be no compromise upon this question, the principle of the Bill being the total abolition of the right of a majority to levy upon the minority a rate for the support of any particular form of religious belief. Considering the number of parishes in which church rates had been abolished, there seemed to be very little difficulty in applying the voluntary principle to the sustentation of churches; but if any difficulties were experienced it would be for Churchmen hereafter to bring forward

measures for the purpose of providing a remedy. The best thing the House could now do was to pass the Bill as it stood.

MR. GLADSTONE said, that if it were true that much difficulty had been experienced in arriving at a settlement of this question on account of the differences in detail on the part of those who were not unfriendly to the principle of church rates, it was certainly also true that no inconsiderable differences of opinion existed among those who were prepared to vote for the abolition. It was to be recorded, to the honour of the hon. Baronet who had brought in this Bill, and of other Gentlemen—among whom he could not refrain from mentioning the hon. Member for Oldham (Mr. Fox) that the speeches which they had delivered in favour of the Bill were by no means of a character to prevent any one entertaining the hope that, under favourable circumstances, they might arrive at some judgment which would give general satisfaction. But the hon. Gentleman who had just spoken told them that the very nature of the question would not admit of any compromise, and that the Bill contained an authoritative declaration of the principle, that the majority had no right to obtain any support for any particular form of religion. If that really were the principle for which not only the hon. Gentleman, but all who voted in favour of the measure contended, for his part, although he had no wish to attach exaggerated importance to this important question, he thought the argument of the hon. Gentleman was good for a great deal more than the abolition of church rates. If they asserted that the majority had no right, under any circumstances, to obtain support for any particular form of religion, there was no principle remaining upon which the present payment of tithes could possibly be maintained. He could not but feel that a portion of the difficulties of this question had arisen from the disposition which was entertained, and entertained, perhaps, more extensively than it was avowed, though it was explicitly avowed in the evidence to which the right hon. Gentleman the Home Secretary had referred, namely, to fight the question of a Church Establishment upon the ground of church rates. In his opinion, the question assumed an entirely different aspect, according as they proposed a measure with the sincere intention of making it a cure for a practical grievance, and according as the claimants of abolition used it to cover and screen ulterior objects for which they thought the time was not yet arrived more explicitly to avow. With respect to the removal of a practical grievance, he had, at least, some satisfaction in thinking that the discussions in that House had removed some misconceptions which existed out of doors. It was very common to hear out of doors the law of church rates designated as a law which taxed Dissenters for the benefit of the Church, and those who were at all friendly to church rates were said to wish to tax Dissenters for the benefit of the Church. That doctrine could hardly be advanced in that House. He did not know whether any one entertained the desire that Dissenters should be taxed for the benefit of the Church. He would not enter into the question whether there was not a fair and legitimate claim on Dissenters as holders of property to meet charges which were incumbent on that property. It was a doctrine which had its limits, and he did not wish to enter into it. He thought the right and title of the Church in respect to Dissenters, if it existed, was not worth the contention which the attempt to maintain it must necessarily entail; and, for his part, ever since the proposition which Sir William Page Wood made some ten years ago, to exempt Dissenters from the payment of church rates, he had never scrupled to declare himself favourable to that exemption. As regarded many of those who were not willing to consent to abolition, they had no desire to maintain the principle of taxing Dissenters for the support of the Church, and if the Dissenters were taxed for the support of the Church, it was not so much the act of those who were friendly to the maintenance of church rates as it was the act of those who were determined not to accept any measure which established a legal exemption. Then a question arose which appeared to him a question of difficulty. His right hon. Friend stated his objection in vivid language to what he said, was a proposal to brand the Dissenters—that was to say, to brand the Dissenters by describing them as Dissenters. He was bound to say that he did not know how they could "brand" a man by describing him as that which he was. He did not understand that they "branded" an Englishman by calling him an Englishman. He did not understand that they "branded" a soldier by putting on some part of his dress the number of

the regiment to which he belonged. But still he granted that it was a question of feeling. He did not see why, if a man were a Dissenter, he should wish not to be designated as a Dissenter, but he admitted fully the reasons why it was not desirable to widen the line of separation between Dissenters and members of the Church. An hon. Gentleman (Mr. Lygon) sometime ago proposed terms so liberal and so large that every Dissenter might have avoided the payment of church rates without classing himself as a Dissenter. The true principle was, that those who objected to the payment of church rates ought not to take part in the appropriation of church rates or the election of the officers who appropriated that money. But the hon. Gentlemen proposed by this Bill to abolish church rates through the length and breadth of the country, and the arguments upon which they founded their case, were not those derived from universal experience, but from the experience of parishes in which church rates had been abolished. His right hon. Friend (Sir James Graham) had declared that for the sake of £320,000 a year it was not for the interest of the Church to prolong these heartburnings; but the state of things he had described was, that church rates were abolished in populous parishes, and were paid without heartburning in the great multitude of the rural parishes. There could be no sensible view of this question which declined to notice the state of the church rate question in the rural parishes. The population in these parishes was fixed, and church rates were a small fixed charge on the real property of the parish. In return the Church provided space in which the entire population, including the poor, could attend divine service, at the cost mainly of the landowners of the parish. Was the law of church rates bad? He contended that it was founded upon a popular basis, because it intrusted to the majority of the parishioners the business of satisfying their local wants. Was it a novel principle? On the contrary, it was founded on an ancient law, and it established a local supervision in a manner most agreeable to English feelings. In the rural parishes the law worked well, and was generous and just, because it imposed an hereditary and traditional burden upon the owners of property, while the benefits were reaped by the poorer classes. But then it was said, why not trust to the voluntary principle? He had nothing to say in disparagement of the power and efficacy of that principle, bu he was not prepared to make a whole sale importation of that principle to displace an old and long-established system which worked well for an important purpose. The labourers and traders of a rural parish had not been accustomed to the voluntary principle. Those whom the Bill proposed to exempt had been accustomed to pay, and those who had not been used to pay they were going to call upon. The rural population had certainly undergone improvement, but they were not yet in such a position that the House could remove a burden from the landowners, who did not want to have it removed from them, in order to impose it upon the peasantry and the poor. His right hon. Friend had spoken of valleys in Cumberland and Westmoreland where synodals and fees of officials were defrayed out of church rates. It must be as novel to the House as to himself if his right hon. Friend meant to say that these fees were a great practical abuse, or had given rise to an alarming amount of popular dissatisfaction in the vales of Cumberland and Westmoreland. It was in the power of a majority of the vestry to disallow those charges, and perhaps his right hon. Friend might restore content to those smiling valleys by the simple means of making known to the ratepayers the actual state of the law. It had been asked, with much truth, if they abolished church rates on the ground of the efficacy of the voluntary principle, why they should not abolish tithes on the same grounds. His right hon. Friend had looked forward to a relaxation of the law of Mortmain as a necessary sequel of removing church rates in the smaller districts. That would be a first measure; but how far was it to go, and would it be a better principle for the maintenance of the fabric than church rates? In the enormous majority of cases that privilege would remain a dead letter. A certain number of landowners would charge their lands with the payment of a sum for the maintenance of the fabric of the church; but many of them would be unable, some would be unwilling, and others would have conscientious objections to such a course. A Roman Catholic landowner might, for instance, submit to the payment of church rates; but it would be a different matter for him to impose that burden afresh upon himself and his heirs for ever by a voluntary act. The church rates might be adapted to the need of the Church, but a

provision arising from the repeal of the law of Mortmain would be sometimes too much, sometimes too little, sometimes jobbed, and at other times insufficient. It was useless to disguise that the Bill would in many cases throw a heavy burden upon the clergyman. Its direct effect would be to destroy the maintenance of the church in certain cases, and in others to take their daily bread out of the mouths of the incumbents. The parish of Poplar, for example, was regulated by a local Act of Parliament, which had abolished small tithes, Easter offerings, and other ordinary sources of maintenance, and had left the incumbent a fixed stipend of £450, which had been mainly derivable from church rates. The House ought, no doubt, to recognize the rights of the majority to dispense, if it pleased, with any rate; but it ought, also, to provide facilities in parishes where no rate was made, whereby the machinery of the Church of England might be made applicable to the collection and expenditure of the sums voluntarily raised. Upon principles such as these, and with a disposition to arrive at an amicable settlement of the question, he believed that the difficulty might be satisfactorily arranged. But it was impossible that such a settlement could be arrived at if they were told that church rates must be abolished, and that no compromise or settlement would be listened to. He agreed with his right hon. Friend that the time had arrived when the Bill might well proceed to the other House; they would then see whether the greatest landowners in England would relieve themselves and their posterity from ancient and hereditary taxation. It was possible the House of Commons might have to resume the consideration of this question, when, instead of discussing an abstract Resolution upon the narrow ground of this Bill, the House might approach the discussion in a spirit of conciliation. If it did so, he felt convinced that the House would have its reward in arriving at a satisfactory conclusion.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 266; Noes 203: Majority 63.

List of the AYES.

Adair, H. E.
Agar-Ellis, hn. L. G. F.
Agnew, Sir A.
Alcock, T.
Anderson, Sir J.
Antrobus, E.
Ashley, Lord
Atherton, W.
Ayrton, A. S.
Bagshaw, J.
Bagshaw, R. J.
Bagwell, J.
Bailey, C.
Baines, Rt. Hon. M. T.
Ball, E.
Baring, H. B.
Baring, T. G.
Barnard, T.
Bass, M. T.
Baxter, W. E.
Beale, S.
Berkeley, hon. H. F.
Berkeley, F. W. F.
Biddulph, R. M.
Biggs, J.
Black, A.
Blake, J.
Bland, L. H.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, G.
Brady, J.
Brand, hon. H.
Bright, J.
Briscoe, J. I.
Brown, J.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buckley, General
Butler, C. S.
Buxton, C.
Byng, hon. G.
Caird, J.
Calcutt, F. M.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Cavendish, hon. W.
Cheetham, J.
Cholmeley, Sir M. J.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clive, G.
Codrington, Gen.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Coningham, W.
Conyngham, Lord F.
Copeland, W. T.
Cotterell, Sir H. G.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Dalglish, R.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Deasy, R.
Denison, hon. W. H. F.
Dent, J. D.
De Vere, S. E.
Dillwyn, L. L.
Divett, E.
Duff, M. E. G.
Duff, Major L. D. G.
Duke, Sir J.
Dunbar, Sir W.
Duncan, Visct.
Duncombe, T.
Dundas, F.
Dunkellin, Lord
Dunlop, A. M.
Dutton, hon. R. H.
Ebrington, Viscount
Egerton, E. C.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Ennis, J.
Euston Earl
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Finlay, A. S.
FitzGerald, W. R. S.
FitzGerald, Rt. Hon. J. D.
FitzRoy, rt. hon. H.
Fitzwilliam, Hon. C. W. W
Foley, J. H.
Foley, H. W.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Garnett, W. J.
Gibson, rt. hon. T. M.
Gifford, Earl
Gilpin, C.
Glyn, G. C.
Glyn, G. G.
Goderich, Visct.
Graham, rt. hon. r
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, R. W.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, Capt.
Hanbury, Ri
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marq.
Hatchell, J.
Headlam, T. E.
Heneage, G. F.
Hodgson, K. D.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hudson, G.
Ingham, R.
Jackson, W.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kershaw, J.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Lindsay, W. S.
Locke, Joseph
Locke, John

Mr. Ayrton

Lowe, rt. hon. R.
Macarthy, A.
M'Cann, J.
Mackinnon, W. A.
M'Mahon, P.
Maguire, J. F.
Marsh, M. H.
Marshall, W.
Martin, C. W.
Martin, P. W.
Massey, W. N.
Matheson, A.
Mellor, J.
Mills, T.
Mitchell, T. A.
Moffatt, G.
Morris, D.
Napier, Sir C.
Nicoll, D.
Norreys, Sir D. J.
Norris, J. T.
North, F.
O'Brien, P.
O'Connell, Capt. D.
O'Donaghoe, The
Ogilvy, Sir J.
Osborne, R.
Paget, C.
Paget, Lord C.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Pigott, F.
Pilkington, J.
Pinney, Col.
Power, N.
Pryse, E. L.
Pugh, D.
Ramsden, Sir J. W.
Ramsay, Sir A.
Rawlinson, Sir H. C.
Rebow, J. G.
Ricardo, J. L.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Roupell, W.
Russell, H.
Russell, A.
Russell, F. W.
Salisbury, E. G.
Schneider, H. W.
Scholefield, W.
Scrope, G. P.
Seymour, H. D.
Shafto, R. D.
Sheridan, R. B.
Sheridan, H. B.
Smith, J. A.
Smith, J. B.
Smith, rt. hon. R. V.
Smith, Sir F.
Smyth, Col.
Somerville, rt.hn.Sir W.
Stanley, Lord
Stanley, hon. W. O.
Stapleton, J.
Steel, J.
Stuart, Lord J.
Stuart, Col.
Sullivan, M.
Sykes, Col. W. H.
Talbot, C. R. M.
Tancred, H. W.
Taylor, S. W.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Tomline, G.
Townsend, J.
Trueman, C.
Turner, J. A.
Vane, Lord H.
Villiers, rt. hon. C. P.
Vivian, hon. J. C. W.
Watkins, Col. L.
Weguelin, T. M.
Westhead, J. P. B.
Whatman, J.
Whitbread, S.
White, J.
Wickham, H. W.
Willcox, B. M'Ghie.
Williams, W.
Willoughby, Sir H.
Wilson, J.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Wood, W.
Wyld, J.
Wyvill, M.
Young, A. W.

TELLERS.

Trelawny, Sir J.
Shelley, Sir J.

List of the NOES.

Adams, W. H.
Adderley, rt. hn. C. B.
Akroyd, E.
Alexander, J.
Annesley, hon. H.
Arbuthnott, hon. Gen.
Baillie, H. J.
Baring, A. H.
Baring, T.
Bernard, hon. Col.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Bective, Earl of
Beecroft, G. S.
Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Blakemore, T. W. B.
Boldero, Col.
Botfield, B.
Bramley-Moore, J.
Bramston, T. W.
Browne, Lord J. T.
Bruce, Major C.
Bruen, H.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Cairns, Sir H. M'C.
Calcraft, J. H.
Carden, Sir R. W.
Carnac, Sir J. R.
Cartwright, Col.
Cavendish, hon. G.
Cayley, E. S.
Charlesworth, J. C. D.
Child, S.
Clive, hon. R. W.
Close, M. C.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Collins, T.
Conolly, T.
Coote, Sir C. H.
Corry, rt. hon. H. L.
Cross, R. A.
Curzon, Visct.
Dalkeith, Earl of
Damer, L. D.
Deedes, W.
Disraeli, rt. hon. B.
Dobbs, W. C.
Dod, J. W.
Drummond, H.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P. G.
Egerton, W. T.
Elmley, Visct.
Emlyn, Visct.
Estcourt, rt. hon. T. H.
Farquhar, Sir M.
Fellowes, E.
Ferguson, Sir R.
Foljambe, F. J. S.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Galway, Visct.
Gard, R. S.
Gilpin, Col.
Gladstone, rt. hon. W.
Goddard, A. L.
Gore, W. R. O.
Greaves, E.
Greenwood, J.
Gray, Capt.
Griffith, C. D
Grogan, E.
Haddo, Lord
Hall, Gen.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hardy, G.
Hayes, Sir E.
Heathcote, Sir W.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Hill, Lord E.
Hill, hon. R. C.
Hodgson, W. N.
Hope, A. J. B. B.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Hotham, Lord
Hume, W. W. F.
Hunt, G. W.
Jermyn, Earl
Johnstone, hon. H. B.
Johnstone, J. J. H.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Jones, David
Kendall, N.
Kerrison, Sir E. C.
King, J. K.
King, E. B.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Langton, W. G.
Lefroy, A.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Lewis, rt. hn. Sir G. C.
Lockhart, A. E.
Lopes, Sir M.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Captain
Lyall, G.
Lygon, hon. F.
Macartney, G.
Macaulay, K.
Mackie, J.
M'Clintock, J.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Maxwell, hon. Col.
Miles, W.
Miller, T. J.
Mills, A.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Mowbray, rt. hon. J. R.
Naas, Lord
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Nisbet, R. P.
Noel, hon. G. J.
North, Col.
Ossulston, Lord
Pakenham, Col.
Palmer, R.
Pennant, hon. Col.
Pevensey, Visct.
Philipps, J. H.
Pugh, D.
Puller, C. W. G.
Robertson, P. F.
Russell, Lord J.
Rust, J.
Sclater-Booth, G.
Scott, Major
Seymer, H. K.
Shirley, E. P.
Sibthorp, Major
Smollett, A.
Somerset, Col.
Spooner, R.
Stanhope, J. B.
Stirling, W.
Stewart, Sir M. R. S.

Sturt, H. G.	Whitmore, H.
Taylor, Col.	Williams, Col.
Tempest, Lord A. V.	Willoughby, J. P.
Tollemache, J.	Wilson, A.
Trollope, rt. hon. Sir J.	Wortley, rt. hon. J. S.
Vance, J.	Wrightson, W. B.
Vansittart, G. H.	Wyndham, Gen.
Vansittart, W.	Wyndham, H.
Verner, Sir W.	Wyndham, W.
Waddington, H. S.	Wynn, Colonel
Walcott, Adm.	Wynne, W. W. E.
Walpole, rt. hon. S. H.	
Walsh, Sir J.	TELLERS.
Warren, S.	Bridges, Sir B.
Welby, W. E.	Packe, C. W.
Whiteside, rt. hon. J.	

Main Question put, and *agreed to.*
Bill read 3°, and *passed.*

MR. HOWARD'S DEPARTURE FROM FLORENCE.

QUESTION.

MR. WISE said, he wished to ask the Under Secretary of State for Foreign Affairs whether the recently appointed Minister to Tuscany had permission to leave his post, and under what peculiar circumstances that gentleman left Florence without presenting his credentials; also, whether there is any prospect of the recommendation of the Select Committee of 1850 to discontinue this Mission being carried into effect.

MR. SEYMOUR FITZGERALD said, the terms of the first part of the hon. Gentleman's question were scarcely applicable to the circumstances of the case. Lord Normanby, in fact, had never presented his letters of recall, nor had Mr. Howard actually taken possession of his appointment, and it was, therefore, scarcely correct to use the words "left his post," which implied a breach of discipline, as it were, and conveyed the idea that he had quitted a position of which he had been in actual occupation. With reference to the peculiar circumstances under which Mr. Howard had left Florence, all he (Mr. S. FitzGerald) had to say was, that Mr. Howard had made his health the ground of his sudden resignation, and he had forwarded to Lord Malmesbury medical certificates in reference to his health to show that he had not advanced that as a reason without good grounds. As to the last part of the question, he had to inform the hon. Gentleman that it was not in the contemplation of the present Government to make any change in that respect. The Report of the Select Committee was very carefully considered by the noble Lord the Member for Tiverton (Viscount Palmerston), who was in office at the time, and he did not think it advisable to make that reduction. He did make many important reductions in the Diplomatic Service, and the right hon. Gentleman the Member for Radnor (Sir G. Lewis) who was then at the Treasury, expressed the entire satisfaction of the Treasury with what he had done.

MR. BOWYER said, he wished to ask the hon. Gentleman whether what had appeared in some of the newspapers was true, that Mr. Howard had asked an audience for the purpose of presenting his letters; that the Court of the Grand Duchy being out of town, made arrangements immediately to come to town, and he was told did come to town; that the Court was thereby put to inconvenience that Mr. Howard might deliver his letters; that the day before that on which he was to have an audience he went off, so that all the inconvenience to which the Court of the Grand Duchy had been put was fruitless and thrown away? Now he wished to know if that were true, or if the material facts were true; then he had to ask further what apology or reparation had been made, or was to be made, to that Court for the great discourtesy which had thus been put upon it by Her Majesty's Representative?

MR. SEYMOUR FITZGERALD said, the hon. and learned Gentleman had given no notice of his question. If he thought it necessary to put it again, which he scarcely thought he would, he would endeavour to give him an answer. At that moment he, in fact, had no knowledge of the circumstances to which the hon. and learned Gentleman alluded.

THE SUBMARINE TELEGRAPH.

QUESTION.

LORD CLARENCE PAGET said, he rose to put a question to the First Lord of the Admiralty. He wished to ask him if he had received a petition from the owners of fishing-boats at Deal, Walmer, and other places on the coast of Kent, complaining of the injuries that were done to their occupation by the buoys which the Submarine Telegraph Company had laid down across the North Sea, and whether the right hon. Gentleman would order those buoys to be removed?

SIR JOHN PAKINGTON said, the petition to which the noble Lord referred was received by the Admiralty yesterday, stating that the buoys in question caused them serious injury, in preventing them

from laying out their nets. On receipt of this petition, the Board of Admiralty had required from the Submarine Telegraph Company some explanation of their proceedings. They had also communicated with the Trinity House, inquiring whether any complaints on the subject had reached them, and they were waiting answers from those parties before they took any decision. Since he had come into the House, however, an hon. Friend of his had put into his hands a memorandum from the Submarine Telegraph Company, stating that these buoys were put down to mark the spots where repairs were in progress on those parts of the cable which appeared to be damaged, and that the moment these repairs were completed the buoys would be removed. He could assure the noble Lord that the Board of Admiralty did not lose sight of this subject.

BALLOT.—LEAVE.

MR. H. BERKELEY rose to move for leave to bring in a Bill to cause the Votes of Parliamentary Electors to be taken by way of Ballot. That, he said, was the twentieth anniversary of Mr. Grote's last Motion in that House in favour of vote by ballot. It was sixteen years ago since Sir Henry Ward made his Motion, which he (Mr. Berkeley) had the honour of seconding. It was exactly ten years ago since he was lucky enough to persuade the House to pass a Resolution in favour of vote by ballot. Since that time he had met with various success. He had once succeeded in bringing in a Bill, and had laid it on the table; but it was too late in the Session for it to go to a second reading, and it accordingly dropped through. The Bill which he now asked leave to bring in might, in strictness, be called a "Corrupt Practices Prevention Bill." The Attorney General had promised to consider that subject, and to bring in a Bill to amend the late Act, which had been found to work so badly; and although his (Mr. Berkeley's) Bill would be much dishonoured in being found in such company, yet he would be satisfied if the Government would allow him to bring it in, and place it side by side with the Bill of the Attorney General before a Select Committee. The present Government were bidding for liberal measures, and here was a fair proposal to them. But he knew there was no chance of their accepting it. The loss of influence which such a Bill, if passed, would cause, would lead them to keep the Bill out of the House as long as possible. He was certain that they would not consent to it until the voice of the people out of doors was so strong that they could not resist it. He founded his Bill upon the sound axiom, that they had no right to create a functionary without giving that functionary adequate protection in the discharge of the functions of his office. While so a large number of Members in that House were independent of the electors who sent them there—while the electors, who, by a strange fiction, were supposed to elect the Members, were under the control of the Members themselves whom they elected or their friends or families—while the House of Commons continued to be a sort of preparatory academy for the young scions of nobility, awaiting there until called to take their seats elsewhere, and voting in the Commons just as their fathers voted in the Lords—while boroughs and counties went by favour and not by election—while the electors were not independent voters, but mere voting machines, so long might the people of England expect that legislation emanating from so corrupt a source would be corrupt, and that the interests of the few, and not the many, would be consulted. What he would say upon this question had been much better said by an hon. Member of that House some ten years ago, while speaking to a Whig Cabinet upon reform in Parliament. He would read an extract from the speech of Mr. Bernal Osborne, then Member for Middlesex, in reply to Lord John Russell, who was the head of the Whig Ministry of the time, on a Motion made for Reform in Parliament by the late Mr. Hume. He said:—

"There are 274 persons connected with Peers and the aristocracy in this House, besides forty-four officers of the army, eight of the navy, exclusive of those who are officially connected with the Government, making, in the whole, 334 Members who are under the direct influence of the aristocracy. Let it not be supposed that I am attacking the individuals; I am attacking the system, not the men. I say that the power of the aristocracy has increased, is increasing, and ought to be diminished. What is the whole foundation of the present Government in this country? Its foundation rests upon family arrangements. Nearly the whole Cabinet are related to each other by ties of birth or marriage. They form a snug family party. They so far differ from another exhibition called 'The Happy Family,' that whereas in the one case all the animals are distinct in species, in the other, whilst admitting the great knowledge and talents of individuals, you can only account for their ricketty offspring in legislation by knowing that the parents are all related. Look at the Treasury bench in this House—it is occupied by the scions or *attachés* of the great Whig families, chequered

here and there with some statistical man of the people, just to give a popular tone to the composition. If you find the representative of a large Liberal constituency in such company, you may be sure that his former principles have become sickly, and that his present associates have treated him as Gypsies are reported to treat stolen children—disfiguring them to make them pass as their own. Whichever way you turn, whether to the colonial management or to diplomacy, it will be found that Government has been carried on for the benefit of the aristocracy. But the noble Lord (Lord John Russell) says that the Howards and Stanleys are not to be precluded from holding situations. I say that they have just as good a right, and no more than others, to hold place. We do not complain that Howards and Stanleys hold office, but we complain that Lord Tomnoddys are thrust into place, while others, who are much better fitted to occupy them, but who are not of such high birth, are excluded.—[3 *Hansard*, c. 166.]

Far be it from him to endorse those opinions of the hon. Member. He doubted whether his hon. Friend now the Member for Dovor would agree with himself as Member for Middlesex. He (Mr. Berkeley) should be ungrateful if he agreed with his hon. Friend, while he had fresh in his Memory the brilliant speech of the late Sir William Molesworth, at that time in the Cabinet, upon the subject of the ballot. He would not say that by taking office the principles of hon. Members for large constituencies became sickly; but he would say there was something soporific in the effects of office, from which all great questions of reform, and particularly the question of the ballot, had suffered from time to time. He regretted the loss of the powerful assistance of Mr. Cobden, and at a time when the names of Gibson and Bright were not upon the Rolls of Parliament, he had looked for the assistance of his hon. Friends to aid his weak advocacy of the question by their strength. He had looked in vain for support to the late law officers of the Crown, who had expressed themselves strongly for the ballot. He had read the evidence of Sir Alexander Cockburn when Mr. Cockburn, and saw how strongly he spoke in favour of the ballot. He listened in vain to hear that hon. and learned Gentleman's voice. Again, where were the dulcet notes of Bethell? those notes which discoursed such sweet music to the electors of Aylesbury, assuring them that no reform could be perfect without the ballot. Alas, he looked around, and he was obliged to say with the poet, "Cold is Cadwallo's tongue." If their friends had, according to the hon. Member for Dovor, been stolen by the Whig Gypsies and disfigured by them, there was now an end of it, for the great king of the Gypsies, even Temple, the great Gypsy king, was dethroned, and the Gypsy Whig camp was broken up, and they might now rub off their stains and disfigurement, and once again be known to and rejoiced in by their friends and constituents. It was not his intention to enter into the theoretical question of the ballot, for their arguments had never been answered. Nothing could be more practical than the mode in which the advocates of the ballot had dealt with the subject, and they had been met with guesses, with loose assertions, and baseless surmises. They had challenged, and still challenged, hon. Members to point out any country in which the ballot had failed, where the ballot was carried out in its true meaning. He did not speak of the urn and folded voting paper, of the mere box and ball, but he meant secret voting. General Perronet Thompson, in one of the many abler papers which he had written on the ballot, ridiculed anything like publicity being introduced where the ballot was concerned. It reminded him, he said, of some little girl who had no objection to play at blind man's buff provided holes were left for her eyes. The supporters of the ballot challenged its opponent to mention any country were the institution was attended with opposite results. It secured purity of election, peace, and order, and the services of the most responsible men who could be found.

MR. MAINWARING rose to order. He thought it was out of order for the hon. Member to be reading his speech, which he appeared to be doing, or something very like it.

MR. H. BERKELEY said, he should feel much obliged to the hon. Member who had so courteously interrupted him to lend him a pair of glasses, and then he might be able to read his speech; but as it was, without holding the paper close to his eyes, he was unable to do so, and, in fact, did not do so; and he thanked the House for acknowledging it by that cheer. Attempts had been made to object to the results of American statesmanship, and to deny that they were such as he had described. The other day he had the good fortune to attend a public meeting held in honour of Mr. Nicholson, who carried the ballot in Australia, and at that meeting he had the pleasure of hearing a working man who exemplified the benefits of secret voting in a manner which struck him extremely. He (Mr. Berkeley) had had not the advantage of seeing his speech reported, but he

had himself heard the speaker address the meeting to the following effect:—"We are told," said this working man, "that we craftsmen, builders, shoemakers, and so forth, should not elect propers Members of Parliament were we allowed by the upper classes to choose for ourselves. But when we do choose for ourselves do we elect the wrong persons? Look at our clubs—our friendly and benefit societies? I have always found a disposition among my class to elect persons superior to ourselves in education and station in life." Was the ballot, he would ask, likely to change this system? Have not the Americans chosen eighteen successive and ballot-elected Presidents? And could they improve or better their choice by any other mode of election? He would venture to take any eighteen hereditary monarchs from any country in Europe, and compare them with the eighteen ballot-elected American Presidents; and even though those eighteen hereditary monarchs included the brilliant examples of Queens Elizabeth and Victoria, he thought they would suffer by the contrast. He was not opposed to hereditary monarchy—he accepted it as part of our glorious constitution—but while he accepted an hereditary monarchy, he was opposed to an hereditary Ministry, and that was one of the curses under which this country suffered. If they referred to a country unclogged with elective corruption, and compared it with America, which was exactly the reverse, they would see how far their public officers differed from ours. Let them only regard the conduct and intelligence of American Ambassadors, and compare them with similar qualities in the Ambassadors of England, where Ambassadors were selected either because they were Court favourites, or because their families possessed Parliamentary influence. In America, talent alone formed the qualification. When did an American Ambassador ever meet an English one that the American did not have the best of it? But what has become of the other institutions of the country? Where was the inventive power of the nation? It was crushed by a spirit of favouritism engendered by an all-pervading nepotism. Take any department whatever; the army department, for instance, and compare it with the American army department, and see how it fell by the comparison. The new inventions in warfare were all borrowed from foreigners. The French taught us how to make great great guns and musquets with their Paixhan and Minie examples. We knew nothing of a revolver before Colonel Colt brought it to England, during the late Russian war, after it had long before been in use in America. So well was it known, indeed, in the war in Mexico, that the Americans attributed to its use the great success of their cavalry over that of the Mexicans. The Americans said of us—"The bravery of the English displayed since at Balaklava was deserving of all admiration; but what shall we say of their war department? If those 600 devoted heroes who charged at that bloody fight had served Uncle Sam, and not John Bull, they would have been so armed as to have been enabled to fire thirty-six hundred shots at close quarters upon the dense masses of the enemy with whom they were engaged. The carnage would have been great, and retreat would have been secure." That seemed to him (Mr. H. Berkeley) to be plain sense; but if we were behindhand with our army, what should he say of our navy? We had been taking lesson after lesson from America; and so great was the contempt in which our Admiralty was held in America, that public men had not scrupled to call the Board of Admiralty a board of asses. At the present moment the Americans had armed their forces, naval and military, with the breech-loading rifle; and the fearful prospect held up was, that if we compared the practice of the American small-arm men and marines and soldiers with the practice of our own, we should find that they could fire four shots for our one. Our wretched system precluded our being taught by anything but disaster. It was from the Americans, too, that our Admiralty had learned the possibility of building ships on one deck as powerful as line-of-battle ships. The cause of this lack of energy and failure of our executive was very obvious. The people of England were not represented in that House, which to a great extent was under the influence of the aristocracy. The executive was not filled by men of talent, and a vast overwhelming nepotism crushed our inventive genius. If a reform of Parliament were necessary, what was the inevitable step towards that reform?

The first step in the measure that could constitutionally be taken, was to free the electors who were now bound hand and foot by a power which they could not resist, and that was to be done by no other means than protection at the polling booth. He (Mr. Berkeley) had lately had the honour of a visit from an Irish gentleman of an old Tory family with which he had been long

acquainted, who had been some time resident in Australia, where the ballot had now become the mode of voting. He confirmed every word which Mr. Nicholson had said in public or private on the subject. He (Mr. Berkeley) had raised before them the question which he had so often asked before of every one he could meet who was acquainted with Australia: "Is there any class of persons who are opposed to the ballot in Australia at this moment?" The answer was "Yes, there is a class;" and when he asked who they were, the answer was, "The Roman Catholic priests; for the Roman Catholic priests believe that their power is much lessened by secret voting." He further asked, "Was there any other class?" and was told "No; the lower orders and ruffianly part of the community complained of the ballot, simply because they could not break the bones of Jack, Tom, or Harry, whom they suspected of voting against their friends." Here then was the answer to those who said, the priests will get to the bottom of the ballot box. You must not give us in Ireland the ballot, because the power of the priest will remain while the power of the landlord will be destroyed—what a picture of freedom of election in Ireland! At present the screw put upon the voter was both a mental and a personal screw; it was here the priest and there the landlord; so that, with the unfortunate elector between them, it was "pull devil, pull baker." People, however, who were very fond of setting class against class, were in the habit of saying—"If you have a ballot-elected Parliament, it would refuse any extension of the franchise." Now this was one of the many quirks and quibbles of the noble Lord the Member for the City of London, for whom he (Mr. Berkeley) entertained a very sincere respect; but he was unable to give his argument in this instance any better designation than that it was a quibble. The class of objection which had been taken by the noble Lord in this instance, and his pertinacity in abiding by and defending the rotten institution of open voting, reminded him (Mr. Berkeley) of the lines—

> "His oft-repeated quirk he still repeats,
> New-raised objection with new quibble meets,
> Till, sinking in the quicksand he defends,
> He dies disputing, and the contest ends."

Indeed, the stock-in-trade of those who opposed the ballot in Australia were the quips and quiddities of the Rev. Sidney Smith, and the quirks and quibbles of the noble Lord the Member for London. Perhaps they might be met by the noble Lord's saying, "Oh! that is a remote colony, and we cannot take as an example such a remote colony as Australia." He would caution the House against sneering at the Anglo-Saxon race in Australia. They sneered too long at their American colony, until one fine morning King George the Third awoke and found he had lost the first jewel in the British Crown. But what colony or people surpassed the loyalty of their Australian brethren? None whatever. During the Russian war, so eager were the colonists for information, that the authorities were obliged to placard the country and state the latest facts as they arrived, and when disasters fell upon this nation forth came the men of Australia and subscribed a larger amount than the whole of Scotland and Ireland together. Then, he would say, let them turn not their backs upon that colony, but look at their example and follow it. The annual discussion of this question did this—it exposed practical instances of tyranny and those malversations against the exercise of the franchise which annually occurred, and they were thus annually laid before the country and exposed to view. He would show hon. Gentlemen who pretended that these things did not take place, and who said that the aristocracy were becoming more politically pure, that they had not a leg to stand upon. First, he would ask the attention of the hon. Member for North Northamptonshire (Mr. Hunt), and although he had not the pleasure of that hon. Gentleman's acquaintance, he would ask him why he was so decidedly opposed to the vote by ballot? That hon. Gentleman at his election made a strong exposition to his constituents of the use of the screw, and the strong use made of that screw stood recorded by him. He had in his hand the speeches of Mr. G. W. Hunt and Mr. Vernon, delivered after the Northamptonshire election was over—they were spoken from waggons in the market-place. The hon. Member, in speaking to the crowd, said,—

> "He had told them he would go against the ballot through thick and thin. They all knew that the candidate was at the head of the polling, according to the circumstances of each locality. At Peterborough, Mr. Vernon was at the head of the poll, and he (Mr. Hunt) knew he would be, from the reception which he met with there; and there was one other place—namely, Wellingborough, where he was in a minority, there being 261 for Hunt and 392 for Vernon; but they all knew, said the hon. Member, the sort of screw which was put upon the people who worked upon benches, and they know also that in that neigh-

bourhood there was a landed proprietor who put on the screw for the Whigs. [*Cries of* 'Name, name,' from the crowd.] He (Mr. Hunt) had been twice beaten with the screw at Northampton, and he knew the screw was used. [*Cries of* 'Yes, you do, because you put it on yourself.']"

Mr. Vernon then rose and addressed the meeting at some length, but he (Mr. Berkeley) was not going to inflict it upon the House. The candidate took a political view of things, and intimated that that election had thrown more light upon the necessity for the ballot than any election before. He (Mr. Berkeley) would thank both hon. Gentlemen of North Northamptonshire. To the sitting Member (Mr. Hunt) he would return thanks for his exposition on the use of the screw—from an opponent to the ballot such evidence was worthy of attention. Mr. Vernon deserved great credit for his manly defence of protected voting, seeing that his father and two of his brothers-in-law voted against the ballot and his father-in-law had been proprietor of two rotten boroughs. Now, what would those say who pretended that the aristocracy had become more virtuous? He had shown the House some racy specimens of what took place. The House would recollect that at the comencement of every Session they passed an order to prevent Peers interfering at elections. There was a book upon the table, admirably collated by a learned Gentleman of that House, and at page 96 hon. Members would find the Sessional Order to which he alluded, in their own pompous and inflated diction:—

"It is a high infringement of the liberties and privileges of the Commons of the United Kingdom," said they, "for any Lord of Parliament, or other Peer or Prelate, to concern himself in the election of Members to serve for the Commons in Parliament."

Now, when they insisted upon recording that Order, it put him in mind of Dogberry, when that public functionary expressed his determination to have himself recorded in a particular manner. They knew that this Sessional Order was a pharisaical pretence, for they never intended it should be acted upon; they knew that full one-third of the Members of the House were returned by Peers of Parliament, and they knew too that the Peers laughed at and ridiculed the Order, and, if he might use a common phrase, "took a sight at them." He held in his hand a letter from Lord Lilford to G. W. Hunt, Esq.—written at the time of the last election—and he (Mr. Berkeley) must say that it showed much contempt for the Orders of the House. The noble Lord said—

"You will also forgive me for saying that neither in principles nor position in the county do I think you sufficiently qualified to represent it in Parliament. Holding these opinions, without any personal disrespect towards you—I must request that my tenantry may not be canvassed for votes in your favour."

He (Mr. Berkeley) did not know how the hon. Member for North Northamptonshire treated that communication, but he knew what he would have done himself—he would have canvassed every man and have given them a chance of freeing themselves from the tyranny under which they rested, and of going to the poll against it. But the hon. Member (Mr. Hunt) had on his part not been without a Peer's screw. By no means; for if Mr. Fitzpatrick Vernon had on his side the lofty Lilford, Mr. Hunt had on his "the bold Buccleuch." He (Mr. Berkeley) possessed a circular sent by that nobleman's steward, and addressed to his Grace's tenantry; and if the document was not so offensive and dictatorial as the other, it was equally significant, and probably equally effective. Mr. Payne said, "he would feel obliged to Mr. So-and-So if he would attend the election on Monday next. Mr. Hunt had his Grace's best wishes." Now, the hon. Member (Mr. Hunt) had not moved that proceedings should be taken against Lord Lilford. The fact was, that if Lord Lilford were seen standing at the polling booth marshalling his tenants, no notice would be taken of it, in spite of the strong order which was passed every Session. Perhaps hon. Members might say, "Why did not the hon. Member for Bristol take notice of it?" His answer to that would be, "I am taking proceedings, and I am now making a Motion and showing you the proper and constitutional way in which these voting machines may be freed from his Lordship's bonds;" and instead of passing pharisaical orders which meant nothing, they might do much—give justice to the people, and act with credit to themselves by giving the electors adequate protection in the discharge of his duty. It had been his custom to bring this subject forward annually, and not only to show up the malversation of the franchise at various elections, but to criticise the speeches of the various candidates. In doing that he had never been influenced by party spirit, and had never treated this question as a party one. Several elections had recently taken place consequent on the

advent to power of Lord Derby. The right hon. Gentleman opposite (Mr. Disraeli) was asked a few questions; they were not very ably put, and the right hon. Gentleman had no difficulty in doing what the Americans called "generalising" the subject; however, as coming from the leader of the Tory party, perhaps he (Mr. Berkeley) could not object to the right hon. Gentleman's replies. The right hon. Gentleman said he was opposed to the measure of the ballot, among other reasons, because he thought it would diminish the influence of property. Nothing could be more true. It would do so. In that one sentence was contained the real opposition to this measure. They dreaded the loss of influence. It might do very well to address such language to a meeting of countrymen and farmers, and tell them the influence of property would be diminished; but that language would not do in that House, because he who used it would be called upon to explain its meaning. He (Mr. Berkeley) would show that the just and constitutional influence of property would not be endangered, but unconstitutional practices would be entirely destroyed. There could be no difficulty in arriving at that conclusion. From the right hon. Gentleman he would turn to the speech of the noble Lord the Member for Cockermouth (Lord Naas), and he thought it a remarkably liberal speech for a Tory Member. At his election the noble Lord made an assertion to the effect that the men who supported the ballot in Australia lived in the towns, while the men who opposed it were the landowners or squatters—the friends of the movement were on the spot, while the opponents were mostly 100 miles off, attending to their farms. That statement he unequivocally denied, and that on the authority of Mr. Nicholson, who had carried the ballot in Australia, and had since in this country, at a public meeting, answered Lord Naas by proving that the great majority of the rural population in the county which he represented were in favour of the ballot, and Mr. Nicholson himself represented a county containing upwards of 8,000 electors, to a man in its favour. The only other argument to which he would refer was that of a right hon. Gentleman a member of Her Majesty's Government, for whom he had, in common with every hon. Member in the House, the highest possible respect—he meant the President of the Poor Law Board (Mr. Sotheron Estcourt). Referring to a speech addressed to the electors of North Wiltshire by Mr. Sotheron Estcourt, he found that that right hon. Gentleman had opposed the ballot on rather new grounds—in consequence of the prevalence of original sin. His words were:—

> "There is in the heart of every single one of us such an element of wickedness, and such a proneness to act contrary to whatever is good and worthy of approbation, that for the proper discharge of every trust publicity is necessary."

Such was the doctrine of original sin. Every single one of us at our birth partook of the nature of the ancient and fallen Adam; and not having the fear of God before us, but being moved and instigated by the devil, had a horror of everything good, and a great love for everything bad; argal, said the right hon. Gentleman, "we must have open voting." He could not admit that this was very good logic. Why, if we were all miserable sinners, electors and non-electors, what effect could the supervision of some 30,000 non-electoral sinners have upon 1,000 electoral swamps? The worse the electoral sinners voted the more agreeable it would be to the none-electoral sinners. If the notion of the right hon. Gentleman were true, in what a state must society be! What a society of blackguards there must be at the clubs; and how many *mauvaises sujets* Directors of the Bank of England and the East India Company, all being elected by ballot! Why, the other day an election took place for the chaplaincy of Dulwich College, and 300 parsons were competing for the place. Lord Stanley was in the Chair, and Lord Stanley, being addicted to the old hat system of voting, took the election by mode of ballot. And here, where sinners and original sin had their own way, what was the result? Did they, instead of electing an orthodox chaplain of the Church of England, elect a Papist, or a Puseyite—which meant the same thing? No, they did nothing of the kind. What became, then, of the right hon. Gentleman's argument? Another election took place a few days ago in Belgravia, in the parish of St. George Without. It was an election for vestrymen; and Lord Ernest Bruce, General Sir William Codrington, and Phipps, were candidates. Not Phipps the warrior—the slayer of men,—not the Knight of the Bath—but a peaceful Phipps—a slayer of sheep—a knight of the cleaver. The election took place by ballot, and Lord Ernest Bruce, who never voted for the ballot, came in at the head of the poll with Phipps, and

General Sir W. Codrington was rejected. Now, according to the argument of the right hon. Gentleman the President of the Poor Law Board, Lord Ernest Bruce and Phipps were to be regarded as miserable sinners, as they were elected by original sin operating through the ballot; and General Codrington, who was rejected, must be regarded as a saint. The other part of the argument, that voting was a trust, he should not now enter on, as it had so often been discussed; but if the right hon. Gentleman insisted on that argument, let him show in what the breach of the electoral trust consisted. He thanked the House for its kindness in allowing him to dwell so long on this hackneyed subject. Still it was an important subject, and he hoped other hon. Gentlemen would express their opinions on it. The time was approaching—it could not be distant—when they were about to enter on their great profligate *Saturnalia*; the orgies were in preparation, and already signs of the times were evident. Shabby-genteel men were seen at odd hours lurking about the Carlton; and the Whig whippers-in were diligently looking out for a respectable gentleman to replace the highly-respected and much-lamented Mr. Coppock. "Men in the Moon" were preparing to descend upon boroughs on silver moonbeams; and the voting machines were having all their cogs and springs greased by their owners to be ready for the work. The dependent might expect to be bullied, and the venal to be bought. Intimidation would stalk and drunkenness stagger through the land. He appealed, then, from the House of Commons to the independent portion of the electors of the United Kingdom, and called upon them to put their shibboleth to those who sought to be elected. Let those who could pronounce the word be returned, and those who could not, be rejected, whether Whigs or Tories, and let that shibboleth be the ballot. The hon. Gentleman concluded by moving for leave to introduce the Bill.

MR. P. W. MARTIN seconded the Motion, which he earnestly hoped would not be on this occasion, as it had been previously, ignominiously rejected by the House. The subject was now of greater importance than ever, for next year they were promised a Reform Bill, one feature of which was to be a great increase in the constituencies of counties, and therefore it behoved them to protect the electors in the exercise of the right they were about to confer on them. Surely the electors of this kingdom were not so base that they could not be trusted to act uprightly unless it were openly recorded. On the contrary, he believed that men like the right hon. Gentleman opposite, the President of the Poor Law Board (Mr. Sotheron Estcourt) would be elected whether the ballot was the law of the land or not. It was notorious, that under the existing system a tenant was bound to vote with his landlord in the counties, and in the towns the tradesman with his customer. With regard to the opinions entertained by the great body of the landed gentry on this subject, he thought he might fairly quote the right hon. Gentleman the Chancellor of the Exchequer. The right hon. Gentleman in a great speech last year, said it was a just Conservative principle that the exercise of the due influence of property was salutary and beneficial; and being cheered in this sentiment, the right hon. Gentleman went on to say, that it was a Conservative principle that in any system of representation the influence of property ought to be felt. The hon. Member for Bristol (Mr. H. Berkeley) had told them what took place in North Northamptonshire. Now, it happened that he (Mr. Martin) as a freeholder of Northamptonshire, had taken considerable interest in the recent contests in that county, and it had come to his knowledge that the chairman of a South Northampton Election Committee, who had just conducted a contest to a successful issue, had openly boasted of the landlord influence which he and others similarly situated considered they had a right to exercise over the consciences of their tenants. That gentleman had said that he did not canvass his own tenants, but that, before taking a tenant, he satisfied himself as to his principles, and he added that, "if the tenant afterwards changed his mind, he thought he had a right to be down on him;" and he moreover complained that gentlemen were in the habit of dealing with radical tradesmen in towns. He (Mr. Martin) had been concerned in five county elections, and in four of these it was avowed that the landlord had a right to use his influence over his tenants, while in the fifth, although it was not openly avowed, the result was pretty much the same. At the last contested election in Buckinghamshire the landlord influence had been exerted on both sides, and advertisements were inserted in the papers, stating that all the great landowners in the county

pledged themselves by all lawful means to return their respective candidates. If the House rejected the present Bill, or refused to send it before a Select Committee, they ought, to be consistent, to repeal the Act against bribery, and put the Corrupt Practices Act behind the fire. Nay, more, they should enact that every landed proprietor should have an additional vote for every £50 freeholder upon his estate. His hon. Friend — for meritorious men were always modest—had declined to tell the House whence he had derived the preamble of the Bill; but he (Mr. Martin) would supply the omission, and tell them that it was founded upon the expressed opinions of the Chancellor of the Exchequer, the right hon. Gentleman the Home Secretary, and Lord Chelmsford. He would not go so far in praise of the Bill as to say that bribery would be impossible under its provisions, but it would stop all open and general bribery; and as the voting papers were numbered, and were to be retained by the returning officer for a considerable length of time, every case of concealed bribery would be open to detection before a Committee of the House. One argument against the ballot was, that it was un-English; but, passing by the example of the clubs, which were scarcely analogous, he found that the House had already recognized the principle of secret voting. The ballot was in use in the election of the metropolitan vestries; and he held in his hand an Act of Parliament passed in the reign of Queen Anne, 150 years ago, enacting that the trustees of the town of Whitehaven should be elected by ballot. The late Rev. Sidney Smith had said that the ballot would make any district in which it was established an assemblage of scoundrels; and he should wish to know from the hon. Gentleman the Member for Whitehaven if the ballot had produced that effect in Whitehaven. It was said, that all delegated authority should be exercised in the light of day. But the decisions of courts-martial were secret; and surely the reasons urged for the protection of electors by secrecy were quite as good as those for the secrecy of courts-martial. Again, the members of the Privy Council were protected by their oaths of secrecy; and what were they but trustees for the people and Parliament? It was therefore no fair argument against vote by ballot, to say that it was a secret mode of election. The reason of the opposition to the ballot was the same as that to the extension of the suffrage—it was feared it would lead to the subversion of all existing institutions —the Church, the Throne, and the House of Lords. His belief was, that the ballot was a Conservative measure, for he found that in Australia the rabble were murmuring against it because the popular candidate had been defeated, and the nominees of Government returned by a large majority. At all events, after the great number of years and the attention which his hon. Friend had given to the subject of the ballot, he was justified in saying to the House—

> ——"Si quid novisti rectius istis,
> Candidus imperti; si non, his utere mecum."

Mr. HUNT said, he was not going to fight over again his battle in North Northamptonshire, for he thought it better to bury election squabbles; and neither was he going to argue with the hon. Gentleman the Member for Bristol the question of original sin. He perceived that the hon. Gentleman had sitting beside him a noble lord (Viscount Palmerston) who was the very highest authority upon that subject. But as the hon. Gentleman had challenged him to state what were his reasons for opposing the ballot he would say one word upon that question. The hon. Gentleman had referred to a speech he had delivered in Northamptonshire; but he was sorry the hon. Gentleman had not continued his reading of the passage, as he would then have found that he (Mr. Hunt) had stated he would go through thick and thin against the ballot, because he would not be a party to the establishment of a system which would send an elector into a dark room to drop a ticket into a box and come out to lie.

Mr. SOTHERON ESTCOURT said, he was not surprised that, considering the frequent occasions upon which this question had been brought before Parliament, the hon. Member for Bristol had thought it better to avoid giving arguments, but to make an amusing speech instead. In the latter task he had certainly succeeded. The hon. Member would excuse him (Mr. Estcourt) for so far following the example of the hon. Gentleman as to refrain from entering on that occasion into any minute and elaborate justification of the views which he entertained on the subject, and confining himself to offering to the House the general view which he had long held, and which he had avowed in the speech out of which the hon. Member had contrived to extract some materials for laughter, but

which he believed contained the root and essence of the whole question. He believed that publicity at elections was required first in respect to the voter, that he might be induced to give a straightforward and honest vote by the knowledge that every one would be able to ascertain the course he took. Publicity, in the next place, was necessary for the protection of society, which was interested in knowing whether the voter had acted according to his previously known opinions. He also advocated publicity because he regarded the opposite practice in respect of public functions to be un-English, and opposed to all the habits, customs, and feelings of the people of this country. If absolute secrecy could be obtained, he might almost say he would not object to the ballot; but to obtain that secrecy it would be necessary not only to procure an infallible ballot-box, but to close the mouths of the voters. Absolute silence must be maintained, or the system of secret voting was impossible. But he believed that in practice, secrecy could not possibly be secured in the case of men who must frequently converse with friends and neighbours on public questions, unless they were to speak one way and vote another; in other words, unless they were to tell lies. The hon. Gentleman opposite, in introducing the subject, had made good fun of the words which had been attributed to him, and had drawn from them what he had termed the doctrine of original sin. Now, all he should say in reply to the observations of the hon. Gentleman upon that point was, that he believed they were all, as Members of that House, called upon to exercise their public functions so as to lay them open to the approval or disapproval of those among whom their lives were passed. The hon. Gentleman had proceeded to ask, "Tell me what you mean when you say that the elective franchise is a trust?" Now, in answer to that question he should observe, that he had never heard the point made a matter of dispute. The hon. Gentleman surely did not mean to contend that the franchise was a personal privilege; that it was a simple possession, a mere matter of property, which might be dealt with by the owner according as his own fancy might dictate, without any reference to the public interests. He, for one, should contend that it was, in the strictest sense of the word, a public trust, and that its exercise by means of which the Members of that House were elected to maintain the constitution could, with no degree of justice, be regarded in the light of a transaction in which the disposal of a mere article of commerce was involved. The hon. Gentleman had, in illustration of the views which he had submitted to the House, related an anecdote drawn from the proceedings which had taken place at a meeting in Australia, at which the question of the ballot had formed the subject of deliberation; and he (Mr. Estcourt) might, perhaps, be permitted so far to follow the example of the hon. Gentleman as to mention a circumstance which had come within his own knowledge, and which bore upon the point at issue. He had upon one occasion asked a farmer, who was a neighbour of his, what he thought of the ballot. The reply was, "The last time I gave my vote I gave it against my conscience. I could not stand out against my landlord and the parson's wife." "But let me suppose," he (Mr. Estcourt) asked, "that you had had the advantage of being able to vote by ballot, what service would it have done you when you were applied to by your landlord and the lady?" To that question no satisfactory reply could be given, and it was, he thought, quite clear that the ballot would have afforded no protection in the case of the person to whom he alluded, unless he had previously made up his mind to state in answer to the questions which had been put to him that which was not true. The only benefit of which secrecy in recording his vote could have been to him was, that it would have covered any delinquency of which he might, in the first instance, have been guilty, in telling a falsehood with respect to his vote. But, independently of the argument that the proposal of the hon. Gentleman would not, if carried into effect, attain the object which he professed to have in view, he thought the worst practical results must arise from the adoption of the course to which the House was asked to assent. In the case of nineteen out of every twenty elections the issue was beforehand pretty well known, inasmuch as promises were constantly asked from and made by the electors, pledging them to the support of a particular candidate. Now, if a system of secret voting were established, and that in the event of a contest the candidate who happened to have the majority of promises recorded in his favour should not be returned, the consequence would be that great misunderstandings and jealousies would be created in the locality in which such an occurrence had taken place. The

belief would prevail in the mind of each elector that his neighbour had played him false, and the most disagreeable feelings would, beyond all question, be engendered. One reason, then, why he could not assent to the proposition of the hon. Gentleman was that the franchise was a trust, and that, according to the habits and notions of Englishmen, as well as in conformity with the dictates of a right understanding, that trust ought to be exercised frankly and openly. It was, however, contended that, under our present system of voting, intimidation and bribery prevailed. Now, he did not wish to make any professions upon the point himself, but he might be allowed to express it as his opinion that there was not in that House a single Gentleman who did not in his heart desire that intimidation and bribery should, if possible, be prevented. By what means, he would ask, could that object be most easily accomplished? The hon. Gentleman opposite would, of course, answer, "By means of the ballot." But in that view he could not concur: he did not believe that the ballot would secure absolute secrecy; and if it did not, it was manifest that it would not lead to the attainment of that object. In his opinion—and he said it plainly—intimidation and bribery would be best prevented by an alteration in the present division of our electoral districts, so that such an increase would be made in the number of voters as would prevent bribery and intimidation. It seemed to him that there were three things required in the voter—intelligence to enable him to decide on the claims of the different candidates; property, which would afford a material guarantee that he had an interest in the mode in which he exercised the franchise; and independence, which would constitute him a free agent. Now, in respect to that latter quality, a great improvement might, he believed, be made in our present electoral system. The existence of intimidation implied that the person who had given his vote was liable to suffer as soon as the election was over. It was said the landlord would turn him out of his home; but what was the obvious remedy for that? Why, that the elector should have a lease. His opinion was that the property qualification of the voter ought always to be accompanied with something like an independent tenure. Now, Her Majesty's Ministers had intimated it to be their intention to bring in a Reform Bill next year. Of the nature of that measure he knew nothing; but, whatever might be its provisions, it was too much to expect that it would please the hon. Gentleman opposite. In the desire to put down intimidation and bribery at elections, however, the opinions of the hon. Gentleman and his own were completely in accordance, and he begged to assure him that that object was to be obtained not by a little crotchet such as he must designate the hon. Gentleman's proposition of the ballot, but by some substantial alteration in the nature of the electoral franchise itself. By some such means as that, and not by having recourse to an expedient which would create heartburnings in every neighbourhood, which would work ill for the public interests, and which would give a stab to the constitution by calling upon Englishmen to exercise so important a privilege in the dark, could the evils of which the hon. Gentleman complained alone be effectually obviated.

Sir ARTHUR ELTON thought, that the speech of the right hon. Gentleman was an excellent specimen of the inconsistent arguments by which this proposition was opposed. First, it was said that the ballot would not work, and, therefore, that it would be a sham; next, that it would work, and would, in working, seriously impair the moral character of the country; that it would favour democracy; and then, again, that it was a conservative measure. Now he admitted that the ballot to some extent would have a conservative tendency. Men who were constrained to vote against their convictions, or prevented from voting at all, naturally smarted under a sense of injustice, and were driven to seek redress by violent and revolutionary means. By enabling the poorer and more dependant class of electors to vote according to their convictions you will promote contentment and tranquillity in their breasts and render them less inclined to pursue the wilder forms of democracy. At present, the intention of the Reform Bill of 1832 had not been faithfully carried out. The franchise was exposed to artificial restraints and had not free action. Now, as regarded bribery and corruption, it was said that we were becoming more virtuous year by year. But is it not rather to be feared that we are only becoming more skilful in concealing our deviations from virtue? Not long since he was present during an election at a borough, which he must not mention, though he might premise that it was not Bath, and he was astonished to

find that as the poll drew to a close, agents were offering in the public streets £10 and £20 a head for votes, like farmers at market higgling over the price of a score of sheep. Now it was towards the close of an election contest that the morality of those who had money to give away, and of those who were in want of money, began most to fail; it was then that the excitement was at its height, and competition became most keen. But with the ballot it would not be possible to know the state of the poll, and one great occasion of bribery would be entirely prevented. The right hon. Gentleman opposite (Mr. Sotheron Estcourt) had urged the importance of publicity, in order that people might know that the voter had done his duty and taken what the right hon. Gentleman called "a straight and right course." But what did "a straight and right course" mean? Why to the Tories it meant giving a good Tory vote, and with the Whigs it meant giving a Whig vote. The question was, should the voter be allowed to vote according to his own will and pleasure, no matter for whom, or was he to vote at the dictation of landlords, or of customers, or of the mob? The advocates of the ballot contended that the voter was neither answerable to the non-electors nor to anybody else, but solely to his own conscience. He could understand the Conservative party voting against the Ballot. They acted consistently in doing so. They were of opinion that a large extension of the franchise would be dangerous to the country. A noble Lord opposite had written an article, in the "Oxford Essays," to prove that if power was granted to the poorer classes there would be danger of their combining to overtax and plunder the rich. I do not agree with the noble Lord or with the right hon. Gentleman opposite. I have faith in the honesty and intelligence of the people. But at all events the conduct of Conservatives, if mistaken, was at least consistent. This could not be said with regard to the hon. and right hon. Gentlemen of the Liberal party who opposed the Ballot. They talked large about reform, they were fond of alluding to the "cause for which Hampden bled on the field and Sydney died on the scaffold," and other interesting sentiments. They had no right then to shrink from the Ballot, which would free the poorer voters from external influence and restraint. He hoped that many among them, especially those who looked forward to form part of an administration formed on "a wider basis," would support the Ballot that night. He could tell the Whig party that the people out of doors would never believe they were in earnest about reform until they took up the Ballot. The Whigs had done good service in their days, but it could not be denied that they were verging on the "obsolete," and might be almost compared to those specimens of the Plesiosaurus and other antediluvian animals we see in the gardens of the Crystal Palace, useful no doubt once upon a time, but not agreeable to meet nowadays. Let the Whigs then quicken their pace, and step forward with the advanced Liberals, if they wish to recover their position as leaders of the reform party throughout the country.

MR. BENTINCK rose to express his astonishment that any hon. Member could support this Motion. He had listened on this occasion, as he had often done before, to the speech of the hon. Member for Bristol (Mr. H. Berkeley) with great pleasure; his hon. Friend brought to bear on a question naturally dull a great deal of humour, and did what he could to make it agreeable to the House. He quite admitted the high talents of his hon. Friend, and he intended no discourtesy to him or to his supporters when he expressed his opinion that his speech, able and amusing as it was, contained no single argument in favour of the ballot. He had heard a great many assertions, but as to argument he had heard none. His hon. Friend never once ventured on argument, well knowing that there was one which would utterly annihilate any he could bring forward in its favour. He told them that the ballot had succeeded in America; all he (Mr. Bentinck) could say was, that if its success was to have the same effect in England, he hoped that it would never be achieved. He hoped he should never see the assembly he had the honour of addressing subject to such scenes as it was reported occurred in the Legislative Assembly of America. If they were a necessary consequence of the adoption of the ballot, the longer it was withheld the better it would be for the country. His hon. Friend seemed to wish to disparage this country—to place it in unfavourable contrast to those in which the ballot was in operation, and to press on the House that the ballot alone was that panacea which should equalize us with other countries. That was a matter with which he did not

think it worth while to contend, nor was it necessary to re-open the question of original sin, which seemed to him to be one more suited to discussion in the pulpit than in the House of Commons. At all events, he did not think himself qualified to discuss it. His hon. Friend knew as well as he could tell him that the proper title of his Bill ought to be, "A Bill for Preventing the Detection of Bribery," for he would defy him or any other Member to show the House any good that could result from it; while, if the ballot were introduced, it would be impossible to detect bribery, which, for all they could do, might be carried on in the most wholesale and systematic manner. He had never yet heard any one out of the House venture to express an opinion to the contrary, and, taking the question divested of all its meretricious covering, he challenged hon. Members to prove that it would not tend to the introduction of bribery. When one class of men were disposed to take and another class to pay money, it was impossible to prevent their preconcerted arrangements. Bribery would not be confined as now to the week of the election, but would be all cut and dried, and prepared as a system, and the small boroughs would be ticketed and sold like any other article in a tradesman's shop. Candidates would pay so much if they were returned, and the agents would then know to a pound what would be required to secure the return of a Member of Parliament for a particular borough; and they would have deprived themselves from any power of inquiry, because an inquiry would be necessarily an infringement of the principle of the ballot. How, then, could hon. Members opposite, seeing that such must be the necessary consequence of the introduction of the ballot, have the face to get up and say they were the advocates of purity of election? When hon. Gentlemen made long speeches to their constituents on this subject, and held themselves up as the champions of purity, he was reminded of a young midshipman he was reading of the other day in a popular novel, who in the course of his adventures goes to sea, and on the first occasion of dining in the cabin he was asked whether he would take some flapdoodle? "Flapdoodle," replied he; "what is that?" "Why, the fact is," said his Mentor, "it is the stuff they feed fools with." When his hon. Friend went down to Bristol, and addressed his constituents as the advocate of purity of election and vote by ballot, he (Mr. Bentinck) thought his hon. Friend was administering nothing but political "flapdoodle." He (Mr. Bentinck) need not say that that was an ingredient which the hon. Gentleman never by any chance took himself. He regretted that he was not in possession of the documentary evidence to show the system which had been organized to support bribery in case the ballot should ever pass, but it was the most complete that could be well imagined; but of this he was convinced, that all honest men must condemn the ballot, unless they were prepared to hold themselves up as champions of bribery and corruption.

GENERAL THOMPSON believed the right hon. Gentleman (Mr. Sotheron Estcourt) in one part of his argument had misapprehended what was asked for by advocates of the ballot. "If," he said "votes were made secret you could not stop a man's mouth." The answer was that they did not want to stop a man's mouth. It might be put to any use within the law, of which a mouth was capable. All they wanted was that the vote should not be known unless the voter chose to tell it himself. What they wanted was, that a man's letter should not be openable at the Post Office, not that he should be prevented from telling the contents to anybody he liked; and they could not allow one of these to be confounded with the other. That principle being secured, any elector might go and proclaim his vote on the house-top, or with any flourish of trumpets he chose. Perhaps the friends of the ballot, as for instance the Ballot Society, had not been sufficiently explicit on this point; but if so, they must mend. Then, it had been said that if there was secrecy of voting, an elector would be deprived of his influence upon his fellows. Now the supporters of the ballot did not want to hinder him from exercising any lawful influence he could. He might harangue and shout himself hoarse—only let there be that impossibility of appealing to a man's written vote which existed in the case of a court-martial. Great expectations were entertained of the present Ministry, and in some directions they had not been disappointed. He had lately heard of a piece of wisdom displayed by the wife of a beneficed clergyman. A novel was published which was understood to bear hard upon the clergy, and it was supposed that, though it would be sure to be proposed in the subscription library, there would be a quarrel with the Church for whoever should propose

it. So what did this sensible lady? She proposed it herself. This might be recommended for imitation on the benches opposite. Nothing unreasonable would be expected from them; but they might feel the national pulse. Suppose, for example, it were conceded that where four-fifths of the constituency in a particular borough petitioned for the ballot it should be allowed, would it not be easy to try the experiment and ascertain whether all the evil results expected would proceed from it?

MR. BERESFORD HOPE protested against the levity with which the hon. Member for Bristol had treated a subject which, if it were not one of great importance, ought not to have been pressed upon the attention of the House; but at least his hon. Friend showed his courage in appealing to the example of the United States as an instance of the good working of the ballot, after those scenes in the legislative assemblies of that country which had been reported in our journals during the last year, and which must have partly amused and partly disgusted their readers. Hon. Members must have seen a description of a scene which occurred not long ago on the floor of Congress, when a serious tumult was only appeased by a member of that body wrenching off the wig of an opponent, whose scalp probably he wished to obtain. A London journal had quoted from the Manchester paper the description of this occurrence literally reprinted from the American Report, but with the names of leading members of their own House substituted for the real actors, with how ludicrous an effect it was easy to conceive. But it was not merely those disgraceful collisions in the House which showed how little the ballot tended in America to establish liberty of action and thought, for what man in the southern states, were he candidate, or were he elector, dared publicly to speak in favour of slave emancipation? And as to their courts of law, did they not recollect the instance of that poor girl, the victim of a barbarous outrage, who was recently turned out of the court because she was supposed to have one drop of black blood in her veins? Hon. Members might say, "What has this to do with the ballot?" It had as much to do with it as those Colt's revolvers which had been discharged in their faces by the hon. Member. But the hon. Member for Bristol also appealed to what he called the "colony" of Australia. The hon. Gentleman seemed to have strange geographical notions about Australia, for he (Mr Hope) had thought that there were several colonies there, New South Wales, Victoria, South and West Australia, and Tasmania, and he conceived that if the hon. Gentleman would come forward next year with a little more of geography and a little less of the Egyptian Hall in his speech he would succeed better. He believed that the ballot only prevailed in two Australian colonies—Victoria and Tasmania; and what the effect of the ballot in Tasmania was, had been proved by circumstances which have recently appeared and which were quite as disgraceful and even more ridiculous than those which had occurred in America. We had, however, an example of the ballot nearer home, on a great scale. *Faciamus experimentum in corpore vili* had been the wish of the old physician, but here had been made *in corpore nobilissimo;* for the ballot had been tried, for weal or woe, with the 35,000,000 of the great French people. That was not the place to say whether France was more happy under its present form of Government, of which the ballot was the first, and last, and middle. Perhaps the hon. Member for Bristol had a horror of the liberty of the press; perhaps he might think that the army did not occupy a sufficiently prominent position; perhaps he thought that the course of justice in England was too independent of the Executive. Well in France they saw the army not rampant, but omnipotent; a press not gagged but extinguished, and the courts of law bound and driven by the Executive. The constituencies of France had elected by ballot a constituent assembly, a legislative assembly, a president for four years, a president for ten years, and an Emperor. This state of things might render the French nation happy and glorious, but with these facts before their eyes, it was not for hon. Members to say that the cause of the ballot was the cause of freedom, and that the opponents of the ballot were retrograde and tory—an expression which had been bandied about the House during this debate more than he had thought that old and very respectable term would again have been. He was not one of those who had a fanatical fear of the ballot in this country; he did not think it would lead to democratic ruin, but he did think it would lead to a retrograde state of things. It was in the cause of liberty, progress, and constitutional government that he (Mr. Hope) protested against the ballot. They all knew that

there were elections by ballot in this country, but they were elections where the constituent body was small, where they were nearly all of one class of society, and where the person elected was one of their own body. Such were the elections to clubs in the highest ranks. Again, the workman who so much struck the hon. Member for Bristol by his intelligence, alluded to the very good elections in benefit societies. But the members of those societies were hail-fellows-well-met, and the persons were elected to manage the business of the body, and afterwards went back into the ranks. Those were homogeneous bodies, and such were the cases in which the ballot might succeed. He would go back to America. It was said by the hon. Member for Bristol that the ballot-elected Presidents showed the value of the ballot; but had the ballot led to the election of Henry Clay, had it led to that of Daniel Webster, of Calhoun, or Clayton, or Benton, as President of the United States? No; it had led to the election to that high post of the nonentity Polk and the contemptible Franklin Pierce. The results of the ballot tried by this test showed that the greatest men of America failed in attaining the highest dignity which their countrymen had to offer them; while in this country with our open voting, our most eminent statesmen seldom failed, sooner or later, except under some very adverse circumstances, to reach the summit of their legitimate ambition. There were two kinds of constituencies; one a small constituency, wealthy and highly taught, as in the republic of Plato, and that was a kind of constituency of which philosophers might dream in their closets; in this kind of constituency the ballot might be admitted. But it was one which was impossible in real life. Thus there was the opposite system, which sought the safety which came from numbers. This required open voting, If he believed that bribery and intimidation would be prevented by the ballot, he would at once become its advocate. His feeling as to intimidation was such, that in the county where he had a large tenantry there had been last year two contested elections, and yet he did not know to this day how any one of those tenants voted. If they had the ballot there would be voting by phalanx, a system which would soon be brought to strategic perfection. It was said the ballot would destroy the influence of landlords? but, what would there be to prevent landlords from breakfasting their tenants at their own houses and bringing them up to the poll in a body under the new system? Though it was very easy to denounce the landlord who turned out his tenant for an adverse vote, yet he must say that the danger of intimidation was a hundredfold greater in boroughs than in counties. If a man farmed his land well, however he voted, there was a serious question between the landlord and his pocket as to turning him out. The people with whom the risk of intimidation was the greatest were the foremen and masters of large works in boroughs. ["No, no!"] He said "yes," though he did not accuse the whole class. There were good men and there were bad men among them, and as the question was not being discussed in a party spirit, he must say that both parties—the "Conservatives," so called, and the "Liberals" were alike in the matter, — there was really nothing to choose between them. Where the screw could be put on was with the £10 householders who worked for wages. Suppose they had the ballot: the foreman would meet such a man, and would ask him, "Whom did you vote for?" The man would be in the position in which distinguished statesmen in that House frequently were—he would have three courses open to him. If he said, "I voted against you," he would be dismissed: again, silence would be taken to be more eloquent than words, and would lead to the same result. Lastly, if he told a lie, he would save his place at the expense of his conscience. With all the ballot boxes in the world they could not avoid this. If they established the ballot they would drive away that large body of electors who cared very little for abstract political rights and questions, but who ought to be educated up to them, and be made to value those privileges, and to flock to the election booths to support them. They should remember how many veils were interposed between the poor voter and that House. There were so many political questions unintelligible to them that the mere pleasure of voting would not bring the enfranchised masses to the poll under the system of the ballot. But what would bring one of that class to the poll was the importance which he acquired in his own small circle by voting and giving a reason for voting on one side or the other. They must consider what the effect would be upon that enlarged constituency to which all looked forward under some Reform Bill. By the system of open voting you would, to some extent,

Mr. Beresford Hope

educate the masses up to their political franchise, and make them value it; you would teach them the a, b, c, of politics by feelings such as he had described all lying within their own circle, while the abstract grammar of public affairs, which was all that could induce men to resort to the poll under the ballot, would still be unintelligible. All that he had hitherto said was on the hypothesis that there would under the ballot be secret voting. If it were, however, a mere humbug, show, and pretence, which he believed it to be, then he would come back to the real point. Why should the time of the House of Commons be occupied by this mere *doctrinaire* exploitation, when there was so much practical legislation before it? Why should there be this great outcry against one of the customs which characterised that nation, which, whatever were its faults, was the light and beacon of liberty and of representative Government all over the world? The American papers and American tourists frequently dwelt on the contrast between the representatives sent up by our system and by that system of *caucus* under which they were nominated in that country. Here, they said, every man knows his candidate, every man shakes hands with him. In America nobody knows, nobody cares for the representative sent to Washington. He is named by a *caucus* in a room, and the electors vote according to its dictation. It might seem strange to fear the loss of liberty in England. But we have seen revolutions so vast and so sudden occur in this changing time that no apprehension ought reasonably to be called excessive. He thought that the first blow would be struck at our liberty in the establishment of the ballot. In opposition, therefore, to oligarchy and despotism, and in behalf of our ancient free institutions, he entered his protest against it.

SIR GEORGE LEWIS: By common consent this question is argued on both sides of the House as if, supposing we were to consent to the Motion now before the House, the ballot would produce a system of secret voting. The friends of this measure maintain that under the ballot intimidation would cease—that every person would give his vote according to his genuine opinions, without being influenced by the threats of any person to whose power he might be subject. On the other side of the House it is made an objection to the ballot that the political franchise is a trust, and that every trust ought to be exercised under the control of publicity. Both these arguments assume that the practical result of a system of vote by ballot would be the perfect secrecy of the vote of each man. The position which I wish to see established by those who bring forward this Motion, before they go into these abstract theoretical arguments about the advantages and disadvantages of secrecy, is that the ballot would produce a system of secrecy; because I maintain most distinctly, as being susceptible of the clearest proof, that in the United States, which is the great model for working the ballot, the ballot is not a system of secrecy. On a former occasion I showed from publications of the Ballot Society, under the patronage of the hon. Gentleman the author of this Motion, that the United States, with the exception of one State, which had recently tried a peculiar system of voting with what is called sealed envelopes, and which system was abandoned after a single year's trial, there was not one State in which voting by ballot was not practically as public a system of voting as the voting which exists in the United Kingdom. The real difference between voting by ballot in the United States and voting as it exists in England is this—that in the United States the ballot, being a piece of paper or a ticket, not a ball, this paper is put into a box without any official record being made of each vote. Therefore, there are no means of authentically proving the vote of any person after the election has taken place. There can be no scrutiny; nothing like an Election Committee; and I apprehend there cannot be any indictment for bribery. Beyond that distinction, as I understand the question, voting in the United States and voting in England are practically identical. The information which the hon. Gentleman's society laid before the public in its tracts on voting in the United States, was quite conclusive of the practical nature of voting in that country. But his society has also made public, during the last year, some additional information on the subject. The Committee have published a letter from the late Governor of Connecticut to the Ballot Society. If the House will allow me I will read a sentence from that letter, which appeared in a newspaper in November last, and which contains additional information upon voting in the State of Connecticut. This gentleman—his name is not given—says—

"I have frequently presided at electors' meetings, and personally received the ballots, and I

can assure you that it is in the power of any elector to put in a ballot, the character of which cannot be detected by the presiding officer or any one else. Any elector can, if he pleases, put in a ballot written upon clean white paper. If such a ballot is merely doubled together it is impossible to discover what it is. I have frequently known ballots doubled and twisted so that it was difficult to open them. It is true that where there are contending parties each party has its votes printed, and easy to be recognized at sight. It is also true that most of the electors put in these votes openly; and many of them with the face of the vote in plain sight, preferring to have it apparent how they vote. But there are always some who vote in absolute secrecy, and where parties are nearly equally divided the decision depends, or may depend, on these secret votes."

Therefore, according to that description, the rule is open voting. There is the power of concealment, but that power is very rarely exercised. There is another letter emanating from Mr. Samuel Upton, of Manchester, New Hampshire, United States. This letter states—

"The method of voting in this State is by ballot. This system is followed for almost every officer, however unimportant."

He goes on to describe it as follows—

"These printed ballots are distributed on election day at the house of voting; sometimes by men appointed for the purpose, sometimes by boys, and sometimes they are fixed in some convenient place and selected by the voter at his pleasure. Almost every voter has determined with which party to vote before he goes to the place of voting. When there he takes the ballot of his party, or one of each party if he pleases, and if the name of any person appears upon his ballot, for whom he does not wish to vote, he erases it and inserts another. When thus prepared he hands it to the moderator, who examines it enough to see that it is but one vote, and then deposits it in the box. The instances are rare where a voter attempts to conceal his vote; he may, however, if he desires to keep it from every one but the officer receiving it. We have no law requiring secrecy. We have one against using any undue means to influence voters, as bribery or threats."

Well, Sir, I say that if it is proved by overwhelming evidence that the general practice of voting in the United States, which we are told to regard as the model of secret voting ["No, no!"]—I certainly understood the hon. Gentleman to refer to the United States as having produced the greatest inventive talent, as the native country of revolvers, and as having produced eighteen elected Presidents superior to any eighteen hereditary Kings. Now, I will not enter into the comparison which he has suggested—and I refer to it only to remind the hon. Gentleman that his argument went to point out the United States as a model of secret voting. If, however, the United States are not to be taken as a model of secret voting, to what country must reference be made as a model? If they are not to be looked upon as a model, —if their example, which has so often been referred to, and which has always been regarded as a great argument in favour of secret voting, is no longer upheld, then the argument founded upon it falls to the ground. Now, I maintain that, as a matter of fact, the system of voting by ballot in the United States is not a system of secret voting. There are in this country some few instances where the law requires a system of voting by ballot, as in the case of voting by the proprietors of the East India Company, the charter of which declares that the voting for the election of Directors, or for other purposes, shall be taken by ballot. Now, the mode of voting in accordance with what I understand to be voting by ballot in this country is to write the vote upon a piece of paper, and deposit the ticket in the box. Now, I appeal to hon. Gentlemen conversant with the voting at the India House, whether those votes are in point of fact concealed, or whether they are not practically as public as votes given in Parliamentary elections? The conclusion at which I arrive is this, that when we have a population resembling in character the population of this country, and such as we find in our descendants in the United States, and where you have a system of voting by ballot for public elections, the mode of voting by ballot becomes not a secret but a public mode of voting. Can any one who has had any experience of the manner in which Parliamentary elections are conducted bring himself to believe that it would be possible to induce the greater number of the electors to conceal their sentiments, their preferences, and the manner in which they intended to vote? Now, if you wish to go upon the system of protection to every voter, if you attempt to make an election practically and really secret, how can you recognize the principle of any candidate coming before a meeting of electors, or having a committee of persons to further his election, or himself to canvass? I believe that I shall meet with a universal answer, that candidates should be at liberty to address electors, to canvass, and to avail themselves of the service of committees. But then, what becomes of your secrecy? The hon. Gentleman alluded to the case of a nobleman who prohibited a candidate from canvassing his tenants, and he added that he would have

canvassed them in spite of the prohibition; so that I think I may assume that the hon. Gentleman is in favour of canvassing. Well, then, if that be so, how can he hold the doctrine that each elector should conceal his vote? If the essence of voting be that each voter should conceal his vote, with what consistency can you canvass? How can you go to a man and ask him to promise his vote on your account, if the very essence, the palladium of our electoral system is to be an inviolable silence upon the subject? It seems to me that if we recognize the system of secrecy, we must entirely change our present system of popular elections; we should have to give up the present plan of addressing electors, of canvassing, and of employing the services of election committees, and of going round a county in order to excite a popular feeling in favour of a candidate; for, if we were to act consistently upon the principle of giving protection to the voter, you can only do that by establishing a system of universal secrecy. That is a point which I wish strongly to impress upon the House. I wish also to point out that if, as a general rule, voters were to show their votes and promise to vote for a particular candidate, and give it openly, and if a small number of persons were carefully to conceal their votes they would be regarded with suspicion by those who wished to intimidate them to vote in a particular manner. A landlord might say to a tenant, "I will have you watched, and if you don't vote openly I shall assume that your vote has been given contrary to my wishes." That would be the inevitable result of a system of optional secrecy; and what I wish, therefore, to hear from some Gentleman who maintains the importance of voting by ballot is, how he can show that it would be practicable to enforce secrecy and give protection to the electors. I confess that it seems to me that hopes based upon the efficiency of this system would turn out a delusion, and that we are called upon to vote upon grounds which will not bear examination; and I shall vote against the introduction of the Bill, because I think that it would not produce the result anticipated by its supporters.

MR. MARSH said, he was not one of those who would wish the liberties of the Australian colonies should be in the slightest degree interfered with. He had the most unbounded confidence in the Anglo-Saxon principle of self-government, and in the conviction that they would succeed; but having some colonial experience he wished to bear his testimony that the system of the ballot there had not succeeded, and had done rather harm than good. It was not more than three months ago, when attending a dinner at which the right hon. Gentleman the Secretary of the Colonies was present, he heard him state that in every despatch that came from the Colonies there was an account of a Ministerial crisis; but he was afraid there was a much more dangerous system working in the Australian colonies than the mere playing at Ministerial crises, because he was satisfied that they were incurring debts which would be of the greatest possible inconvenience to them hereafter, and which would end in a very different result from one of mere postponement. In the Australian colonies there existed the most perfect independence among all classes — there the labourer was under no obligation to the person who employed him, nor the tenant to the man who gave him his farm — and what, therefore, could be the cause of the introduction of the ballot into Australia? He believed it was in consequence of there being a vague impression abroad that the ballot embraced democratic principles. Now, with this he entirely disagreed. He believed the very principle of constitutional government was responsibility, and that the very source of all freedom was publicity, whether expressed through the press, or the medium of opinion public or private. He was not amongst the number of those who wished to reduce the whole electoral system of this country to the machinery of the ballot-box, or that it should become the instrument of despotism under an empire and of corruption under a monarchy, as it was in some countries not very far distant. It had been said by the hon. Member for Bristol that the ballot always ended in the choice of the most respectable men. But what had been the practical result in the Australian colonies? In the Legislatures of those colonies there had occurred some most shameful and most disgraceful scenes. He was assured, on authority which he could not doubt, that one Member in Victoria took his seat in his shirt sleeves, and the newspapers now teemed with the records of personal altercations, two or three of which — the account of scenes all of which occurred during one week—he would read to the House:—

"The 'scene' in the House on the 4th was of a

somewhat milder character than heretofore. Mr. T. G. expressed a benevolent wish that the typhus fever would sweep away the present Ministry, for the benefit of the colony; and, impressed with the beauty and brilliancy of his idea, the hon. Gentleman warmed up as he went on, and concluded by observing—'It would indeed be a blessing if the fever were to sweep off all the Members of that House! It would be a just and well-merited curse if the whole colony were carried off by the fever!' Subsequently Mr. G. grew quite jocular over this grim subject, and was rebuked for his ill-timed mirth by the Attorney General."

Two days afterwards there was another scene, in which Mr. G. again figured, and was reported to have said—

"Ay, you, (addressing himself to the Attorney General) may grin, Sir; your malignity may go to a great extent, and I should not care for myself, but I have got a family, and you who ought to have been the first to stand up for me, you, and your brothers, have done all in your power to vilify me. I say that the Colonial Treasurer is well paid at £500 a year, and should be thankful to the colony for it. He never had as much before in his life. He had for £200 a year condescended to write for some low blackguard newspaper. The Colonial Treasurer talked of contumacious language and his (Mr. G.'s) conduct, in one of those eloquent speeches which, no doubt, he had plenty of time to write in his office and to send over to the journals of the neighbouring colonies. There they would appear in the shape of slander and calumny of himself. The Colonial Treasurer had stated that he (Mr. G.) went round with a hat as a political mendicant. At the time when he made that statement he knew that it was as false as hell. He (Mr. G.) had received, without solicitation of any kind, a large sum of money as a reward for services rendered to the colony, and also a piece of plate bearing the name of the best man in the colony. These tokens of appreciation of his services he should hand down with pride to his children. And was he to be taunted by a miserable penny-a-liner—by one who was a partner with another in business and robbed him of his books."

And then there were the words, "Hear, hear!" but no cries of "No, no!" and therefore, it must be supposed that the charge was true. The report went on:—

"Was such a man fit to talk of honesty? He was as well known as any other miserable adventurer. The Attorney General rose to order. Mr. G. contended that he had a right to reply to the contumacious language of the man who had tried to get into the Church. He would remind that man of what the decalogue said in reference to slander. He talked of contempt. Why, the Colonial Treasurer was too contemptible even for his contempt. The Chairman ruled Mr. G—— was out of order."

He had in his hand another account of a similar scene, which was not so racy, but in which the expressions were, if he might be allowed the expression, still more blackguard. However, he would not trouble the House with it. ["Read, read!"] The paragraph was headed "Scene in the Victorian Legislature," and went on to say,—

"In common with all well-wishers of the cause of liberty, now undergoing a trial in the Australian colonies, we deplore the necessity for calling attention to such scenes; but while they occur we deem publicity advisable."

Mr. F. being called to order by Mr. M., described this "causeless interruption" as an attempt to turn him out, but asserted that although the hon. Member had said he should see him dead in a week, he would hang on longer than the hon. Member himself would. Mr. M., having denied the use of such an expression, expressed a hope that Mr. F. would live to a much greater age: Mr. F. said, "Soft sawder." Mr. M. repeated the expression of this hope. Mr. F., "Soft sawder again." Afterwards Mr. M. complained of Mr. F's desultory mode of speaking, and said that "if he thought to bully the House by this mode of colonial bullying into compliance with his notions, he was——." Mr. F.—"I appeal to you, Mr. Chairman, for protection. If there is any bully in this House it is him (pointing to Mr. M.)." Mr. M. afterwards withdrew the words; and, upon Mr. F. saying "Colonial bully, indeed!" said that he thought the words he used were, "Colonial bounce." This was the sort of thing which occurred frequently in the Victorian Legislature, which had been elected by ballot. Before he sat down, he wished to say one word with regard to the general question of the ballot. He believed that bribery, intimidation, and exclusive dealing were decreasing, that public opinion was strongly opposed to them, and that the practice of them would tend rather to injure than to promote the interests of a candidate. Under these circumstances, he did not think it would be desirable to introduce the ballot into this country. If it could be shown that intimidation, bribery, and corruption were increasing, or were not diminishing, he pledged himself to support the ballot; and he believed that, if ever it was adopted by that House, it would be the fault of those who were now its most ardent and strongest opponents.

Mr. AYRTON said, he was placed in the somewhat difficult position that he and others who sat below the gangway on that side were advocating great principles which the leaders of the Liberal party did not yet think ripe for their adoption. He was advocating this question because at present neither the noble Viscount the Member for

Tiverton nor the noble Lord the Member for London stood up to support the introduction of this Bill. It, however, augured well for its progress that the right hon. Gentleman who had just addressed the House (Sir G. C. Lewis), and who occupied an exceedingly delicate, not to say interesting, position in relation to the Liberal party, having made some general comments upon the ballot, sat down without saying that he was for the rest of his life opposed to it. He intimated that he was waiting for some further arguments which should permit him to entertain the question; he therefore hoped that some day they might see the future leader of the Liberal party satisfied by those arguments, as they had seen other leaders satisfied in favour of other liberal measures. It was, however, too bad of their opponents to reproach them for not discussing the question on principle, and then to indulge in noises which rendered that discussion almost impossible. [The House had now become impatient for a division.] He supported the ballot on the principle of freedom of election, for which we had been contending for the last 150 years;—we had endeavoured to secure it by many penal and preventive laws passed during that period; penalty had been heaped upon penalty, but they had entirely failed to repress the evils of bribery and intimidation. The House had arrived at the very culminating point of absurdity during this very Session, in attempting to grapple with the case of Galway. Hon. Members should recollect that the ballot was not put forward as a great principle in itself, but as a means of giving effect to great and sound principles. He did not say that the ballot would be a complete remedy for bribery and intimidation, but it would do a great deal to diminish them. First, with regard to bribery. No measure that could be devised would prevent a man from promising to pay a sum of money, if he were elected; but the question was, whether the ballot would put an end to those flagitious transactions which took place at too many elections? When the poll had arrived at a certain state, and when men understood what was the value of individual votes, it was notorious that a certain class of electors were in the habit of going from committee to committee offering their votes for sale, and cases had been known of men staggering to the poll in a state of drunkenness, letting the sovereigns fall out of their hands as they proceeded to record their purchased votes. That would be entirely avoided by the system of secret voting, because no person would know what was the state of the poll during an election, while people would not be disposed to bargain for particular votes before an election took place if they had no security that such votes would be recorded in their favour. With respect to intimidation, which was the greater evil—["Oh, oh!"] He knew that was a still more tender point with hon. Members opposite, because it was the key of their whole position. Disguise it as they might, their belief was that the ballot would put an end to intimidation. Let them address themselves to that question. The man who was intimidated might be an honest man, but he denied that the man who intimidated was worthy of the same title. Let the House, therefore, adopt the ballot as a protection to the honest voter who was prevented from voting according to his convictions. It had been said that the landlord would demand from his tenant how he voted, and the tenant would be obliged to tell a lie. But he did not believe any such questions would be asked—they were not in other cases where the ballot was in use. As to secrecy, there was nothing un-English in it, as it was practised in many of our institutions—the grand jury for instance. Did they mean to object to the introduction of a measure because it did not meet every possible objection? [*Interruption.*] What were they to expect from men who did not know what a measure was, and who would not have it explained to them? Instances had been quoted of the working of the ballot in America; but the ballot they proposed was totally different. Secrecy was secured by the ballot in Australia, but still there were means, if a vote were impeached, to identify it with the person who had given it, without interfering with the other unimpeached votes. This secured ultimate accountability, which he held to be an indispensable condition of the franchise. He regretted the remark which had fallen from the right hon. Gentleman who was to take part in framing the Reform Bill of next Session. The right hon. Gentleman had told them that the franchise should depend on education, property, and independence. Education was not the test, because it assumed that the voter was to be the judge of all political questions, which was pure democracy and not representative government; nor was accumulated property the test. Did the right hon. Gentleman mean that the pos-

sessor of £50 in the savings bank was to have a higher claim to the franchise than the intelligent artisan who earned £50 a year by the capital he had invested in learning his trade and procuring the means with which he worked? But if the right hon. Gentleman had meant by independence the free exercise of the right of voting, he should have supported the ballot as the most effectual measure for securing it. He could assure hon. Gentlemen opposite that he came from a place where his election was not carried by any undue influence, but after a calm consideration of political questions by men quite as intelligent as themselves. The more the question was discussed the more it would progress; and as that day they had enjoyed one of the greatest political triumphs the liberal party had obtained for several years, so, being equally confident of the morality of the ballot, he looked forward to the time —not far distant—when as great a triumph would be achieved on that question.

VISCOUNT PALMERSTON: I will only detain the House a very few minutes, but I am anxious to state my reasons why I cannot concur in this Motion. Like the hon. Member for Norfolk, I heard the speech of the hon. Mover with pleasure, though with some disappointment, for although it contained a great deal of good humour and fun, I thought it more deficient in argument than almost any of his former speeches on the subject. The hon. Member did not explain whether his mode of taking votes by ballot should be compulsorily secret or permissively secret. If it were permissive, then it would be a trap for the timid; because, if a few persons, from fear of exposing themselves to a certain influence, gave their votes in secrecy, that influence would still equally act on them, because they would be suspected individuals. No person, whether landlord, employer, or customer, would be satisfied at the vote being given in secrecy; and the consequences, whatever they might be, would be the same whether the vote was given secretly or openly. If, on the other hand, the voter should be compelled by law to give a secret vote, that was imposing a restriction on free will and on the freedom of election totally incompatible with our national feelings and habits. But it would be in vain to attempt any such thing. You must go further, and if you compel a man to vote in secret, you must make it penal in him to tell how he has voted. You must prevent canvassing. Your object is to prevent any one knowing how a given individual has voted. Take the case of a tenant farmer or shopkeeper in a small town, or a workman employed by a great manufacturer. He will be canvassed, and he will be told by the person who exerts influence over him, that it is expected he will vote in a certain way, and a promise is asked. What is he to say? Is he to say, "I cannot tell you how I shall vote; I mean to avail myself of the permissive right the law gives me of voting secretly" —supposing the ballot is to be permissive; or, if it is to be imperative, he would say, "I mean to obey the law." Would any person who exerts influence be satisfied with such an answer? No! He would say, "It is all very well; you can if you choose let a person authorized by me know how you vote, or promise that you will give it in the manner I require." If then the person makes a promise and breaks it, you are inculcating on the electors a system of falsehood, and demoralizing the constituencies of the country, instead of attaining those beneficial objects which we are told are to be promoted. But you will not succeed in your purpose of protecting the voter. I defy you to invent any mode of voting, whether by putting a person in a secret chamber or by any other human contrivance, which will prevent a man, if he has sufficient motive to know how his dependent voted, from visiting upon the voter who breaks his promise that breach of promise. Well, I say that publicity in the exercise of all great functions is an essential principle of the British constitution; and that the electors exercise a trust. It has been said in reply, that they do not exercise a trust, but a right. I contend that the exercise of the franchise, even if you had universal suffrage, would be a trust; for an individual is invested with the power of voting, not for his own personal advantage and interest, but for the interest and advantage of the nation. If the voter had the power of voting merely for his own advantage, on what principle could you punish him for disposing of his vote? We have all heard that a man has a right to do what he likes with his own; and if the vote is given to him for his own advantage, he would have a right to sell it. The only principle on which the bribery laws are founded is that the vote is a trust for the public advantage, and no man has a right to barter it for his own private profit. I say that this, like all other important political functions, is to be exercised in per-

fect day, and be open to the criticism of our friends and neighbours, and the public at large; and, without entering into the question of original sin, I am prepared to contend that there is no security for the proper exercise of political functions unless it be that security which public opinion affords. Those who contend for secrecy in the exercise of one political function ought, by equal analogy, and by process of the same reasoning, to extend that secrecy to the exercise of every other political function; and to that extent I am sure they are not disposed to go. Again, I say that if you could by any human arrangement insure that secrecy which is desired by some, but which I contend you could not accomplish, you would alter the honest, frank, and manly character of the British nation, and convert the electors into hypocrites. You would put an end to party spirit, and that is an essential element in the working of the British constitution; and you would also put an end to those public meetings where men make a frank and full declaration of their sentiments upon which a great deal of the public feeling and proper spirit of the country depends. Then we have heard of the example of the United States as an example for imitation, and my hon. Friend who made the Motion seemed to rest greatly on that example; and referring to the invention and use of revolvers, he seemed to go the length of attributing all the inventive faculties and enterprise of the Americans to the ballot. Unless he meant that, he meant nothing. Those who followed him threw aside the United States, and now forsooth take refuge in the distant colony of Australia. But never let it be forgotten that in the United States it is not a system of secret voting, but of ticket voting. The electors have to elect a number of officers at the same time, and they find it more convenient to write down at once the names of all they intend to vote for, instead of writing them separately; but it is not pretended to be a secret system; and if you were to make a law in this country that no man should tell how he is going to vote, the feeling of the country would rise against it: you would see the electors going to the poll, openly declaring how they intended to vote, and they would have papers indicating their intentions stuck in their hats. Would the "blues" and the "yellows" go mute and colourless to the poll? It is not in the nature of Englishmen to do so, and if you could accomplish such a result you would strike a fatal blow on the public spirit and national feeling of the country. Now, we are told that these Australian colonies have effected the object desired by the friends of the ballot; but take the example of our North American colonies, neighbours of the United States, and observers of the practical working of this sytem of what is called secret voting. Have they adopted it? No. They have not seen the advantage of it, and they have persevered in establishing open voting. I say that your law would not accomplish what you pretend it would accomplish; that it would open the door to serious frauds—we know that in the United States there have been serious frauds in connection with the ballot box—there would be frauds here and I defy you to prevent them. It would not accomplish the secrecy you ask for, and if it did so it would do great injury to the public spirit and feeling of the country. Considering then that it would not afford the protection you pretend it would afford, and that it would most injuriously affect the political spirit and institutions of the country, I for one cannot change the vote which I have always given on this question, and shall therefore go into the lobby in opposition to the Motion.

Mr. BRIGHT said, he would endeavour to take up the time of the House but for a very few minutes; but he had not heard this question discussed in the House for above three years, and during his absence he had formed rather an unfavourable opinion of the discussions that had taken place, from what he had seen of them in the newspapers. He thought hon. Members opposite had behaved ungraciously to the hon. Member for Bristol, that they seemed to treat him hardly, and to treat the question which he brought forward as if it were one not large enough for the consideration of the House of Commons; and he had observed something of the same kind that night, especially during the able speech of the hon. Member for the Tower Hamlets. Now, he wished to say that this was not a small question; it was not one that they could hustle out at the door as if nobody cared about it, and they never had made a more fatal mistake if they came to such a conclusion regarding it. He admitted that this was rather an unpleasant question; but they had had many unpleasant questions before them in the same way, and they had lived to see them welcomed by large majorities, and the House ready to admit that its previous conduct regarding

them had been entirely wrong. If they wanted to know what sort of a question this was, let them ask any portion of the population which professed to be in favour of Parliamentary reform what they thought of the ballot. Gentlemen opposite did not see in their election canvasses so many reformers among the constituency as those on the Opposition side of the House did; but no one who had an opportunity of seeing could doubt that it was regarded as an important question with the constituencies, whether in counties or boroughs; and if they wanted to know by any sign in that House whether the question was important or not, let them ask how many Members of the House had recorded their votes in its favour? If they inquired they would find that 230 Members of that very House of Commons—elected twelve months ago to make the noble Lord the Member for Tiverton dictator—230 men who came to that House to support him, were willing to support the proposition which he had that night and on former occasions treated as if it were one only fit to be taken up by idiots and fools. He would not go to the United States or Australia for arguments on this question. He was not willing to introduce anything into this country, because he found it on the other side of the Atlantic or in the Southern Pacific Ocean — he would rather have measures considered in reference to our own condition and our own state of society. He would ask, whether there was any country in the world where there was so much colossal wealth alongside of so much deep and struggling poverty? Was it not a fact known to all of them, that the great majority of the electors in counties and boroughs, but more especially in boroughs, were persons struggling in business under the pressure of a fierce competition; and was it not clear from this that this was precisely the country of all others in which unfair influences were likely to be exercised at elections, and in which, if there were any remedy in the ballot, they were bound to consider it anxiously, and if they found it good to adopt it? The noble Lord the Member for Tiverton had spoken of the necessity of party feeling to carry on the Government of this country, and of the manly feeling evoked in carrying on the party struggles which took place here. But if there were those party feelings and those great struggles, were not the passions of men roused in a corresponding degree? Let them go back for twelve years, when the subject of the corn laws was before the country. They were all excited on that great question. There was an intense feeling with regard to it when they came to the elections. Gentlemen on the opposite side thought they were going to be ruined, and those who opposed them believed they were going to save their country from a most iniquitous law. Men's feelings were roused and exasperated, and accordingly, where there was so much power in the possession of great estates and general wealth on the one hand, and so constant a struggle and competition in trade on the other, power was brought to bear on the weak and the defenceless, and in tens of thousands of cases—he might almost say—to his certain knowledge, men went up to the poll to vote against their consciences, and in the face of Heaven committed themselves to a lie as gross as ever was perpetrated. Look at the great crisis about which they were all excited the other day, when they looked forward to an election in the present week, in consequence of a vote that did not come off. If there had been a general election, Gentlemen on both sides of the House would have made wonderful efforts in the country to bring themselves back and to bring others with them; they would have had all the manly spirit evoked of which the noble Lord spoke;—and what would have been the result? He did not say that hon. Gentlemen opposite would have failed; but they would have fought the battle hard. But the harder the battle and the greater the prize, the greater the incentive to the exertion of influences, and who could doubt that bribery, corruption, and undue influence would have prevailed, and that thousands of electors who now implored the House to shelter them from the power they could not resist, would be compelled to succumb to the influences brought to bear upon them? It was not the noble Lord the Member for Tiverton who wanted the ballot. He (Mr. Bright) never advocated the ballot for the sake of noble Lords. The ballot was for the poor and defenceless. It was the shelter provided by common sense and common morality in every other constitutional country but this for those to whom the constitution had given the elective franchise. If they had never seen anything of elections in this country, any one who had honestly studied the question in his closet must have come to the conclusion to which he now endeavoured to lead them. It was indeed almost a farce to try to bring evidence before the

House with regard to the facts of the case, for every man on the other side of the question was as well convinced of the facts as those on his own side. Allusion had been made to a gentleman who, while living, took great interest in elections—he meant the late Mr. Coppock, and he would say of Mr. Coppock that, though he was for years connected with elections in a way that he should be sorry to defend, and which he regretted should ever be necessary in the country of which he was a citizen, yet he had always promoted any change of the law that could possibly relieve elections from impurity and corruption; and he had heard him state that the ballot was the great weapon by which alone undue influence and corruption could be struck down in this country. He remembered that some years ago Mr. Coppock gave him a note, dated Portobello Barracks, Dublin, addressed to a Mr. Walder, a voter, by his landlord, which was in these words:—

"Mr. Walder, I understand you are doubtful which way to vote, and I desire you to vote for Mr. FitzGerald; if you do not you leave my farm."

Now, that was to the point. No unfortunate elector could for a moment misunderstand it. Mr. Coppock also gave him one or two extracts from letters he had received from solicitors engaged in elections throughout the country. One ran in these words:—

"I wish to know whether I am to be retained again for Mr.——. I am offered a retainer on the other side of twenty-five guineas, which I shall accept if I do not hear from you by two o'clock."

Another said,—

"As every vote will be of importance, I do not wish to have, or accept any retainer. In case of scrutiny it would not be desirable, and I rely upon you for payment on the usual scale as last time."

"You ought to send a retainer to Mr. A., his father-in-law has considerable interest, and several of his men have votes, they will go with the party for whom Mr. A. is retained. Mr. B.'s son is just admitted an attorney, you would secure his vote and his father's by a retainer. These should be done at once. I am sorry to complain to you, particularly, as it may appear that I am actuated by personal motives, which I assure you is not the case. I am only anxious for the success of our cause. Your agent Mr. C., being a stranger to this place, seems to suppose he can conduct the election without the usual professional aid. He is mistaken—there are seven solicitors here, whose services are invaluable, but they cannot be expected to act gratuitously. Your election will be lost without them, as they will all be retained against you. They will take my word, and not expect payment till after the election, so that no danger can arise, and for the required sum—400 guineas—it is not worth losing the election. I cannot act without them, although no sum would put me against you. I as a professional man cannot vote or act without a retainer. I write to you direct, and hope you will pardon the intrusion."

He had read that document with the view to ask the House just to ask themselves the reason why a solicitor's vote was worth twenty-five guineas? When his vote was down on the poll-book it amounted to no more than the vote of any other man. The truth was, that the solicitor was the man who turned the screw. He knew, as he went over the list, that A, B, C, and D, had small or large mortgages on their property; he knew that several of them were in struggling circumstances; he knew, in fact, the private affairs of a larger number of the electors than any other man in the borough, and therefore it was that his influence was so essential to the candidate. When they gave a solicitor twenty-five guineas for his vote, they did so because he knew more and could get more at the very marrow of the subject than another man; and all the machinery which lawyers set in motion, and for which they were retained, was just so much evidence of the working of that screw to which allusion had been made by his hon. Friend the Member for Bristol. Now, he said the noble Lord, the Member for Tiverton did not want the ballot. Laws were not half so necessary in this country for the rich as they were for the poor. It was for those who were defenceless that he asked for this protection. What was the state of opinion in reference to this question out of doors? The hon. Member for Norfolk (Mr. Bentinck) had a strong opinion on this question, and had said some very strong things which he would hardly be able to prove; and he did not believe that he or any other man would say that he (Mr. Bright), and those who acted with him, did not represent the enormous amount of opinion of the constituencies of the United Kingdom with reference to it. Did the House think the constituencies did not know where the shoe pinched better than the noble Lord the Member for Tiverton? Of course they did; and he undertook to say there was no question that could be proposed which if it were set up as a banner would attract so many suffrages to it throughout the country as the question of the ballot. They could not pass any Reform Bill without it. The

right hon. Gentleman at the head of the Poor Law Board (Mr. Sotheron-Estcourt) had spoken that night more freely than any of his colleagues had ever done on the question of reform, and he gave them to understand that something in the way of reform was in contemplation by the Government next Session. He (Mr. Bright) did not put much faith in promises of that kind which had reference to the next Session. Sometimes Governments did not live to see another Session. But he begged to tell the right hon. Gentleman and his Colleagues that if they brought in a Bill which was only a pretence they would not find the Reformers throughout the country in its favour; and if they brought one in that contained some good points and promised improvement on our present condition, but did not add a clause conferring the vote by ballot, they would find that the existing constituencies would show no enthusiasm for the measure, and the great body of the people on whom they proposed to confer the franchise would repudiate the Bill as a mode of subjecting them to another species of degradation. The House would recollect that some years ago the noble Lord the Member for London brought in a Reform Bill, but it did not confer the ballot; and he (Mr. Bright) remembered, at a great meeting at Stockport, a resolution was passed by several thousands of persons, not electors, but many of whom expected to become electors by the noble Lord's Bill, declaring that the franchise would be of no use to them if the ballot were not given with it. And why? Hundreds of those men worked for one particular employer or one firm, and, although the manufacturers of Stockport and Lancashire were not a bit more disposed to use power of this kind than the landed proprietors, yet, when they came to a period of fierce excitement at an election contest, he (Mr. Bright) would not trust any honest hard-working man, if he could help it, in the hands of either landlord or manufacturer. From whom did they expect to get a measure of Parliamentary Reform? The noble Lord the Member for London, who was notoriously in favour of Reform, and was probably more sincere in his convictions on the question than any other person who had held high office, proposed to meddle with this question. He thought the noble Lord was afraid of disturbing some other things, but still he was in favour of an improvement in our representative system. When the noble Lord the Member for Tiverton got into office, he was paraded through the country as a great Reformer; he was to have carried everything before him, both abroad and at home; but the result had been that everything abroad was in confusion and at home nothing was done. The hon. Member for Finsbury (Mr. T. S. Duncombe) on one occasion asked the noble Lord what sort of Bill it was he proposed to bring in—whether it was in his pocket, or at his office in Downing-street, or in Piccadilly, and whether he would lay it on the table of the House? The noble Lord, with a frankness which he (Mr. Bright) admired very much, got up and replied that he had not got any such Bill; he did not even say that the subject had been discussed at a Cabinet meeting—but he said that if he remained in office he would bring in a Bill. Well, circumstances had prevented that, and he (Mr. Bright) was not going to charge the noble Lord with having broken his promise. Now, the right hon. Gentleman opposite (the Chancellor of the Exchequer) was in favour of a Reform Bill, and there were persons sanguine enough to believe that when it came it would be a very good Reform Bill. The House knew they were getting rid of the property qualification, and that was a great point, and there was a much more enlightened feeling on that (the Ministerial) side of the House than there used to be; they were not half so much frightened by this sort of thing as they used to be when he first knew them. The House, then, had three gentlemen who had given a promise of that kind—the noble Lord the Member for London, the noble Lord the Member for Aberdeen, and the right hon. Gentleman the Chancellor of the Exchequer: moreover, the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) was a Member of Lord Aberdeen's Government, which promised a Reform Bill. Now, he asked all those Gentlemen for whom were they going to bring in a Reform Bill? Was it to please people who did not want any reform, or was it to please the people who returned right hon. Gentlemen opposite to that House? No, it was to please that great body whose appeals to that House ever since 1832 had not only been incessant, but continually increasing in loudness and unanimity, that they proposed to bring in a Reform Bill. It was not Members of that House who wanted a Reform Bill, but the people out of doors. Was it not a fact that every petition which came to that House in favour of Parliamentary

Reform asked to have the ballot along with it? Was it not the fact that at every public meeting held in this country, or nearly so, for many years past, and crowded by hundreds of people—men who understood this question as well as they did, and thought of it ten times more than the noble Lord the Member for Tiverton had ever done—was it not a fact that, with scarcely an exception, the establishment of secret voting had been the cardinal point which had been debated? Was he to be told that all that was to be disregarded? Was the noble Lord the Member for Tiverton to get up and say, as he had heard him say before, that he had already heard all the arguments bearing on this question *ad nauseam?* The people had not heard them *ad nauseam*, and were so determined to have the measure that, although their arguments had not prevailed in that House, they knew that if they rapped longer and louder the House would listen, just as they had listened to other demands. And why should there be any alarm? Some hon. Gentleman had said to-night he did not believe this was a democratic measure. He (Mr. Bright) inclined verymuch to that opinion himself and he had never advocated it anywhere as a democratic measure. The ballot was democratic as respected particular individuals. A trembled at the nod of B, but if the ballot were adopted A would be free. It was therefore, so far as it went, a measure of reedom. But if they were to proceed to a general election under the most approved system of secret voting he was not at all of opinion that the relative proportion of Members on each side of the House would be affected thereby. He was not one of those who advocated measures in that House or in the country solely because they were democratic; he advocated them because he believed them moral and just; and all the consideration he had been able to give, led him to the conclusion that if Parliament passed one hundred statutes to put down electoral corruption they would not lead to tranquillity at those periodical contests as much as the single Bill of two or three clauses which was now proposed. They on that (the Opposition) side of the House were in a difficulty which he would explain. The noble Lord the Member for Tiverton had been in the position of Prime Minister for three years, he had occupied a high position in Her Majesty's Councils for many more, and that noble Lord could not avoid showing his contempt for the opinion of the great body of those who had kept him in office during those years, especially upon this question. The noble Lord the Member for London, too, had been Prime Minister and the leader of the great Whig party, with which, somehow or other, those who were called Radicals had dovetailed; but the spoils of the warfare—if such an irreverent word could be permitted—had always fallen to the noble Lord and his immediate friends. He (Mr. Bright) did not complain of that, because they all knew that nineteen out of every twenty in that House never had the slightest prospect of holding office, and would be unworthy of their seats if they entered Parliament only with that object in view. But if they were to act together as a party—and the noble Lord the Member for Tiverton insisted upon working out the constitution by means of great parties—there must be some kind of accord between them. It was preposterous to expect that men would be bound to follow noble Lords, and Right hon. Gentlemen who did not even condescend to show tolerable respect for the opinions of their followers. He had sometimes a suspicion that the noble Lord the Member for London was anxious to be consistent upon this question. Consistency was admirable, but there had been instances of inconsistency in that House which had proved of great advantage to the country. The noble Lord seemed to treat the question as one of a great and sacred principle; but was not the property qualification a still more sacred principle? He (Mr. Bright) looked upon the ballot as a matter of machinery—as a mode of taking votes—which differed in the United States, in Belgium, and in Victoria. The people of this country thought the mode adopted in the latter country a better plan than our own, and they asked that it should be adopted here. They were at liberty to ask for the change, and the noble Lord had voted for many changes. Elections used to last for eight or ten days. They then dropped to two, and now they only lasted for one day; and the change introduced by the noble Lord in his own Reform Bill was ten times more important than the ballot; and therefore no one could be charged with inconsistency if, seeing the wonderful unanimity that prevailed among the electors of the country in favour of this great experiment, he should withdraw his former opinion of the dangerous results likely to flow from this measure, and should agree to essay it. The noble Lord, of

course, was at liberty to take any course he pleased ; all he (Mr. Bright) could say was, that the action of the Members on his side of the House, under their ancient leaders, was impossible in the present state of things. He would ask the noble Lords the Members for Tiverton and London—for he assumed they were to be jointly or separately leaders of the party—whether it was more fitting they should try to convince themselves of what he conceived to be a reasonable proposition, or that they should ask 230 or 240 Gentlemen who, year after year, had pledged themselves to their constituents and to their own convictions upon this subject at least as firmly as the noble Lords had adhered to theirs, to forego their opinions upon this matter ? He did not speak with any feeling of anger towards either of those noble Lords. His object had always been to advance by fair arguments the opinions he held, and which he desired to press upon the notice of those who did him the honour to listen to him. He next wished to say a word to hon. Gentlemen opposite. Why were they afraid of this measure ? Did they not know, looking back for the last fifteen years, that they had been frightened, often without the least occasion ? He had heard most fearful predictions on various subjects delivered with an earnestness which almost inspired him with awe. The hon. Member for Somersetshire (Mr. Miles) had delivered predictions of what would happen if the corn laws were repealed, of which if one-tenth part had been verified the country would long ere this have gone to perdition ; yet now the hon. Member would not hesitate to admit that what had been done for the benefit of the industry of the country by the abolition of the corn laws had been of the greatest benefit to the agricultural interests, and especially of Somersetshire. Then, again, there was the question of the shipping interest, when most fearful prophecies were uttered as to what would be the result of the repeal of the navigation laws—prophecies which, as they all knew, had never been verified, for the shipping interest had been more prosperous ever since, than it had ever been before. Even that very day they had passed the third reading of a Bill which he remembered, when first introduced, or a meaure similiar in its objects, excited violent fears in the minds of hon. Gentlemen opposite ; but now no fear was expressed, and the right hon. Member for the University of Oxford (Mr. Gladstone) had the greatest difficulty in getting up a case against the Bill. The House was greatly relieved by having passed the measure. If the feelings of the House could be distinctly ascertained he believed it would be found that there was a unanimous desire, an almost unanimous hope, that the Bill might be dealt with in the place to which it was gone in such a manner as would prevent them from ever hearing of it again. He adopted an expression of the hon. Member for Bath—he had faith in the people of England. He did not believe in the miserable, destructive, uprooting propensities which some persons attributed to them. They were not fairly liable to such imputations. The great body of the people had behaved, under circumstances of prosperity or adversity, in a manner which entitled them to the consideration of Parliament. The people, too, looked upon that House with more confidence than formerly. They found that for many years Parliament had been gradually repealing old laws which pressed unjustly upon them, — that they had in some degree been relieved of taxation that pressed unfairly upon them,—that education had been encouraged and extended. The people of this country were as well acquainted with those facts as any Member present, and were as sensible as himself of the improved temper of the House, the improved administration of the country, and the improved conduct of Parliament towards the people. He asked the House to try the proposition now made by the hon. Member for Bristol. He and those with whom he acted were in earnest. Those whom they represented were in earnest upon it. The House must pass a Reform Bill, and they must know that no Reform Bill would be acceptable that did not involve the great principle of the ballot. He entreated them not to be misled by the right hon. Gentleman's arguments or by the fallacies of the noble Lord the Member for Tiverton. The noble Lord could not be expected at his time of life to change his views. If he (Mr. Bright) had gone on for thirty or forty years declaring in that House that the ballot was an absurdity he would doubtless find it very difficult now to turn round and say it was a great measure of public policy to adopt it. Let the House adopt the opinion of the vast majority of those who now possessed the franchise—the almost universal opinion of the multitude to whom the next Reform Bill must give the franchise, and, for the sake of morality and tranquillity at those great

Mr. Bright

contests by means of which the Government of this country was carried on, he asked the House to give an honest, fair, candid consideration, and he hoped he might add, a favourable decision upon the proposition of his hon. Friend.

MR. WALPOLE said, the hon. Gentleman who had just sat down had commenced his observations by stating that in the course of his absence from the House during the last three years—an absence which everybody who set a value upon ability, honesty, and independence must regret—there had been some unwillingness exhibited to discuss the question under consideration. Now, if the hon. Member had during the period to which he had referred been present at their deliberations, he would have been aware that the reasons why the discussion upon the subject of the ballot had not been so long as upon previous occasions, were to be found in the circumstance that those who supported the views of the hon. Gentleman were indisposed to prolong the debate, in order that a division might take place; and, in the fact that the arguments upon the question had been so completely exhausted, that the House was more or less disinclined to listen to their repetition. The hon. Gentleman had, however, favoured them that evening with a speech of great power and ability; and in answer to that speech he (Mr. Walpole) desired, with the permission of the House, to make a few remarks. The hon. Gentleman, departing to some extent from the view which appeared to be adopted by the hon. Member for Bristol—who had assured them that the word "ballot" was to be shibboleth of the party which was opposed to that to which he (Mr. Walpole) had the honour to belong at the next general election—had stated that the question under discussion was one rather of machinery than of principle. Now, in that opinion he concurred with the hon. Member for Birmingham, and he thought the point at issue was more intimately connected with the mode in which votes ought to be taken than with the principles upon which the Government of the country ought to be administered. He was happy to find that in dealing with the question certain considerations presented themselves with respect to which no difference of opinion could prevail. They were all, for instance, unanimous in arriving at the conclusion that it was extremely desirable our elections should be free from intimidating and corrupting influences, and that the electors should be in a position to exercise an independent choice. It was as to the mode in which that independence was to be rendered most complete that he differed so widely from the sentiments which the hon. Gentleman entertained. It was, he should contend, extremely expedient, in order to secure that object, that we should be enabled, whenever those contaminating and corrupting influences of which the hon. Member complained were at work, to detect their existence in order that the offenders might be punished, and to expose them, that they might the more effectually be controlled. To adopt any other course in dealing with these offences than that would, he felt assured, be to fail in throwing that protection around the weak as against the strong which the hon. Member desired to afford. He would, under these circumstances, appeal to the hon. Gentleman to say whether we were not by means of the laws which had been passed, as well as by the operation of those which might in future be enacted, likely to be in a better position to prevent those undue influences which all parties were so anxious to put down than we could possibly be, if we were to have recourse to that system of secret voting which it was sought to establish. That was the fair way of testing the question. He had heard hon. Gentlemen state in the course of that discussion that the influences to which he referred were greatly upon the increase; but he should wish those hon. Members to bear in mind that almost every page of our history tended to prove that, owing to the action of our laws, backed by public opinion, and the greater responsibility under which votes were recorded, both corruption and intimidation at elections had greatly diminished, and diminished because of the detection, exposure, and punishment to which, under a system of open voting, they would always be subjected, because it could be brought home to the parties so corrupting and intimidating. There was a period in our history when the House of Commons itself was exposed to the corrupting influence of foreign potentates. That state of things had happily ceased to exist. To what, he would ask, was its cessation to be ascribed? To the circumstance that the House had interfered and passed laws providing for the punishment of those Members who might be found to be implicated in those disgraceful transactions, and because public opinion had set its face steadily against

them. It was also recorded in our history that subsequent to the Revolution of 1688 the corruption of electors had proceeded to such an extent that a society had been formed to induce voters to come to the poll, they having signed blank papers pledging them to vote for any candidate whom they might be required to support. Could it be justly said that since that time bribery and intimidation had undergone no diminution? Why, law after law had been enacted for the attainment of that end, the last of those measures being that of the noble Lord the Member for London, by which we were enabled to bring home the offences in question to the guilty parties by a simple alteration in our statutes. Now, from these facts he could draw but one conclusion, and that was, that in order to prevent, as far as possible, the recurrence of corrupting influences at elections, we must have open to us the means of detection and of punishment, as well as the countenance of public opinion. If he were right in laying down that principle, then what, he would, ask, became of the argument of the hon. Member for Birmingham to the effect that the weak could not be protected unless the votes at elections were taken in secret? He could not help thinking that the hon. Member, in advocating that course, was too keenly alive to the evils which he saw around him, while he left completely out of sight those which would be likely to flow from the adoption of the system which he sought to introduce. One result of the adoption of that system would be that, instead of having the vote of an elector freely canvassed by his neighbours, and the offence of intimidation clearly known if it should have taken place, we should have intimidation created by suspicion, which would be attended with still worse consequences than that which was now and then openly practised in defiance of public opinion. There would, in addition, be the difficulty, if the views of the hon. Gentleman were carried into effect, of detecting, exposing, and punishing those offences of which he complained. The hon. Gentleman himself must, for instance, recollect, almost better than any one else, that when he had felt it to be his duty to bring a charge against a Peer (Earl Fitzwilliam) for the offence of interfering at the election for Peterborough, he had moved in that House that a Committee be appointed to inquire into the whole of the circumstances connected with the election for Peterborough; and he would ask the hon. Gentleman whether any good result could be expected to flow from that Motion if there were no means of discovering whether the alleged offence had been committed? It was by means of the knowledge which the neighbourhood possessed of how votes were given that intimidation could be traced and corruption followed up to its source and punished, and not by any secret contrivance like the ballot. These were the main arguments which had always convinced him that this question of the ballot, which was made the shuttlecock of the party calling themselves Liberal, was, in point of fact, not a question which the Government side of the House had any reason to fear, but that it was a question of machinery by means of which the vote was to be taken, as he believed, in a more disadvantageous way than at present. Great as would be the evil of having this secret system of voting and acting upon suspicion instead of knowledge—great as would be the evil of not being able, as they now were by law, to detect, expose, and bring to punishment acts of intimidation when committed, those evils were but as dust in the balance compared with the sacrifice of that greatest of all principles, by which representative government must be carried on—namely, the principle of public responsibility with reference to all matters of public concern, bringing to bear upon that responsibility so exercised the control of public opinion. Whatever they did—disguise the question as they might—unless they took care that a man was responsible, whatever his situation, for the conduct he followed in respect of public affairs, they would only establish an arbitrary and irresponsible power, which could not end in good to the country. They must be freed, by means of public opinion, from all power of doing wrong in secret and in the dark; their conduct must be brought to the broad face of open day; and morality, independence, and virtue would be better encouraged in that way than in any other. If they once established this secret system of voting, he dreaded, still more than losing that control of public opinion which it was so desirable to keep up, the great danger of all those mean and base passions—deceit, treachery, and distrust—being set to work, which would be tenfold more injurious when directed to securing representation by the choice of the people. These were the grounds—not on which he feared that their power would be diminished by the ballot—but on which he

believed that it would introduce a system which, in point of morality, would be disadvantageous to the country, which would not subject men to that responsibility which everybody in this country ought to be subjected to, and which would only end, as every thing must end where the control of public opinion was not thoroughly operative, in bringing men to do acts which they must condemn without being able to punish. Such a system would discourage morality instead of encouraging it, and would be detrimental to the free exercise of the franchise throughout the country, controlled as it ought to be by public opinion bringing approval when they acted right, and censure and punishment when they acted wrong. For these reasons he could not consent to the introduction of this Bill. He saw no good to arise from the discussion of the question. If they could not agree on the principle, the mere machinery by which it was to be carried out was of small consequence. Whatever alterations they might introduce into the representation they ought to keep in their minds, above all things, that the franchise, trust, or right, whichever they might call it, should always be exercised in open day, and subject to the control of that public opinion, which, perhaps, after all, was the best and only security for the good conduct of the elector.

Lord JOHN RUSSELL: Sir, it is with great reluctance that I ask the attention of the House even for a few minutes. But the hon. Member for Birmingham (Mr. Bright) has alluded so much to me in connection with this question that I venture to ask the House to attend to the very few observations which I have to make. I have addressed the House very frequently upon this subject. I have stated my reasons respecting it, and with regard to the question of principle, which I have often argued, I have nothing more to say; I may therefore pass by that part of the question, though I consider it a most important one. I would say this, however, in regard to the practical alteration which is proposed: I agree with the hon. Member for Birmingham that this would be a change in the machinery of our representation. But I consider it would be a change for the worse. The hon. Gentleman in his very able speech did that which I have often heard done before—he dwelt very strongly upon the evils of the present system, he recounted the intimidation practised, he called upon you to have compassion upon the poor voters; but when he came to the remedy he almost took it for granted. That seemed to him to require no proof—there was no necessity for detail—it was at once assumed that the ballot would cure all the moral and political evils which had been pictured as of such gigantic magnitude. Now, I doubt that statement altogether. I cannot but think that the evils of party, of political passion, and of animosities upon particular questions which interest the public, would exist as much as ever under the ballot. I cannot believe that by saying a man should have the power of giving, or should be compelled to give, his vote in secret all these political and moral evils should at once cease, and

"Pulveris exigui jactu compressa quiescunt."

I cannot believe that this small means would produce so wonderful a result. Suppose you allowed secrecy to be permissive. In that case, the men who were on the look out to coerce electors would hunt them down without end, in order to find out, if possible, which way they voted; and if the landlord was oppressive, he would turn out his tenant, or if the customer were overbearing, he would withdraw his custom from the tradesman, just as before. Then, again, I believe the compulsory method would fail, because it is contrary to the habits and general feelings—I may say, to the natural candour and truth—of the people of England. Your method therefore would fail, and that is my objection to it. It may be said, and often has been said, "Well, you may suppose it would fail, but why don't you try it?" Now, I object to try a thing which I believe would be rather mischievous in its effects than otherwise. I know that when one method had failed men would say, "You have tried the permissive—now try the compulsory system;" and if that failed too they would cry, "Let us punish people for making known their votes; let us endeavour to get rid of that inconvenient publicity, which attends English elections." I believe, likewise, that the prediction of the hon. Member for Norfolk (Mr. Bentinck)—namely, that with regard to small boroughs men would offer £1,000 or £2,000 if they were elected — without asking which way it was distributed—would be verified; and that much more corruption would exist in such places than at present. But I cannot help thinking there is something very strange in the fact that those who are such strong advocates of the ballot have not been able to show us

some completely satisfactory example of a country in which it is established, the inhabitants of which are more free, have more liberty of discussion and more liberty of choice than the people of England, and in which the corruption and intimidation complained of here do not exist. No such instance has ever been pointed out; but after the ballot has been established in many countries of Europe, and nominally in the United States, we find hon. Gentlemen exhibiting excessive delight and rapture because in the colony of Victoria it is supposed to have succeeded. [Mr. H. BERKELEY: And in Tasmania as well."] I cannot help thinking that if this contrivance, which has been adopted in other countries, had really been successful there, and had produced freedom without the intimidation and corruption which, I believe, are almost inseparable from a free Government—if that had happened either in Europe or America, we should not have had Victoria and Tasmania held up as such splendid examples for our imitation. Let us wait a little and hear what are the fruits of the system before we think of adopting it. We have examples before our eyes. In France there exists an assembly, elected by universal suffrage and by ballot. We have a Congress and different State Legislatures elected by universal suffrage and by ballot in America; and, without entering into a discussion of events, which have take place among our neighbours across the Channel, or among our near relations and cousins on the other side of the Atlantic, I only say that I am not willing to change our imperfect liberties in England for anything which can be introduced to my notice as existing elsewhere. It seems to me that with all our imperfections we are better off than they are. Like some great river which we see running through the land, it may be called by many an impure stream, it may be contaminated by many a foul junction, yet it pours onward a vast stream, carrying with it fertility, admired for its beauty, and giving happiness and prosperity to the country through which it passes; and that seems to me to be the nature of our free government. You cannot discuss its details, without being shocked almost every day by some instance of undue interference with freedom of election, or with some other blot upon our institutions; but yet, upon the whole, I do not know anything which has lasted so well and so long, and which really has within it so much of the spirit of freedom. The hon. Baronet talked of the examples of Hampden and Sydney as something that we might forget. But I cannot forget that those who established our liberties did not require secrecy, and did not refuse ship-money by any secret action. Those men came forward in the face of day, and said, "We wish to resist tyranny, and we will resist it openly, and they upheld their principles at whatever peril." If the hon. Member for Birmingham will listen to me for a few minutes, I will answer the appeal which he has made to me. When I introduced a Reform Bill a few years ago I said there were certain points, especially this of the ballot, on which I did not intend to touch, and that, though many arguments had been brought forward in its favour, the House ought to remember that while secret voting might prevent bad influence over the good, it would also have the effect of preventing good influence over the bad. Since that time I have had many opportunities of meditation and discussion upon the question; and last year, at the request of some of my constituents, I reconsidered the question and looked at it in every light, but I came to a conclusion in respect to it as unfavourable as ever. The hon. Member says, the great majority of those who belong to the Liberal party are in favour of the ballot. I have never shown any intolerance on this point. It is well known that I was earnest, in conjunction with Lord Aberdeen, in recommending Sir William Molesworth, who was an eager friend of the ballot, for a seat in the Cabinet. Ever since the Reform Bill it had been difficult for a party to form an Administration or to act together as a party without having what are styled "open questions;" the Catholic question was made an open question, and on that question the safety of the nation may be said to have depended. This very day we have seen a distinguished member of an administration which, speaking generally, looks upon the abolition of the church rates as injurious to the Established Church, voting in favour of a measure for that purpose. The noble Earl at the head of the Government is quite right to permit that diversity of opinion. You can neither act together as a party nor form an Administration, if upon some of these questions you have not tolerance with one another's opinions. I certainly have seen a Ministry continue far too long to make an open question of a subject of vital importance to the

Lord John Russell

safety of the country; but this is not a question of that sort. It merely relates to the machinery of voting, and if men cannot act together because they do not think alike on such a question, there must be more intolerance among public men than I had an idea of. For my own part, I am persuaded that changes of opinion among men who have been for a long time Members of Parliament and who have had every opportunity for consideration, when there is no change of circumstances, ought to be as rare as possible. Sir Robert Peel changed his opinion on two great questions—on one of which the safety of the country at one time, and on the other the prosperity of the country very much depended—and though his justification was complete, yet I cannot but think that some public mischief was done by his example. If any of the members of an administration see fit to change their opinions as to any of the great questions on which they ought all to act together, by all means let them resign, for it would not be for the public advantage that they should remain and vote in opposition to their conscientious convictions. This, however, is not one of the great questions of principle on which you can say that the working of the constitution depends. I do not think that any one is justified in saying that there is anything like unanimity of opinion in the country on this matter. I have had occasion to argue against the ballot before great public meetings, and I have always found that though there were many in favour of it, there were also a great number disposed to agree with me. It is the opinion of a great number of people, that unless the franchise were made almost universal, it would be wrong to relieve those who have votes from the influence of that general public opinion under which they now discharge their functions. For these reasons, Sir, I shall give my vote, as I have given it on previous occasions, in opposition to the Motion of the hon. Member for Bristol.

Motion made and Question put—

"That leave be given to bring in a Bill to cause the Votes of Parliamentary Elections to be taken by way of ballot."

The House *divided:* — Ayes 197; Noes 294: Majority 97.

List of the AYES.

Adair, H. E.	Ayrton, A. S.
Alcock, T.	Barnard, T.
Anderson, Sir J.	Bass, M. T.
Atherton, W.	Baxter, W. E.
Beale, S.	Greville, Col. F.
Berkeley, F. W. F.	Hadfield, G.
Bethell, Sir R.	Hall, rt. hon. Sir B.
Biddulph, R. M.	Hamilton, Captain
Biggs, J.	Hanbury, R.
Black, A.	Hankey, T.
Blake, J.	Hanmer, Sir J.
Bland, L. H.	Hardcastle, J. A.
Bonham-Carter, J.	Harris, J. D.
Bouverie, Rt. Hn. E. P.	Hatchell, J.
Bowyer, G.	Headlam, T. E.
Brady, J.	Henchy, D. O'Connor
Bright, J.	Hodgson, K. D.
Brocklehurst, J.	Holland, E.
Buchanan, W.	Horsman, rt. hon. E.
Bury, Visct.	Hutt, W.
Butler, C. S.	Ingham, R.
Buxton, C.	Ingram, H.
Byng, Hon. G.	Jackson, W.
Caird, J.	Kershaw, J.
Calcutt, F. M.	King, hon. P. J. L.
Campbell, R. J. R.	Kinglake, A. W.
Cheetham, J.	Kinglake, J. A.
Clay, J.	Kingscote, R. N. F.
Clifford, C. C.	Kinnaird, hon. A. F.
Clifford, Col.	Kirk, W.
Clive, G.	Langston, J. H.
Cobbett, J. M.	Langton, H. G.
Cogan, W. H. F.	Laslett, W.
Collier, R. P.	Lindsay, W. S.
Coningham, W.	Locke, Joseph
Conyngham, Lord F.	Locke, John
Copeland, W. T.	Macarthy, A.
Corbally, M. E.	M'Cann, J.
Cowan, C.	MacEvoy, E.
Cox, W.	M'Mahon, P.
Craufurd, E. H. J.	Magan, W. H.
Crawford, R. W.	Maguire, J. F.
Crook, J.	Mangles, C. E.
Crossley, F.	Marshall, W.
Dalglish, R.	Massey, W. N.
Dashwood, Sir G. H.	Mellor, J.
Davie, Sir H. R. F.	Mills, T.
Deasy, R.	Moffatt, G.
Denison, hon. W. H. F.	Monsell, rt. hon. W.
Dent, J. D.	Morris, D.
De Vere, S. E.	Napier, Sir C.
Dillwyn, L. L.	Nicoll, D.
Duff, M. E. G.	Norreys, Sir D. J.
Duke, Sir J.	Norris, J. T.
Duncan, Visct.	O'Brien, P.
Dunne, M.	O'Connell, Capt. D.
Ellice, E.	O'Donoghoe, The
Elton, Sir A. H.	Ogilvy, Sir J.
Evans, Sir De L.	Osborne, R.
Ewart, W.	Paget, C.
Ewart, J. C.	Paget, Lord A.
Ewing, H. E. C.	Paget, Lord C.
Fagan, W.	Paxton, Sir J.
Fenwick, H.	Pease, H.
Ferguson, Col.	Pechell, Sir G. B.
FitzGerald, rt. hn. J. D.	Perry, Sir T. E.
Fitzwilliam, hn. C. W. W.	Philips, R. N.
Forster, C.	Pigott, F.
Fox, W. J.	Pilkington, J.
Freestun, Col.	Power, N.
Gibson, rt. hon. T. M.	Pryse, E. L.
Gilpin, C.	Ramsden, Sir J. W.
Glyn, G. C.	Rawlinson, Sir H. C.
Goderich, Viscount	Rebow, J. G.
Greene, J.	Ricardo, J. L.
Gregson, S.	Ricardo, O.
Grenfell, C. W.	Ridley G.

Robartes, T. J. A.
Roebuck, J. A.
Roupell, W.
Russell, A.
Salisbury, E. G.
Schneider, H. W.
Scholefield, W.
Scrope, G. P.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, J. B.
Somerville, rt. hn. Sir W.
Stanley, hon. W. O.
Stapleton, J.
Stuart, Lord J.
Stuart, Col.
Sullivan, M.
Sykes, Col. W. H.
Talbot, C. R. M.
Tancred, H. W.
Thompson, Gen.
Thornely, T.
Tite, W.
Tollemache, hon. F. J.
Townsend, J.
Trelawny, Sir J. S.
Trueman, C.
Turner, J. A.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Waldron, L.
Watkins, Col. L.
Westhead, J. P. B.
Whitbread, S.
White, J.
Willcox, B. M'Ghie
Williams, W.
Wood, W.
Woods, H.
Wyld, J.

TELLERS.

Berkeley, H.
Martin, P. W.

List of the NOES.

Adams, W. H.
Adderley, rt hon. C. B.
Akroyd, E.
Alexander, J.
Annesley, hon. H.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Ashley, Lord
Bailey, C.
Baillie, H. J.
Baines, rt. hon. M. T.
Ball, E.
Baring, A. H.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Baring, T. G.
Bernard, T. T.
Bernard, hon. Colonel
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Bective, Earl of
Beecroft, G. S.
Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Blakemore, T. W. B.
Boldero, Col.
Booth, Sir R. G.
Botfield, B.
Bouverie, hon. P. P.
Bovill, W.
Bramley-Moore, J.
Bridges, Sir B. W.
Brown, J.
Browne, Lord J. T.
Bruce, Major C.
Bruen, H.
Buller, Sir J. Y.
Buller, J. W.
Burghley, Lord
Burrell, Sir C. M.
Cairns, Sir H. M'C.
Calcraft, J. H.
Carden, Sir R. W.
Carnac, Sir J. R.
Cartwright, Col.
Cavendish, hon. W.
Cavendish, hon. G.
Cayley, E. S.
Charlesworth, J. C. D.
Child, S.
Churchill, Lord A. S.
Clive, hon. R. W.
Close, M. C.
Cobbold, J. C.
Codrington, Sir W.
Codrington, G.
Colbrooke, Sir T. E.
Collins, T.
Colvile, C. R.
Conolly, T.
Cooper, E. J.
Cowper, rt. hon. W. F.
Coote, Sir C. H.
Corry, rt. hon. H. L.
Cross, R. A.
Curzon, Visct.
Dalkeith, Earl of
Damar, L. D.
Deedes, W.
Denison, E.
Disraeli, rt. hon. B.
Dobbs, W. C.
Dod, J. W.
Du Cane, C.
Duff, Maj. L. D. G.
Duncombe, hon. A.
Duncombe, hon. Col.
Dunkellin, Lord
Dunlop, A. M.
Du Pre, C. G.
Dutton, hon. R. H.
East, Sir J. B.
Edwards, H.
Egerton, Sir P. G.
Egerton, W. T.
Egerton, E. C.
Eliott, hon. J. E.
Elmley, Visct.
Elphinstone, Sir J.
Emlyn, Visct.
Ennis, J.
Estcourt, rt. hn. T. H. S.
Euston, Earl of
Farquhar, Sir M.
Fellowes, E.
Ferguson, Sir R.
Finlay, A. S.
FitzGerald, W. R. S.
Fitzwilliam, hon. G. W.
Foley, J. H.
Foljambe, F. J. S.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Foster, W. O.
Fortescue, hon. F. D.
Franklyn, G. W.
Fraser, Sir W. A.
French, Col.
Gallwey, Sir W. P.
Galway, Viscount
Gard, R. S.
Garnett, W. J.
Gaskell, J. M.
Gilpin, Col.
Gladstone, rt. hon. W.
Goddard, A. L.
Gore, W. R. O.
Greaves, E.
Greenall, G.
Greenwood, J.
Gregory, W. H.
Gray, Capt.
Grey, rt. hon. Sir G.
Griffith, C. D.
Grogan, E.
Gurdon, B.
Haddo, Lord
Hall, Gen.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Handley, J.
Harcourt, G. G.
Hardy, G.
Hartington, Marq. of
Hassard, M.
Hayes, Sir E.
Heathcote, Sir W.
Heathcote, hon. G. H.
Heneage, G. F.
Henley, rt. hon. J. W.
Henniker, Lord
Herbert, rt. hon. H. A.
Herbert, rt. hon. S.
Hill, Lord E.
Hill, hon. R. C.
Hodgson, W. N.
Holford, R. S.
Hope, A. J. B. B.
Hopwood, J. T.
Horsfall, T. B.
Hotham, Lord
Howard, hon. C. W. G.
Hudson, G.
Hunt, G. W.
Inglis, J.
Jermyn, Earl
Jervoise, Sir J. C.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Johnstone, Sir J.
Jolliffe, H. H.
Kelly, Sir F.
Kendall, N.
Kerrison, Sir E. C.
King, J. K.
King, E. B.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Labouchere, rt. hon. H.
Langton, W. G.
Lefroy, A.
Legh, G. C.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lockhart, A. E.
Lopes, Sir M.
Lovaine, Lord
Lowe, rt. hon. R.
Lowther, hon. Col.
Lowther, Capt.
Lygon, hon. F.
Macartney, G.
Macaulay, K.
Mackie, J.
M'Clintock, J.
Mainwaring, T.
Malins, R.
Manners, Lord J.
March, Earl of
March, M. H.
Maxwell, hon. Col.
Melgund, Visct.
Miles, W.
Miller, T. J.
Miller, S. B.
Mills, A.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Mowbray, rt. hon J. R.
Naas, Lord
Neeld, J.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Nisbet, R. P.
Noel, Hon. G. J.
North, Col.
Ossulston, Lord
Packe, C. W.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, R.
Palmer, R. W.
Palmerston, Visct.
Patten, Col. W.
Paull, H.
Pennant, hon. Col.
Pevensey, Visct.
Philipps, J. H.
Powell, F. S.
Pritchard, J.
Proby, hon. G. L.
Pugh, D.
Pugh, D.
Puller, C. W. G.
Ramsay, Sir A.
Robertson, P. F.
Rolt, J.

Russell, Lord J.	Vansittart, G. H.
Russell, H.	Vansittart, W.
Rust, J.	Verner, Sir W.
Sclater-Booth, G.	Verney, Sir H.
Scott, hon. F.	Waddington, H. S.
Scott, Major	Walcott, Adm.
Shirley, E. P.	Walpole, rt. hon. S. H.
Sibthorp, Major	Walsh, Sir J.
Slaney, R. A.	Warren, S.
Smith, rt. hon. R. V.	Welby, W. E.
Smyth, Col.	White, H.
Smollett, A.	Whiteside, rt hon. J.
Somerset, Col.	Whitmore, H.
Spooner, R.	Williams, Col.
Stafford, Marq. of	Willoughby, J. P.
Stanhope, J. B.	Willson, A.
Steel, J.	Wise, J. A.
Stirling, W.	Wood, rt. hon. Sir C.
Steuart, A.	Woodd, B. T.
Stewart, Sir M. R. S.	Wortley, Major S.
Sturt, H. G.	Wyndham, Gen.
Sturt, N.	Wyndham, H.
Tempest, Lord A. V.	Wynn, Col.
Thornhill, W. P.	Wynne, W. W. E.
Tollemache, J.	Yorke, hon. E. T.
Tomline, G.	
Trollope, rt. hon. Sir J.	TELLERS.
Vance, J.	Jolliffe, Sir W.
Vane, Lord H.	Taylor, Col.

PIERS AND HARBOURS BILL.

LEAVE. FIRST READING.

MR. PAULL moved for leave to bring in a Bill to encourage and facilitate the erection and improvement of Piers and Harbours in Great Britain and Ireland.

SIR JOHN PAKINGTON said, the inconvenience of legislating on public questions by private Members was so great, that it was the intention of the Admiralty to bring in a Bill with regard to Piers and Harbours; but at the same time he would not object to the hon. Gentleman's laying his Bill on the table.

Leave given.

Bill to encourage and facilitate the erection and improvement of Piers and Harbours in Great Britain and Ireland, *ordered* to be brought in by Mr. PAULL, Mr. BRAMLEY-MOORE, and Mr. LINDSAY.

Bill *presented* and read 1°.

GOVERNMENT PROPERTY—EXEMPTION FROM RATES.

COMMITTEE MOVED FOR.

SIR JAMES ELPHINSTONE moved for a Select Committee to inquire into the operation of the law, as it at present stands, by which the property of Government, in the boroughs of Greenwich, Chatham, Portsmouth, Plymouth, Devonport, and elsewhere, is rendered exempt from local rates and taxes. He said the effect of the growing purchase of property by the Government was to render the burthen on the rest of the parish positively intolerable. In the case of Portsmouth, the rates amounted to 6*s.* 8*d.* in the pound, and had been 6*s.* 1*d.* on an average of fourteen years, which was more than had fallen upon property in most other parishes in England. Yet barracks entailed additional burdens on the parish. Soldiers' wives and children were left behind them upon going on foreign service; the widows and wives of seamen and marines, sick persons from foreign parts, and other peculiar burdens, were thrown upon the rates of these seaports. It was the opinion of Lord Campbell and Mr. Justice Erle that by a legislative enactment all Government property should be made liable to rates, as being but just and equitable to the rest of the parish.

MR. DUTTON seconded the Motion.

Motion made, and Question proposed,

"That a Select Committee be appointed, to inquire into the operation of the Law, as it at present stands, by which the Property of Government in the boroughs of Greenwich, Chatham, Portsmouth, Plymouth, Devonport, and elsewhere, is rendered exempt from Local Rates and Taxes."

THE CHANCELLOR OF THE EXCHEQUER said, the question was a very important one, and ought to be investigated by a Committee. With a slight modification in its terms he would assent to the Motion.

MR. BOUVERIE said, this was a much wider question than the dockyards, but affected all Government and Crown property which was occupied beneficially. The inquiry proposed was of a very large and wide description. Exemptions of this kind were not right; they were the burdening of a comparatively small number for the benefit of the community at large. He suggested that the proposition should be altered into terms of general application.

SIR FRANCIS BARING hoped the Chancellor of the Exchequer would modify the terms of his assent to the proposal. The grievance which existed pressed with great hardship. He admitted, however, that the Government had done quite right to assent to the subject being inquired into.

MR. JOHN LOCKE suggested another alteration, namely, an alteration by which it should be inquired into why and how Government property was exempted from local rates and taxes. The rating of public institutions ought also to be inquired into —institutions unconnected with the particular parish in which they were placed—

on the ground that those who carried them on had no beneficial interest in them.

Mr. P. W. MARTIN, on the part of the boroughs situate in the county he represented, expressed his thanks to the Government for having acceded to the Motion; for the inequalities of rates in several of the parishes in question constituted a grievance which required some examination.

Mr. WALPOLE said, that if there was to be a Committee to inquire into exemption of rates in Government boroughs, it ought to be extended to all other instances of exemption. He would suggest that the Motion should be framed so as to embrace all lands on which public buildings were situate which were exempted from rating.

General CODRINGTON hoped the damage done to parishes by the pulling down of houses for public purposes would not be lost sight of.

Motion, by leave, *withdrawn*.

Select Committee *appointed*,

"To inquire into the operation of the Law, as it at present stands, by which land occupied by Public Establishments is rendered exempt from Local Rates and Taxes."

WEEDON ESTABLISHMENT.

COMMISSION MOVED FOR.

Mr. WALPOLE appealed to Colonel Boldero, who had given notice of his intention to move that the Report of the Committee on Contracts (Public Departments) should be taken into consideration, not to press that Motion in the absence of the gallant General the Secretary of State for War.

Colonel BOLDERO said, he declined to accede to the suggestion, and proceeded to say that the Committee had been saved from the necessity of pursuing the inquiry into the clothing of the army by an intimation from the Secretary for War that it had been found that the present system was not working well, and that it was about to be altered; and referring to the defalcation of Mr. Elliot, the storekeeper at Weedon, the inquiry into the state of which establishment had only been commenced within the last three weeks, the hon. and gallant Member stated that at a meeting of the Committee on Tuesday last, at which fourteen Members were present, it was unanimously resolved that the Chairman should be authorized to move for the appointment of a Royal Commission to inquire into the state of affairs there. This Resolution was adopted in consequence of the startling disclosures which had been made to the Committee, — among other things, that the books were two years in arrear, which had led them to believe that there was something in the back-ground which ought to be inquired into.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission, to inquire into the system upon which the Books and Stock have been respectively kept at Weedon, as well as the general mode in which the business of the establishment of Weedon has been conducted, the result of such mode of conducting the business, and the state of the Books and Stock of Stores."

Sir JOHN PAKINGTON thought the Motion of the hon. and gallant Member was rather premature. The evidence taken before the Committee was not on the table; no notice had been given of the Motion for the appointment of a Commission, and the House, therefore, was not in a condition to deal with a case of so much importance. Moreover, the Secretary for War was unavoidably absent, and it was important that he should be present when the Motion was disposed of. Under these circumstances he would suggest that the Motion should be withdrawn.

Mr. JACKSON said, that in the whole of his business experience he never had brought before him such a course of neglect, extravagance, and waste of public money as that which had been proved to the satisfaction of the Committee on Contracts. If any private firm had acted in that way they would speedily have been in the *Gazette*. The state of things at Weedon, which might be taken as a type of all the Government establishments, was most disgraceful. An important officer had recently levanted, leaving defalcations to a considerable amount, and the Committee had been told that one large contractor had lent him £5,000. It had been proved that the books were two years in arrear, and that they had not been posted for the last nine months. The Secretary for War had shown every disposition to allow the affairs of Weedon to be thoroughly investigated, and if the Government would consent, after the evidence had been placed in the hands of Members, to the appointment of a Royal Commission, the hon. and gallant Chairman of the Committee would probably not object to postpone his Motion. He stated, in conclusion, that the country had lost £200,000 per annum

in consequence of the change in the mode of clothing the army, while the soldier had not been benefited in the slightest degree.

THE CHANCELLOR OF THE EXCHEQUER could assure the hon. Member that the case of Weedon would receive from the Government not only an earnest but an instant attention. The present, however, was not a moment for going into that case, and he therefore moved the adjournment of the debate.

VISCOUNT DUNCAN, as a member of the Committee, declared that the statements of the hon. Member for Newcastle-under-Lyme (Mr. Jackson) were much exaggerated, and hoped hon. Members would wait until they had perused the evidence before making up their minds.

SIR CHARLES NAPIER maintained that the hon. Member for Newcastle-under-Lyme had not overstated the effect of the evidence taken before the Committee. Such extravagance and wasteful expenditure of public money he had never heard of in his life.

COLONEL BOLDERO said, he would consent to the adjournment of the debate.

Debate *adjourned* till *Thursday*, 17th June.

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, June 9, 1858.

LAW OF MORTMAIN.—QUESTION.

MR. HADFIELD said, he would beg to ask the hon. Member for Durham (Mr. Atherton) whether he intends to apply this Session for leave to bring in a Bill to amend the Mortmain laws, similar to the Bills previously brought in by him and passed by this House; and whether such previous Bills have had consideration in "another place," and what difficulties exist to prevent the removal of the present obstructions to the settlement of property purchased for religious, educational, scientific, and other charitable purposes, for full pecuniary and other considerations.

MR. ATHERTON said, it was not his intention during the present Session to bring in the Bill to which his hon. Friend referred. He had not had an opportunity of going sufficiently into the subject at an early period of the Session to enable him to do so with any chance of success. With reference to the latter part of the question, whether the Bills previously brought in had received consideration in "another place," he thought he could hardly state that they had; but that was owing to a series of accidents for which he could not attribute blame in any quarter. It was his intention, however, to bring in the Bill again in a future Session.

TENANTS' COMPENSATION (IRELAND) BILL.

SECOND READING—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [14th April],

"That the Bill be now read a second time;" and which Amendment was, to leave out the word 'now,' and at the end of the Question to add the words 'upon this day six months.'

Question again proposed, That the word "now," stand part of the Question.

Debate *resumed*.

MR. SERJEANT DEASY said, that he could not disguise from himself that in the then state of public business and of the thermometer, the discussion was not likely to produce any practical result in the course of the present Session; but as the subject must come before them again, he would venture to state to the House his reasons in favour of the measure. The only question then before the House was whether they would affirm the principle of the Bill, and that principle he understood to be that when a tenant had, with the sanction of his landlord, by his own labour and capital effected permanent improvements, he should not be deprived of his holding without compensation for them. He admitted that the Bill contained exceptional legislation, and it was said that there ought to be no exceptional legislation; but in Ireland there were exceptional cases relating to the tenure of land, which made exceptional legislation necessary; and although in the great majority of cases he believed the landlords of Ireland were disposed to be just and generous to their tenants, cases of abuse frequently arose out of the irresponsible power they possessed, which rendered the application of a remedy necessary. When he thus asked the House to adopt an exceptional measure of legislation for Ireland he was not without high authority for his application. In proof of it he would refer to the Report of the Devon Commission, which recommended a law to give compensation to tenants for their improvements. He

had also the authority of the present Prime Minister, once an Irish Secretary, and who contrived to occupy his time very fully with the duties of his office, and who gave his consent to a Tenants' Compensation Bill under the Administration of Sir Robert Peel. Every Government since then had brought forward a measure adopting principles of the same kind with the present measure. He would refer especially to the Bill introduced by Mr. Napier, the present Lord Chancellor of Ireland, and could not but regret that the Bill of the right hon. Gentleman had not passed into a law. He would also quote the testimony of Mr. Simpson, a Scotch gentleman who had gone to Ireland opposed to the tenants' compensation; but after five years experience there he had become a convert to the system. He would also refer to the addresses of the Irish Members to their constituents. He did not intend to inflict upon the House a reflection of those speeches, though they were thought very interesting at the time; but he might state that with the exception of the Members for the city of Dublin, and perhaps the county, there was not an Irish Member or candidate who did not express his approbation of some sort of legislation which would carry into effect, at least, the principle of this measure. Surely, where the Irish Members and candidates were so unanimous, this House would pause, and be thoroughly convinced that this principle was erroneous before they refused to give their assent to it. The House had already given a second reading to another act of exceptional legislation in the case of the Sale and Transfer of Lands Bill. That was an exceptional measure to liberate the property of landlords; he asked them to adopt this other exceptional measure, which was intended to liberate the capital of tenants. But he need not refer to exceptional measures now before the House. There was an exceptional measure which had been in operation in Ireland for more than a century, known as the Timber Act, and which did give compensation to tenants for planting trees, the preamble running thus:—

"Whereas it is indifferent to the landlord whether a tenant abstains from planting trees, or obtains some species of profit from them."

He really thought that some such preamble ought to be adopted as the preface to this Bill. But then it was said that such a measure was opposed to the principles of free trade, and that these measures ought to be left to the operation of contract. Well, but he did not propose to legislate against contracts; he only proposed to give the sanction of law to what was now only a moral obligation, and, as such, was frequently violated. Besides, it ought to be remembered that the tenants were a dependant class—that the land was limited; that the landlords few and the competition considerable; so that the landlords were able to command their own terms. In the case of the English Factory Acts the House had legislated, not only without regard to contracts, but they had prohibited contracts from being formed; and they did that under the impression that those parties were dependant. But he did not ask this measure only as a tenant's measure. The landlords themselves were deeply interested in the measure; for the injustice of the landlords had led to injustice on the part of the tenants. Illegal combinations were formed to meet oppressive evictions, and this was a danger that was likely to increase, and none were so likely to suffer as those landlords who refused to act justly towards their tenants; and hence many landlords had expressed to him their hope that some measure would be found which would afford a fair adjustment of the question. The times were exceedingly favourable for such an adjustment; times were good. The coffers of both landlords and tenant were tolerably full, and they were in a temper to have the question equitably settled. If they allowed another state of things to arise—if they waited till a period of disturbance should compel their attention—the difficulties would be materially increased. He would next come to the particular objections to the measure. It was said that it encroached on the property of landlords, and verged on the principle of confiscation. He did not believe it was open to this objection, though he was not responsible for its phrases, nor he believed was his hon. Friend (Mr. Maguire) who introduced it. He must say, that those who advocated a measure of this kind ought not to be insulted by not being allowed to prepare the Bill they were to support, and having a ready-made one thrust into their hands; but, dealing with the measure as he found it, he contended that it did not encroach on property, for it gave no claim to compensation, except for such improvements as added to the permanent value of the estate. However, if the language was not sufficiently precise it could be corrected in Committee, and was no objection

Mr. Serjeant Deasy

to the principle of the Bill. After all, it did not carry compensation further than was proposed by the Bill of the last Government. He admitted that the Bill was open to the objection taken to it—that it gave compensation for retrospective improvements; but the same objection applied to every Bill that had been introduced since 1852, and he especially referred to the measure and the speech of the present Lord Chancellor of Ireland, who said that having maturely weighed the arguments for and against the principle, he had come to the conclusion that retrospective improvements ought to be allowed. In the same way the Bill of Mr. Serjeant Shee provided for retrospective compensation; and though that clause was excluded on a division the noble Lord the Member for Tiverton supported the clause. He was sorry the noble Lord had since seen reason to change his opinion. He now asked the House whether the present state of this question was creditable to the House and to the successive Governments of this country? For years past this House had again and again solemnly declared that the law of landlord and tenant in Ireland was unjust: was it creditable to them that that unjust law should still be maintained; or would they now, after raising the reasonable expectations of the people of Ireland, dash them to the ground, and say they would do nothing? Or would they not rather bring in a Bill of their own, do what was just, and then discourage all farther agitation on the subject? He hoped these considerations would have weight with the present Government, and that by the next Session at least they would be prepared to settle this question. He begged to say one word more upon the bearing of this question on the decline of the population; that population was decreasing, and he feared it would still decrease considerably. The time might come, if it had not come already, when they would regret that sheep and oxen had taken the place of men on the hills and in the valleys of Connaught and Munster. He referred to the remarkable speech of Lord Elgin at Glasgow, which spoke not only of the emigration of Irishmen to the United States, but to the bitter hostility against England with which that emigration was accompanied. He believed that the present state of the existing law had contributed powerfully not only to the emigration but to the hostility. Thousands of the people of Ireland had gone to America because they knew that in that country the fruits of their industry would be secured to their children. Believing that the Bill would be a step to establish a like security in Ireland, he should support the second reading.

MR. DOBBS said, that on looking over the Bill he could not, acquainted as he was with the north of Ireland, avoid seeing the object of it. The object of it was clearly to bring within the control of the law a custom peculiar to the north of Ireland, and to extend that custom over the whole of Ireland. As neither this Bill nor any similar Bill could do that without interfering with the rights of property, and without transferring the property of one man to another, he felt it was his duty to give it his decided opposition. In the north of Ireland where the so-called tenant right prevailed, landlord and tenant generally lived on good terms. The former got a fair rent for his land, and the tenant was able to live comfortably, and provide for his family. Under such a state of things, when a tenant wished to part with his farm, there were generally a number of persons anxious to get it. Such was the competition that the tenant, though a mere tenant from year to year, generally got a considerable sum for his interest in the farm from the person who wished to get it. To such a transfer the consent of the landlord was necessary, who, out of the sum paid by the incoming tenant, received whatever arrear was due to him. The consent of the landlord was indispensable, and the incoming tenant must be a man of good character and solvency. The custom was beneficial to the landlord as well as to the tenant, and had prevailed in that part of Ireland for a very long time. The state of things would have gone on without any attempt to legislate with regard to it, if a phrase which had worked much mischief in Ireland had not been invented some twenty-five years ago. Some persons had invented the phrase of "tenant right"—a gross misnomer, for there was no such thing as tenant right. The custom to which he had referred to was not a right but a mere custom, and had arisen out of the goodwill that existed between landlord and tenant. The phrase tenant right had proved a mischievous one, because it led tenants to believe that there was a right in the case, while there was no such thing. That custom was directly pointed at in the 6th and 8th sections of the present Bill, and the object of the Bill was to legalise it and to extend it to other parts of Ireland. And how was it sought to do this? By transferring the property of the landlord to the tenant. The Bill con-

tained a recital that improvements on farms in Ireland were made by the tenant—a rather startling recital, inasmuch as it had no foundation in fact—and then proceeded to legalise the custom referred to in the recital. One of the clauses assumed that improvements were the property of the tenant, and then provided that no tenant who had made improvements should be evicted unless he first received compensation for them. [Mr. MAGUIRE: Read on.] And that no tenant should be entitled to make any demand for improvements unless increased value had been given by them to the farm. Within the last nine years property had been sold in the Incumbered Estates Court to the amount of £20,000,000, under the belief that the purchasers had obtained the fee simple of the property. Those purchasers would find that under such a clause as that to which he had referred, a tenant from year to year could not be dispossessed unless he first received the marketable value of his interest at a fair compensation for his improvements. He denied altogether the assertion of the hon. and learned Gentleman that the Bill would produce peace between landlord and tenant. There was litigation in every line of it, and the result of it would be to produce litigation between landlord and tenant. Every claim for compensation might go before an assistant barrister — if above £100, before a Judge of assize. He would suggest that this Bill and all of the same class should be withdrawn, as tending to increase the bad feeling between landlords and tenants. There were amendments of the law required which he would gladly sanction; but they might be made without infringing on the rights of property. There was no analogy between timber or emblements, and those improvements which were incapable of valuation. He had at heart the prosperity of Ireland as much as hon. Gentlemen opposite, but he differed from them completely on this question, and would strongly recommend that the Bill should be withdrawn.

MR. MONSELL said, that, while giving the last speaker credit for good wishes towards his country, he must deny that he had given an accurate account of the state of things in the north of Ireland. When the hon. Member asserted that there was no right in the tenant to compensation for improvements, he presumed the hon. Member meant no legal right, for a customary right there certainly was. The case of purchasers under the Incumbent Estates Court had been referred to. The Bill, however, would not affect such cases as those of Mr. Pollok, who was one of the largest purchasers under that Court, who would never have to pay compensation for improvements, because he made all the improvements himself. The hon. Member did not seem aware of the custom in the other parts of Ireland than Ulster, and was astonished at a recital which declared that permanent improvements were made by the tenant. Did the hon. Member suppose that the houses of the tenants in other parts of Ireland were built by the landlords? In no other country in the world were the relations between the landlord and tenant the same as in Ireland. In England the permanent improvements were all made by the landlord, and had been so made for 100 or 200 years, while in Ireland it had not been possible for the landlords to find the requisite capital. All that he asked was, that the tenant who made landlord improvements should not be dispossessed without compensation. The civil law recognised such a right in the tenant, and he desired to see the principle of the feudal law modified by the principle of the civil law on that point. He believed that the effect of a law giving the tenant a claim to fair compensation for improvements would be to force landlords into making equitable agreements with their tenants. He hoped the right hon. Gentleman the Attorney General for Ireland, when he addressed the House, would inform them whether there was any country in the world in which the same system as to landlord and tenant prevailed as that which existed in all the provinces of Ireland, Ulster excepted. His firm belief was, that the passing of such a Bill as the present would lead at once to the investment of capital in the improvement of Ireland, and to a great development of its resources. Without the assistance of the Government, it would be impossible to pass the Bill. All that he asked was, that they would during the recess earnestly consider the question. If they took the question up and settled it, they would gain an amount of popularity which they could not acquire by any other measure they might propose.

MR. S. B. MILLER, though he gave the hon. and learned Member for Dungarvan credit for sincerity in bringing forward the measure, nevertheless thought that it was one rather calculated to retard than to promote the true interests of the tenantry of Ireland. He was not opposed to the principle of compensation to tenants under certain circumstances, but he was opposed

to the principle of compensation provided for in the Bill. A landlord selected his tenant because, among other reasons, he thought he would improve by his skill and labour the farm which he let to him; yet by this Bill the landlord would be bound to compensate the tenant for the labour he had expended on the farm. It also provided, that after the passing of the Bill all improvements made by the tenant, with or without consent of the landlord, were to be deemed the property of the tenant. He was at a loss to understand on what principle of justice a tenant could claim compensation for improvements made against the wish of his landlord. Was there anything in past legislation to justify such a principle as that? The Emblements Act had reference to improvements made with consent of the landlord; but this Bill had reference to improvements made by the tenant against the consent of the landlord. The litigation to which it would give rise would be endless. He was not opposed to all compensation to the tenant, but he was an advocate for the utmost freedom of contract between the tenant and the landlord. He would let them make their contracts as they might think fit, and then he would not allow those contracts to be disturbed by any parties. In the north of Ireland consent was the basis of the tenant right, and consent and contract should be the basis of any system of compensation. He could not, however, support any proposal for retrospective legislation upon that subject. He would merely provide that tenants should have the means of entering into arrangements with their landlords for prospective improvements; and he was sure that a measure framed for that purpose would meet the concurrence of the House generally, and would be productive of great advantage to Ireland. On the other hand, if the House passed any measure such as this they could not take a more fatal step to the interests of the tenants of Ireland. It would lead to a system of extermination and to endless litigation.

MR. WALDRON supported the Bill. There was only one case in which the tenant would have the power of putting the machinery of the Act into operation, and that was when the landlord sought to obtain possession of his property by ejectment. He thought that when that step was about to be carried out the tenant was entitled to compensation for the improvements which he had effected. If the tenantry of Ireland were protected to the extent that they were inEngland and other countries he had no doubt that they would be very well contented with their station. He denied that the question was entirely an Irish one: it was one which deeply affected the interests of the empire. It appeared by the returns of the Emigration Commissioners that from 1841 to 1854, no less than 200,000 of people had emigrated from Ireland. In 1855, 78,000 persons emigrated; and in 1856, 71,724. Surely the departure of such an immense number of persons from Ireland must have an effect upon the material wealth of the country which their labour and industry were calculated to support. He contended that if that emigration had not taken place the Chancellor of the Exchequer, instead of having a deficiency, might have had a surplus at this moment to deal with. This Exodus he attributed in no small degree to the want of such a measure as this. He appealed to the right hon. and learned Gentleman, the Attorney General, to assist them in carrying this measure, the principle of which had been admitted by the noble Lord at the head of the Government.

MR. BLAKE said, the merits of the question had been already so well stated that he would not have trespassed on the House had it not been that he was returned by a constituency that had made great exertions and greater sacrifices than any other for the cause of tenant right, while his colleague had expressed himself adverse to the measure. He would fully corroborate the statement of his hon. Friend the Member for Dungarvan (Mr. Maguire), that the question was one which interested every man in Ireland, no matter what his occupation might be. Interested in commerce himself, and representing those who derived their prosperity from commercial and trading pursuits, he said, without hesitation, that they were as deeply interested in the question as those who were directly engaged in land. It required no laboured proof to show that if the farmer and land-occupier suffered, the merchant and manufacturer suffered also; and that if trade and commerce languished the produce of the soil was depreciated with them. England derived the greatest advantages as well from the superabundant produce of Ireland, as from the development of the prosperity of the country itself; and it was therefore of Imperial interest that the productiveness of Ireland should be developed to the uttermost. But was that so? The latest returns showed that the value of the

agricultural produce of Ireland amounted to £20,000,000 a year; but all authorities coincided in saying, that with proper cultivation this might easily be doubled. And why were not these additional capabilities developed? The answer was simple—because the landlord had not the power and the tenant had not the motive, and the consequence is that this enormous wealth—this £20,000,000 a year—lies buried beneath the soil, of use to no man, feeding no man, paying neither rent nor taxes, and there it will remain until the day of final doom, unless you secure to the man whose skill, industry, and capital can alone bring forth this new wealth an interest in it. The hon. and learned Member for Carrickfergus (Mr. Dobbs) has stated that the effect of the present Bill would be to transfer the property of the landlord to the tenant; and that if it were in operation the former could not, under any circumstances, derive advantage from any improvement which might take place in the times, or in the value of land. I will ask the hon. Member to consider for a moment, what is the effect of the existing law on landlord and tenant, and to compare it with the probable effects of one which would secure to the occupier the value of his improvements. The present law invests the landlord with the whole property of the soil, on the expiration of the period of tenantcy, no matter how much the tenant may have increased the value of the land. And what is the result? Except, in rare instances, the tenant fears to expend his labour or capital in permanent improvements, lest he should be turned out, or his rent increased on the termination of his lease; and, consequently, he tries to draw the utmost amount of produce from the soil, with the smallest expenditure of labour and capital; he has no motive for draining, fencing, subsoiling, manuring or building. The hon. Member for Cork (Mr. Deasy) has ably pointed out the difference between the English tenant and the Irish tenant. In England, the landlord makes the greater portion of the permanent improvements, in the way of building, draining, and fencing, and the tenant has only to till the soil. In Ireland, on the contrary, the tenant has to do all this, or they remain undone; and, consequently, what is saved from the capital and labour of the English tenant, is robbed from the Irish one, and becomes unjustly vested in his landlord. The Irish tenant, therefore, improves only for his own time; and as the expiration of his lease approaches, he ceases all improvements, and, by over-cropping, impoverishes the land to such a degree that it takes years of expensive cultivation to restore its productive powers. And who benefits by this? Not the tenant; for he drags on a miserable existence, paying the rent of twenty acres, whilst he only raises the proper produce of ten; and, in seasons of dearth, not being able to make any reserve, he is unable to pay any rent at all; and, in place of being a valuable member of society, becomes a burthen on it. And how fares it with the landlord?—he receives rent whilst harvests are abundant and prices good; but, let a reverse come, and he gets nothing; and if he takes possession of his land, he finds it in a state of comparative barrenness, and has to let it, probably at a reduced rent, to some new adventurer, who, by the existing laws, is obliged to follow in the course of his unfortunate predecessor. And what is the effect on society, and on the empire at large, by the state of things I have feebly attempted to describe? Let the records of the Incumbered Estates Court tell of the ruin of the landlord; and the well-filled workhouse, the emigrant ship, the churchyard, and I may add, with sad truth, the prison, the convict-ship, and even the gallows, bear their sad testimony of the effect of your Land Laws on the poor peasant, whilst the diminished demand for manufacturers at one of your best markets must convince the English merchant, in the manner which he can best understand, that the well-being or otherwise of Ireland is a matter of considerable importance to him; whilst the increasing difficulty which the Government meets with, in finding those stalworth forms, with which your armies were once so easily recruited, must at least convince your Minister at War, and your generals, that there must be something wrong in the policy which compels them, in time of greatest need, to hire foreign mercenaries in their stead to fight your battles, whilst the flower of the land, that was once, and might be still, your best recruiting ground, are forced to seek the shores of a distant, perhaps a hostile land, adding to its strength, and bearing with them, in their heart's deeply-embittered feelings, against the laws and the Government which drove them from the land that an Irishman loves so well, and which may yet lead to be repeated again by a future British Monarch, what was once wrung from a former one, when Irish valour and Irish vengeance, for oppressive laws, turned the tide of victory, for once, against the

British Arms at Fontenoy—"Cursed are the laws which deprive me of such subjects." Let not the present period of abundant harvests and high prices blind us to the fact, that the cycle is revolving, and that blight and bad harvests may come again, and with them their attendant train of miseries to all. But let us, on the contrary, encourage the agriculturist to expend his capital and skill on the soil—convince him that he shall receive the benefit of his investment, and, my life on it, in seven years you will have the produce of the country increased by ten millions; and even if such another visitation, as devastated Ireland in 1847 and 1848, should come, the landowners will not be driven to the same dreadful straits, and the people will have enough in reserve to save you the reproach of having the inhabitants of the country—that ought to be the brightest jewel in the British Crown—become, again, a burthen to themselves, a hideous deformity to humanity, and beggars to the whole world. They only asked that the Bill should be allowed to go into Committee, when the details could be discussed, and what was really objectionable struck out. No one denied the necessity for legislation on this question—the ablest statesman of the most opposite politics had admitted it—the Devon Commission insisted on it—the present Lord Chancellor of Ireland—the Attorney General of Lord Derby's first Administration—had introduced Bills upon it. No result had followed; and, if his hon. Friends had not brought forward any Bills, but had merely asked the Government to provide a remedy for an admitted evil, would it not be clearly their duty to do so? If the question were likely to suffer in the present hands, were not Her Majesty's Government bound to take it up themselves, and to facilitate the development of the resources of an important portion of the empire? The title of this Bill was erroneous. It was not a Bill for securing tenant right, but for the security of property. Give to the poorer classes of Irishmen a vested interest in the homes they have created and the land they have reclaimed from the wilderness, and you will secure to yourselves the best customers for your manufactures, the best supplies for your markets, rendering you independent of foreign markets; and the brain and bone and sinew and capital, which are now carried to more propitious shores, will be devoted to the soil to which they naturally belong, adding to the wealth and power of this great empire, strengthening the authority of the Government, and advancing the happiness and prosperity of the subject.

MR. BRADY said, he trusted that an attempt would not be made to render the discussion upon this Bill, which was purely of a social nature, a party matter, as it appeared to be made by the speeches of hon. Members who represented the north of Ireland and those from the other divisions. He could not but express his surprise that the hon. and learned Member for Armagh (Mr. S. Miller) should assert that the Bill would retard progress in Ireland, especially when he remembered that the present Lord Chancellor of Ireland, when a Member of that House, had himself recognized the importance of some legislation upon the subject by introducing a Bill with regard to it. Its importance had, indeed, been admitted by all the most eminent statesmen on both sides of the House, and he found that so long ago as 1847, Her most Gracious Majesty in her Speech from the Throne was advised to say:—

"I recommend to the consideration of Parliament measures which, with a due regard to the rights of property, may advance the social condition of the people, and tend to the permanent improvement of that part of the United Kingdom."

That paragraph in the Speech of Her Majesty clearly indicated an opinion on the part of her then advisers that the social condition of the people had been retarded by the state of the laws for regulating the relations between landlord and tenant. Such as those laws had been, however, in 1847 they were still, for not one measure had been passed since for placing those relations upon a more satisfactory footing. All the agricultural improvements in Ireland during the last 100 years had been effected by the industry and capital of the tenants. The landlords had made no improvements whatever. The value of land in Ireland had been almost tripled within a comparatively short period by the tenants. In fact, no country had ever, under similar circumstances, made such improvement. In England agricultural improvements were the result of the conjoint operation of landlords and tenants. It was therefore evident that the tenantry of Ireland had been much calumniated by those who asserted that they were indolent and unenterprising, If this Bill, which would protect Irish tenants from the rapacity of their landlords, were passed, Irish tenants would prove by their agricultural improvements that they were

quite as alive to their own interests as the tenants of any other country not oppressed by the evils of Irish landlordism. He hoped that Her Majesty's Government would endeavour to make a final and satisfactory settlement of this question.

MR. CHICHESTER FORTESCUE said, he should give his vote for the second reading; but at the same time there were many details in the measure to which he could not agree. In so far as it was a tenant's compensation Bill he should support it. Though much that was visionary and impracticable had gathered round the question of tenant right, yet there was no doubt that the relations between landlords and tenants in Ireland were very different to the relations which subsisted between the same parties in England; and if they attempted to apply the same laws to Ireland in this respect as were applied to England, they would fail. There was a strong claim on the part of tenants in Ireland to compensation for improvements. For many years the landlords of Ireland had allowed the tenants to expend their capital in improvements which would remain on the land long after they were gone; and the question was, if a natural and equitable claim, which they undoubtedly had, could not be made a legal one. No retrospective improvement so limited by law, as was proposed, could cover the amount paid on the estates with which he was connected. He thought, therefore, that the claim made by the tenants was a most equitable one. With respect to the future, the proper course was to give to the landlord every possible facility for making these improvements himself, and of charging his successor; but in case he failed to do so, to give the tenants the power of making them, and charging the landlord.

LORD FRANCIS CONYNGHAM said, he could not let that opportunity pass without identifying himself thoroughly with the case of the Irish tenant. He felt strongly on the measure, and believed it to be his duty to testify to the strong feeling entertained by him on that subject. The question had been often debated, and he therefore would not further detain the House than by stating that he would warmly support the Bill introduced by the hon. Member for Dungarvan.

MR. KIRK said, that no doubt in former times great improvements were made in Ulster, but he regretted that of late things had not gone on so well as previously, many evictions having taken place. He thought that they ought not to interfere with the custom and tenure of the land, but that they should give to those tenants who were evicted the fair compensation to which they were entitled for the improvements which they had made—of course not at their cost, but at their prospective value. Everybody who went to Ireland was struck with the wretched hovels in which the peasantry lived; but the reason was plain. What security was there if a tenant built a good house, that he should remain long in it? No leases were granted, which would account for the deterioration of the farm-houses. Not only in a political but in a social point of view, something ought to be done to secure to the tenants the value of the improvements they made. It was said that there was a great oppression on the part of the landlords. He did not wish to say anything against the landlords as a class, but there could be no doubt that a great many tenants were evicted from political motives. Indeed, some of those cases had been so gross that they had formed the subject of inquiry before the assistant barrister. He did not believe that this state of things would be changed by any Reform Bill, because landlords would always exercise an influence over their tenantry. He was only anxious that tenants making *bonâ fide* improvements should be compensated; and he could not help thinking that the 14th clause of the Bill of 1853 contained all that was necessary to promote peace and comfort in Ireland as well to the landlord as to the tenant. He certainly thought that the landlords should at all times be allowed to consolidate farms; but when tenants were evicted for that or any other purpose, they ought to be compensated for their improvements. On those grounds he supported the second reading of the Bill, which to a great extent must be held to be a solution of the difficulty.

MR. BLAND said, that in answer to the hon. Member for Carrickfergus (Mr. Dobbs), he must say that this was no transfer of property from the landlord to the tenant, but that the law as it now stood was a transfer of the just rights of the tenant to the landlord. The hon. Member for Armagh had objected to the retrospective action of the Bill; but the hon. Member would recollect that that principle was introduced by the Lord Chancellor for Ireland, who was well acquainted with the people and its laws. He should recollect also that the Game (Ireland) Bill, now on

the table of the House, had a retrospective effect to the disadvantage of the tenant. The hon. Member for Carrickfergus therefore objected to the retrospective effect of a Bill when it was to the disadvantage of the landlord only, not when it was to the disadvantage of the tenant. This measure was not required for good landlords. All legislation was to correct what was bad in mankind, and it was for the purpose of checking the minority of landlords in Ireland—those who were harsh and oppressive—that this law was required. He asked the Attorney General for Ireland to consider the necessity of dealing with this question in a fair and liberal spirit, and to allow this Bill to be read a second time. His hon. Friend would not be able, probably, to go beyond the second reading this Session; but he thought it ought, at all events, to pass that stage.

MR. COGAN bore testimony to the fact that the interest of the people of Ireland in the question was not in the least abated; and it would redound to the credit of the Government and the happiness of the people of Ireland if a satisfactory settlement could be arrived at. He feared, however, that the present Government was as much disposed as the last to trifle with the question. He thought that question might be settled in a reasonable and moderate manner. The claim of the tenants for unexhausted improvements was, he thought, one to which the House might accede; the unsettled state of this question was a great evil, as it paralysed enterprise and prevented the devolpment of the resources of the country; and this Bill would not interfere with the just rights of a good landlord; it would merely prevent injustice on the part of a bad one. Having confessed that evils existed, it was the duty of the Government to take up this question, which he admitted could not be settled by a measure introduced by a private Member.

MR. BOWYER desired to make a few remarks on the principle of this Bill, viewing it as a principle of jurisprudence. It was said that the principle of the Bill was subversive of the rights of property, tending to socialism, and, in fact, transferring the property of the landlord to the tenant; and it had been argued that the very principle of tenant right was opposed to the principles of the civil law. But this was by no means the case. According to a passage in the Institutes of Gaius, it was a principle of the civil law that the owner of the soil could not claim the benefit of erections made *bonâ fide* on his land, without paying the tenant who had built them a reasonable compensation for the labour and expense of such erections. But it was said, especially with regard to the retroactive part of the Bill, that it gave to one man what belonged to another. There were, however, in the legislation of the country, precedents of legislation which might be described in the same way. In the first place, he might refer to what were called Estate Bills, which gave the tenant-for-life, not previously possessing it, the power to lease for periods extending beyond his own life, and thus of dealing with the interest of the remainder-man, and virtually diminishing that interest. By the 11 & 12 *Vict.*, c. 36 (the Scotch Entail Act), that House had dealt with the absolute and unbarrable entails which previously existed in Scotland. Finding that such entails were injurious to the public, and that it was desirable to give a power of alienation, Parliament, by the Act to which he referred, gave the present holder of the estate, with the assent of the three next remainder-men-in-tail, power to bar the entail and sell the estate, thus enabling those four persons to alienate the interests of all the remainder-men-in-tail beyond. That took legal rights from one set of men and gave them to another. That was a sufficient authority for saying that Parliament might take away the rights of one man and confer them upon another without manifesting a tendency to socialism or invading the rights of property. The greatest writers on this subject differed as to whether the rights of property depended on natural or municipal law. Let him suppose that private property was the creature of municipal law. That law must be varied according to the exigencies of society; and therefore, if modifications of the rights of property were required by the exigencies of society, that was a sufficient justification for the Legislature to carry them into effect. But suppose the right to private property was founded on natural law, then, if it were shown that the municipal law of a country was not in accordance with natural law, that was a sufficient ground for the Legislature to alter the municipal law so as to make it accordant with the natural law, and no change of the rights of individuals effected in making such a change could be called confiscation. Now, he thought it was one of the clearest rights of property that the house built by the tenant upon the land, or the improve-

ments effected there by him, should belong to him. The landlord had a right to have his property, but he had no right to have back more than his property, to the wrong and disherison of the tenant, who had a clear right to the results of his own toil and expense. The principles of natural law were, therefore, in accordance with those of this Bill—compensation to the tenant for the additions he had made to the annual value of the land; nor could he see that a measure which had for its object to make the municipal law in accordance with the natural law could be called a violation of the laws or rights of property.

CAPTAIN DAMER said, that he should support anything like reasonable compensation to the tenant, but thought it rather a matter for arbitration than legislation.

MR. P. O'BRIEN said, that he conceived it to be his duty, as representing a constituency which especially elected him on the ground of his being the advocate of the Irish tenant, to rise in his place and aver that the wishes of the large mass of the people upon this question were fixed and unalterable. Some few weeks ago there was a question before the House relating to the talookdars of Oude. Then, indeed, the Ministerial benches were crowded; but now, when the question arose as to the talookdars of Ireland, no interest seemed to exist upon the Ministerial bench, its only occupying tenant being the right hon. Member for Enniskillen (Mr. Whiteside). This might appear right to some hon. Gentlemen, but he (Mr. O'Brien) must confess that it astounded him to observe that the affairs of men separated from that country by some 10,000 miles excited more interest, attracted more attention, than those "mere Irish" who were on that day disregarded by Her Majesty's Government? It was said that a dissolution was imminent. Well, let it come. In England they would have a reform test, which must prove gratifying to English country gentlemen. Instead of opposing Whigs, they would have to contend with what he called a Liberal, but perhaps they a revolutionary party. Well, but in Ireland what would be the cry?—the cry of protection to the tenant. They on the Ministerial benches might imagine it had died out; but on the hustings would be indicated the falsity of that opinion. For his own part, despite of any unpopularity that might arise from the declaration, he was there to declare that he would be glad to support any measure tending in this direction. He was a young man, and, however anxious to continue a Member of that House, he trusted he was sufficiently devoid of selfish feeling to sacrifice his own prosperity to the interests of those tenants who had sent him to Parliament. Before he sat down he would appeal to the Attorney General for Ireland to make an explicit statement as to the intentions of the Government upon this great and vital question.

MR. WHITESIDE said, that although this question had been so often discussed, and always without arriving at any practical result, yet the fact that so many Members from Ireland had joined in the discussion demanded from him the most serious and respectful attention. It must have been remarked that most of those who had addressed the House in support of this measure had in their speeches dropped almost entirely any reference to this particular Bill, and had confined themselves, he thought wisely, to the advocacy of general principles, which had, however, little reference to this measure. This Bill was termed a Bill for the compensation of tenant farmers, but it had been generally discussed as if it were one to secure tenant right. As reference had been made to the Devon Commission, it behoved the House to consider what that Commission really was. Sir Robert Peel appointed that Commission at a moment when Ireland was in a condition different from which it happily was at present. It had taken a great mass of evidence, and had condensed its substance into a Report, which he had before him. Had any hon. Gentleman shown that the recommendations of that Commission supported this Bill, or that the recommendations which the Commissioners really made had been slighted by successive Governments, or that the state of the tenantry in Ireland was worse now than then? The greater number of the recommendations of that Commission had, in point of fact, been carried into effect. Acts had, for instance, been passed, as they suggested, enabling estates held on renewable leases to be converted into freeholds, and giving a tenant for life power to charge the land for certain improvements; and although they entered into a statement of their views with respect to the compensation to be given to tenants in Ireland for improvements, he could assure the House that there was nothing in the Report to warrant the statement that the Devon Commission sanctioned the principle of a retrospective

compensation. They recommended the establishment of a system of agricultural instruction throughout the country, which they believed would be of the most signal advantage. He denied the assertion often made that the tenant laboured under the same evils now as he did at that time. It had been asked whether it was just that the tenant should lose all right to compensation for buildings erected on or for other improvements done to the farm at his own expense and labour? Hon. Members, however, appeared to forget that by the Act of 1851, which was one to improve the relations existing between landlord and tenant, and had special reference to tenant's fixtures, any tenant erecting any farm building, from the time of the passing of that Act, with the knowledge and consent of his landlord, such erections were to be deemed the property of the tenant, subject only to this condition, that the landlord shall have the right of pre-emption, the subject to be assessed by impartial referees. Therefore, the assertion that the landlord might take those erections from his tenant and appropriate them to his own use was not founded in fact. It was said that Irish landlords were prevented from granting leases to improving tenants, and that small portions of estates could not be sold. Now, a Bill of a very important character having reference to these subjects had been submitted to the House when the present Government were in office in 1852. It was called the Leasing Powers Bill. That measure proposed to give a power to the landlords which they did not heretofore possess to make leases or contracts with their tenants after certain improvements had been made by the latter; but the popular party from Ireland, as they were called, resisted the passing of that measure and it was rejected. Now, he was of opinion that for a good improving tenant no lease could be too long. He also concurred with certain hon. Gentlemen opposite in thinking that the present position of landlord and tenant in Irelaad was indefensible from its great complexity. The Bill that had been introduced by his right hon. Friend the present Lord Chancellor of Ireland, for the purpose of consolidating and amending the law of landlord and tenant in Ireland, cost a great deal of labour, time, and money. Well, that Bill was likewise refused by the Gentlemen from Ireland, although it had gone up to the other House, and had been revised by a Committee of the House of Lords. The hon. Members composing this co-called popular party, said, "No, we will not have that Bill, nor the Leasing Powers Bill, nor the measure enabling landlords to make new contracts with their tenants, unless you agree that our Bill, called the Tenant Right Bill, shall also pass into a law." The last-named Bill was consequently retained in order to furnish political capital to certain orators on the hustings. That same subject was discussed in relation to England, and he believed the right hon. Gentleman the Speaker had sat upon Mr. Pusey's Committee to inquire into it. Much useful information was collected by that same Committee. He had before him the valuable Report of that Committee, and he found amongst other things discussed, was the practice that was said to prevail in parts of the country by which the compensation agreed to be given by the landlord to the outgoing tenant was actually paid by the incoming tenant. That same custom existed in Ulster, and as he was a Conservative he should not be disposed to meddle with it. The Committee in their Report having stated the principle now voluntarily acted upon, proceeded to observe that any attempt to establish that principle by a general compulsory provision would be attended with the greatest difficulty; they thought it, therefore, better to rely for the general adoption of the system upon the general arrangements that existed between landlord and tenant. The Report recommended the distinction in the law between trade fixtures and agricultural implements and improvements to be entirely removed, and such distinction had been removed accordingly. Now, he did not think that that Report was to be disregarded in the present case. A witness, in reply to questions as to the effects produced by the practice of the incoming tenant paying to the outgoing tenant the amount of compensation due by the landlord to the latter, stated that beside encouraging imposition between the outgoing and the incoming tenant, it tended to prevent good cultivation, because it locked up the capital which the tenant should invest in the cultivation of the land; and that the landlords frequently bought up the compensation on that account. That witness was manifestly opposed to the very principle that existed in Ulster, and which was lauded by so many persons. There were two other witnesses examined, who showed themselves thorough champions of the tenant-right principle to its fullest extent. One of them

was asked by his right hon. Friend the Member for Oxfordshire whether, if an improving tenant engaged a farm at 20*s.* per acre which rose in value from £6,000 to £12,000 by the expiration of his term, the outgoing tenant ought to receive the whole of the improved value. "Yes," replied the witness, "the outgoing tenant ought to get the whole £6,000, and the landlord nothing but his original 20*s.* per acre, because he had done nothing to increase the value of the estate." Here was an example of the working out of this problem in England, and the report and evidence to which he had referred clearly proved the extreme difficulty of dealing with this question in the manner which hon. Gentlemen now proposed. Several hon. Members had adverted to what had been said and done in 1852 by his right hon. Friend (Mr. Napier), the present Lord Chancellor of Ireland. Now, he thought that his right hon. Friend might very fairly be allowed to speak for himself upon this subject. It was never proposed or contemplated to make the landlord liable to any money payments, in consideration of former improvements made by the tenant upon his farm, the landlord having never been consulted in relation to them. His right hon. Friend said, that as he had confined himself to the class of improvements specified under the Lands Improvement Act, improvements carried out by means of loans of public money, he thought that where the tenant made such improvements he should be secured in the possession of his farm for a compensating period of time. That principle was provided for by the Bill of his right hon. Friend, and he (Mr. Whiteside) could not help thinking that those who resisted the passing of that measure could now only with a very bad grace rely upon its principle. There were four descriptions of improvements provided for by the Bill of his right hon. Friend; first, new buildings or the enlargement of existing buildings for agricultural purposes; second, the reclamation of bog or waste land; third, the clearing away of rocks or stones; and lastly, boundary roads or fences. Drainage works were also originally included, but were afterwards abandoned. These improvements were to have been compensated by "compensation periods." In turning to the 14th section of the Amended Bill, he saw the same principle substantially recognized and provided for. The question thus remained unsettled up to the present time. He asked the House now to consider how the arguments they had heard so forcibly urged could be maintained in the face of the alteration that had been effected by the agency of the Incumbered Estates Court. It appeared that £20,000,000 of property had changed hands by means of that Court. The *modus operandi* of the sales was this: The tenants all received notice of the fact of a sale being about to take place, and each was called upon to state the nature of his claims, whether they were founded upon a lease or a contract. Any objection made by the tenant was entered in a particular book. The Commissioner heard the case, and pronounced his opinion upon it. The rental was settled, and the purchaser purchased his estate upon the faith of that rental, and upon that understanding every other question was settled. The great advantage of the system was not only in the certain amount of the rental itself, and in the Parliamentary title, which was indefeasible, but in the fact that with that rental there was a complete settlement of every disputable matter between the tenants and the incoming landlord. He would ask the right hon. and learned Gentleman the late Attorney General, if he were present, whether he would venture to say that that principle upon which so many purchasers had acquired their property in Ireland could now be departed from, and whether hon. Members could be so inequitable, so imprudent or unstatesmanlike as to put their hands to any measure which would have the effect of unsettling or disturbing that settlement made under solemn Act of Parliament? There was at present a rental of £200,000 a year in the Court for sale under the operation of the law. Purchasers were now paying for property in some counties in Ireland as high as thirty-four years' purchase, although for the same property a few years ago, twelve or fifteen years' purchase would have been considered a large price. Now, if it were at all surmised by the purchasers that it was contemplated by Parliament to enact a measure which would empower an inquiry to be made into all cases of disputed claims in respect to past improvements effected by tenants, the value of such property would drop down at once ten or fifteen years' purchase, to the serious injury of both landlords and tenants. The hon. and gallant Member for Westmeath (Colonel Greville), it was reported, had paid a very large sum the other day for the transfer of a certain property he had

Mr. Whiteside

purchased in the Incumbered Estates Court. He (Mr. Whiteside) would ask him, how he would relish the operation of a law which would call into existence perhaps some hundreds of cases of arbitration regarding claims for improvements, not only effected by his present tenants, but by their grandfathers and great-grandfathers, and that the value of those compensations should be added to the purchase money which he had already paid? Under the Bill which he had had the good fortune to submit to the House lately, not only the owners of incumbered estates, but also the owners of unincumbered estates, would have the right of conferring a sound Parliamentary title upon the purchasers of any portion of their property. When he was lately in Ulster, he asked a banker there what he thought of the general state of the tenants at that time. That gentleman answered him by saying, that a few years ago the man whose bill he would not discount for £10, he would now be glad to accommodate by discounting his bill for £100. Well, but that was in Ulster, a part of Ireland that was to be shut out from the operation of this Bill. He asked hon. Members in solemn seriousness, whether it was worth their while to enact the measure for the remaining portion of the country, when it was obvious that the effect of it would be to invalidate every title that had been already given under the Incumbered Estates Court, and would shake the confidence of all those who were inclined to invest money in the purchase of land in Ireland? A Scotch gentleman delivered an able lecture on last Friday, in the rooms of the Dublin Society, upon the value of property in Ireland, in the course of which he did him (Mr. Whiteside) the honour of referring in complimentary terms to his Bill relating to the transfer of land in that country. Although the lecturer observed that the land of Ireland had increased tremendously in value of late years, it was still only about half the price in was in England or Scotland, and he strongly recommended others of his countrymen to go over at once to Ireland and purchase property there, that the country generally was most prosperous, the landlords received high rents, and the tenants were enabled to pay high wages for their labour; but he said they need not go to Ulster where they could not buy cheap. Now, while upon this subject, he (Mr. Whiteside) could not avoid observing that not one word had been said throughout this discussion on behalf of the poor labouring man. The gentleman in his lecture described the country as tranquil and the people civil, courteous, and industrious; and he said that the new proprietors paid much better wages to the labourers than they had formerly received, and that nothing gratified an Irishman more than to have a plough and a pair of horses put under his charge, with good wages. He (Mr. Whiteside) asked whether it would be advisable to risk such a happy state of things, and to disturb the settlement of the Parliamentary titles by such a measure as this? He considered that this Bill was one which no one could carry out practically. In clause 1, it was declared that all buildings and other improvements made at the cost or labour of the tenant, or had been purchased or inherited by the tenant from his predecessor, should be taken to be the property of the tenant. There was here no limitation whatever as to time, nor no exception made in regard to the purchasers under the Incumbered Estates Court. Why, it would be utterly impossible to carry out such a law—it was most unjust and mischievous. Its principle was totally opposed to that which had been proposed by the present Lord Chancellor of Ireland. Even if it were possible to carry out such a principle, the machinery proposed in the Bill, if put in operation, would prove most mischievous to the tenant himself. Moreover, many of the south parts of Ireland were not in the state represented. In the south of Ireland there was lately sold the Thomond estate; and he was told that on the occasion of the sale, many of the sturdy tenants with their short coats appeared in Court, and purchased a considerable portion of the property with their own moneys, honestly earned, and saved carefully and judiciously for the sunny day when they could purchase the fee simple of their own farms. Now, that fact proved that there was more money in Ireland than they at first supposed. Well, but hon. Gentlemen might ask him as to his intentions for the future as regarded this subject. The question was easily asked by gentlemen who first framed a Bill to suit their own purposes very well when standing upon the hustings. If they presented a Bill, carefully framed, which did not attempt to recognise the retrospective principle, but which would provide for the voluntary agreement between landlord and tenant, then he should say he would be happy to consider such a measure, and if

possible to assist in carrying it into a law. He was of opinion that the law should be consolidated. He concurred with hon. Gentlemen opposite in thinking that the landlord should have the power of making leases to his tenants under all circumstances. If, too, they could point out any mode practically by which full justice should be done to the tenant without infringing upon the legitimate rights of the landlord, any such measure that would remove the disabilities that at present existed, and that would enable the parties to make and conclude contracts together, he (Mr. Whiteside) should be happy to concur in its adoption; but if they asked him to assent to a Bill involving the retrospective principle, it would be both uncandid and delusive in him to buoy them up with false hopes, and to tell them that that could be done which, in his conscience, he believed could not be done. The subject, no doubt, was one of great interest; and if, on further consideration, the Government found, after the Land Estates Bill became law, that any measure could be framed which would simplify the existing law, and at the same time remove all the obstructions complained of, they would certainly endeavour to consider such a Bill; but if hon. Members were really patriotic men, seeing that Ireland was gradually advancing to a high position of prosperity, seeing that she was stronger and richer now than ever she was before, and that there was every likelihood of her being a great and a flourishing kingdom, they would shrink from adopting any measure that would be at all calculated to unsettle existing relations, and thereby to check those advances which so happily manifested themselves in every part of that country. He believed that Ireland was now only commencing her career of prosperity; it was now only entering upon a career which would hereafter result in a great and glorious success. If he believed that the present Bill would have the effect of promoting that success, he would at once and cordially support it; but believing the very reverse, and that it could not be carried practically into law, he felt conscientiously bound to oppose it, while tendering his assurance that if any one practicable remedy could be applied to the evils connected with the existing law, he should be only too glad to avail himself of it.

Mr. HENCHY: The right hon. Gentleman had said in effect that Conservatives approved of the things which existed; but there were many abuses which existed, and on that side of the House they, not being Conservatives, were for correcting those abuses. The right hon. Gentleman had said that Irishmen abroad were free, and their object was to make them free at home. As to getting the dormant money out of the thatch and the stocking, there was not enough to purchase the farm, but only to improve it. In the south and west of Ireland there were many penal clauses in the leases by which tenants were compelled to give certain days' labour to the landlord, particularly in drawing turf, which was very objectionable. He gave his hearty support to the measure.

Colonel GREVILLE said, he had not changed his opinion on the subject of tenant right. The right hon. Gentleman (the Attorney General for Ireland) had alluded to him as having purchased a large property in Ireland lately, and asked him how he should like all the tenants on that estate to come in and demand compensation for improvements that had been made in former times. Now, it was not proposed by any one to give tenants the power to do that. It was only in cases of eviction that the tenants were to have such a right to demand compensation; and to that he (Colonel Greville) thought there was no objection.

Mr. MAGUIRE replied. He said, that he was neither the father nor the mother of the Bill. He was only its foster-father and dry nurse. It had been introduced by Mr. Moore, who was no longer a Member of that House. He (Mr. Maguire) did not stick for the wording of the Bill. Many good Bills were emanating from Her Majesty's Government, and he trusted that they would add to those good measures a Bill for protection to the Irish tenant. He was no party man. He hoped that the present Government would remain in office for some time, for it was no harm that the late occupants of the front benches were made to do penance. Let them bid for support. Let them bid for him. He wanted nothing from them personally. He should give his support to that Government which brought forward measures that would benefit his country. He was gratified at the discussion which had taken place on his Motion. It was a fair and manly one, and he was not ashamed to go to a division, no matter how small the numbers that might be found on his side.

Question put.

The House *divided*:—Ayes 65; Noes 200: Majority, 135.

Words *added*.

Main Question, as amended, put and *agreed to.*

Bill *put off* for six months.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 10, 1858.

MINUTES.] *Sat First in Parliament.*—The Earl of Shrewsbury, after the Death of his Cousin.

PUBLIC BILLS.—1ª Church Rates Abolition; Law of False Pretences Amendment.

2ª Property Qualification; Municipal Franchise.

PROPERTY QUALIFICATION BILL.

SECOND READING.

Order of the Day for the Second Reading read.

EARL FORTESCUE, in moving the second reading of this Bill, said, he need hardly inform their Lordships that it had passed the other House by a very great majority drawn from all sides, and with the support of the leading Members of Her Majesty's Government; and though he was not authorised to state that it would receive the same support from the noble Earl and his colleagues in their Lordships' House, he thought he was warranted in stating that they entertained no objection to the measure. In stating the grounds on which he asked their Lordships to support the Bill, he would not dwell on the point, much insisted on by many, that there should be no restriction on the natural right of the people to choose their representatives, because, whatever might be his own opinion on that subject, he was ready to admit that while the possession of a certain amount of property was required as a qualification in the case of magistrates and deputy lieutenants, and for the exercise of the elective franchise, there was reasonable ground of analogy for the requirement of a qualification of the higher office of a seat in the Legislature. To make the analogy just and fair, however, it should be carried through and a qualification required for a seat in their Lordships' House as well as in the House of Commons; but they were aware that that formed no part of their Parliamentary constitution. No qualification was required for a seat in their Lordships' House; but he believed it was notorious in former Parliaments and in recent times—he was making no allusion to the present House of Lords—that Peers had sat and voted in their Lordships' House who had not a clear income to the small amount required in a representative of a borough, and the eldest sons of those Peers, even if their fathers were insolvent or bankrupt, would be fully qualified for the House or Commons. The first property qualification was imposed by a statute passed in the 9th year of Queen Anne. He would not enter into the motives or views of the promoters of that Bill, but he believed from its first enactment insuperable difficulties stood in the way of its being carried into effectual operation, and the histories, both of Smollett and Hallam, stated that the Act was notoriously evaded. After an interval of some fifty years, an Act was passed to render that of the 9th of Anne more stringent, and it was then provided that, before a Member took his seat, he should make oath that he had *bonâ fide* such an estate for his own use and benefit, after satisfying all incumbrances, as qualified him to sit as a Member for the place for which he was returned. The amount of that qualification for a county was £600 a year from a landed estate, or a rent charge from land to that amount, and half of that sum for a borough. Shortly after the Union that Act was extended to Ireland, and then a still more extended and regular system of fictitious qualifications, borrowed from friends or hired through attorneys, became perfectly notorious; there were, however, some instances of others of a much more objectionable character. He would only mention one which occurred when he was a Member of the other House of Parliament. A Gentleman returned for a large constituency in Ireland was not questioned at the election respecting his qualification, and perhaps might not have been aware, until he came to take his seat, that any was required; his means were not large, and finding that a property qualification was necessary, he procured a map of one of the largest counties in Ireland, with the aid of which he selected the names of certain town lands in a mountainous district. Those names he inserted in his qualification paper, and upon that qualification he sat for two Parliaments. He might have continued sitting upon it had he not quarrelled with some of the parties who assisted in procuring his return. Things went on in that state; the desire to sit in Parliament increased among person unqualified as to property; and fictitious qualifications were carried on to such an extent,

that, in 1837, the late Sir William Molesworth, when moving for a repeal of the Qualification Act, stated, on the authority of a respectable solicitor, who had been much employed in matters of qualification, that not more than one-half of the Members sitting in that Parliament were really and legally possessed of a property qualification. A Bill was brought in and carried through Parliament the following year, by which the property qualification was extended to personalty as well as land, and a solemn declaration substituted for the oath. That was a great amendment on the old law. It abated considerably the number of fictitious qualifications, because many possessed the requisite personalty, who were not possessors of land; but it by no means put an end to them, and Members were seated as before, by Committees, though they admitted that their qualifications were borrowed. They had heard it said that there was one law for the rich and another for the poor, but much had been done of late years to remove that impression, and no measure had contributed more to that end than the Act passed last year, by which, through the humanity, ability, and zeal of the noble Lord then occupying the woolsack a poor man, equally with a rich man, is enabled to get rid of a profligate wife, and what is still better, an injured and oppressed wife is able to rescue herself and her children from the cruelty and insults of an unprincipled husband. But how stands the qualification Act between the rich and the poor—the elected and the elector? The law, as has been shown, is set at nought by the former; but if a 40*s.* freeholder, having inherited from his father of the same name with himself, a property registered for a vote, should ignorantly tender his vote as the person on the registry, he is subjected to two years' imprisonment with hard labour. But will it be said that a new light of truth and justice had appeared because Mr. Glover, a Member elected to the House of Commons, and unseated by a Committee, had been prosecuted at law and imprisoned in Newgate, for having made a false declaration, the property upon which he relied being insufficient to give the required qualification after deducting the encumbrances upon it. That was the first prosecution that had taken place during the 150 years the Qualification Act had been in existence, and he could not but consider Mr. Glover rather as a scapegoat for the sins of many generations, than as an offender of much deeper dye than others. The Bill he now proposed for second reading would do away with what had been justly called a delusion and a sham, and if it were passed he hoped its first effect would be to bring about the liberation of the gentleman to whom he had referred.

Moved, That the Bill be now read 2ª.

Earl GREY expressed his surprise that, no Member of the Government had risen to express an opinion on this measure. It was something new in practice and in Parliamentary history to be told, not upon the authority of a Member of the Government, but upon the authority of a noble Earl moving the second reading of a Bill, that the Government did not mean to support it, but had no objection to it. That was a novel course of proceeding, as inconvenient as extraordinary; and more especially, when he considered what were the former opinions of noble Lords opposite, did he think that, if they intended to advise the House to pass the Bill, it was their duty to state the grounds upon which they had come to that conclusion. As, however, he learnt from the noble Earl who moved the second reading that the Government did not mean to oppose it, he presumed the measure would receive their Lordships' sanction. It was not his intention, under those circumstances, to trouble the House with an opposition which he knew would be unavailing; but he could not permit the Bill to pass without expressing his regret that it should pass in such a manner and at such a time. With respect to the measure itself, he owned he did not consider it one of great importance. He altogether differed from the noble Earl that the imposition by the Legislature of restrictions upon persons returned to Parliament was "an invasion of the natural rights of electors," and he thought that if they began to argue those assumed natural rights they would soon get into interminable confusion and absurdity. He supposed, as his noble Friend advocated the first point in the Charter, he was prepared to argue for the remaining five points. Although he (Earl Grey) did not think there was anything unreasonable in Parliament requiring that before a man took his seat in the House of Commons he should show that he was in the possession of sufficient property to give some assurance of his independence and ability to devote his time to the duties he had undertaken, yet he was perfectly aware that the law as it stood at present

was easily evaded. He did not take the same view of those evasions as the noble Earl appeared to do, for he regarded such tampering with a solemn declaration as not very distinguishable from perjury. Be that as it might, it was true, that the law was easily evaded, and he fully recognized the objections to retaining upon the statute book a law that was not practically in force. He therefore entertained no strong opinion against this measure considered by itself; but he could not avoid thinking it derived additional importance when it was considered in connection with other questions and the time at which it was proposed They could not be ignorant that there was at the present moment a numerous party who desired to effect a complete alteration in our representative system. The abolition of the property qualification was the first step, but there were other measures included in the list of what they considered necessary reforms. They wished for a very large extension of the franchise; for a redistribution of the right of returning Members to the House of Commons. They wished to establish a system of secret voting; and to abridge the duration of Parliaments. Those were objects which were sought to be attained by a party of considerable importance in the country, and he need hardly point out to their Lordships that if the measures to which he had just alluded were to be carried into effect unaccompanied by any counterbalancing changes in an opposite direction, the introduction of a complete revolution into the working of our Parliamentary system would be the result. Instead of a constitution under the operation of which the different classes of the community would exercise a certain amount of authority, we should have, as the consequence of those proposed alterations, such overwhelming influence thrown into the hands of those classes who formed the numerical majority of the people, that all the other classes in the state would be rendered collectively powerless. We should, in short, have an unbalanced system of democracy. Now, he felt that to any change of that character the great majority of the people of England were entirely opposed. The experience to be derived from the proceedings of foreign countries of late years was not lost upon our own. In France, as their Lordships were aware, the inhabitants had—in his opinion unfortunately — thought fit, instead of reforming by constitutional means a form of Government which he granted was defective and corrupt, to establish a system of extreme democracy. What had been the consequence? Why, that the system had been found to be so oppressive that those who lived under its influence had become almost universally desirous of a change. That change was brought about, the system of extreme democracy had been superseded, and a form of government had been established in which the Emperor was practically absolute. Their Lordships were also aware that in the United States of America a constitution of extreme democracy had been tried—and tried, too, under circumstances far more favourable than could in an older society and a more thickly peopled country be fairly anticipated; yet we knew, not only from the observation of travellers, but from the testimony of some of the most enlightened citizens of those States, that in proportion as the checks on democracy had been removed, in the same proportion decayed that liberty which consisted in freedom of action, of thought, and of speech upon the part of individuals, and the enjoyment of that full security of person and property which prevailed under the protection of equal laws fairly and firmly administered; while at the same time there had been an increase of corruption and a diminution of efficiency for good, not only of the general Government, but of the separate Governments of individual States. Such was the present state of things in America, according to the best testimony; and he could not help feeling that the example of that country had its due weight with the inhabitants of our own, who, he felt assured, were by no means desirous to alter our constitution, in order to assimilate it with that which existed at the other side of the Atlantic. But, although he felt persuaded that such as he had described it to be was the general inclination of the people of these kingdoms, yet it was, he thought, impossible not to perceive that the usual means by which the balance of a constitution was changed was by having recourse to gradual and petty alterations, none of which were, perhaps, of extreme importance in themselves, but each of which tended to consequences upon which there was much reason to look with apprehension. There could, for instance, be no doubt that the avowed policy of that party in this country which sought to effect extreme changes in our form of Government was—being hopeless of carrying out their

objects if they proposed to do so openly and directly—to use their own language, to obtain that in detail which they were unable to procure in gross. That was the mode of action which was adopted, and it was, he feared, a policy which was all the more likely to prove successful, owing to the fact that, although the party by which it was adopted was at present weak in comparison with others, yet it wielded a power in consequence of the divisions subsisting between those other parties far greater than it ought, and also owing to the circumstance that a disposition had been exhibited among the public men of various parties to bid for the support of those for whom, as a general rule, they differed on political matters, by concurring in the various measures which the party to which he referred deemed it its duty to propose. From a tendency such as that, he should confess he believed great danger to the country was likely to arise; and it was his observation of the existence of that tendency which rendered him so reluctant to give his assent to the passing of the Bill before the House. But, in giving expression to those views, he must not be understood as being opposed to a deliberate and well-considered revision of our representative system. Upon the contrary, he was of opinion that the time which had elapsed since 1832 had rendered such a revision desirable, if not necessary. He wished it, however, to be effected only after sober and calm deliberation. Meantime he strongly objected to being asked to take small steps year after year, which some people were disposed to regard as being of no consequence, but which tended to throw additional power into the hands of those by whom those radical changes to which he had referred were sought to be effected, and which, if prosecuted to a successful issue, would only serve to stimulate their appetite, and to lead them on to the accomplishment of objects, the attainment of which he could not look upon otherwise than with dismay. Parliament ought to know what it was doing, and the present measure ought to be considered in conjunction with a general rearrangement of the representation. In any well-considered measure of Parliamentary reform which might be introduced it would, he felt convinced, be found necessary that some changes should be effected which were not altogether of a popular character, and which should have for their object the removal of defects which were not those dwelt upon by ordinary popular orators, but which at the same time must not be regarded as the less substantial or important. Now, if any alterations of that character should be found to be necessary, it was, he thought, extremely expedient that their Lordships should, as a measure of common prudence, abstain from making concessions on their part until they knew what concessions would be made on the other side. For those reasons, he regretted extremely that such a measure as that under their notice should be allowed to pass without a single word of explanation from Her Majesty's Government—they ought to explain fully and fairly their views on the subject, and in what way they were disposed to act hereafter. Upon a subject of such transcendent importance they had a right to demand that they should not be led blindfolded along a path of which they could not see the end. He should, therefore, call upon noble Lords opposite who concurred with him as to the necessity of exercising great caution in dealing with a question so grave to watch with due care the conduct of their leaders. If their leaders would only stand by them as they ought, he saw no reason to suppose that it was not possible that the entire question might not be fairly and satisfactorily settled. If, however, those leaders should pursue a different course, and, trusting to the aid of that party with which they had hitherto acted, should at the same time seek by dangerous concessions to earn the support of those who differed widely from them in political principles, then might the consequences which would follow turn out to be formidable indeed. Now, the expectation had been held out to the country that in the course of next Session a general measure of Parliamentary Reform would be introduced by Her Majesty's Government; and if they were prepared to act upon that intimation, he should beg to impress upon them the great importance of taking—before they even entered upon the consideration of their proposed scheme—some steps to collect, by means of able and trustworthy persons, information bearing upon the subject. He believed that an immense amount of statistical and other information might be obtained by persons fitted for the duty, which would throw great light on the best means of improving the constitution of the House of Commons. He hoped that if the Government intended to bring forward a measure of reform next Session, they would, during the present au-

Earl Grey

tumn, take steps to collect such information and place it before Parliament.

LORD EBURY said, he was not a little astonished by some of the observations that had been made by the noble Earl who had just sat down, but he would not trouble their Lordships by going into a consideration of "the five points of the Charter," or any larger measures of reform which might be desired by any party in the country or in Parliament. The noble Earl had stated that he did not consider this measure a very important one; but he (Lord Ebury) would call attention to the necessity of some measure of relief of a class of persons to whom he might allude—he meant the Members of the House of Commons who were compelled to try the merits of election petitions. It had been his misfortune to have been the Chairman of two Committees appointed to inquire into such petitions, which turned upon the qualifications of the Members. One Member was petitioned against on the ground of want of qualification. In that case the Committee sat three months, and several witnesses were called to speak of the value of certain estates in Ireland. Some said they were sufficient for the qualification which was required, while others said they were worth nothing at all. Upon this conflicting evidence they had to decide, and they gave the sitting Member the benefit of the doubt which existed in their minds. Very likely, after all, the Member alluded to was not qualified. In the second case the Gentleman petitioned against was unseated. It was that of Mr. Carter, the Member for Tavistock. Deeds were produced, upon which the Committee looked with dismay; and it was impossible for them to tell, even after the closest inspection, whether the Member was qualified or not. Some lawyers who were on the Committee gave it as their opinion that the deeds did not represent the proper amount of qualification, and that view of the case was adopted. It was most desirable that Members of the House should be relieved from such protracted, painful, and unsatisfactory duties. Here, then, was one not unimportant advantage which would be conferred by a repeal of the law. That law, however, as it stood, was but a delusion and a snare, and on this ground too, he would support the present measure. Nor did he see why they ought to quarrel with the noble Earl at the head of the Government for adopting his reform. Why should not the noble Earl be allowed to change his mind on this and on other subjects, even though he might formerly have pronounced decided opinions of a different kind? He (Lord Ebury) should give his vote for the Bill, and was glad to understand that it was not likely to be opposed by the Government.

THE DUKE OF RUTLAND said, he was for many years a Member of the House of Commons, and when he acted upon Election Committees the great difficulties he found were not with reference to the qualifications of Members, but as to whether electors had paid their rates, and whether they did or did not live in £10 houses. He was afraid that the noble Lord (Lord Ebury) would have "to go the whole hog," the "five points of the Charter," and something more, if he wished to relieve Members of the House of Commons of their laborious duties in connection with Election Committees. He objected to this perennial system of legislation, because it would inevitably tend to the violation of the constitution. He believed that no respectable man was prevented from obtaining a seat in the other House by the law as it stood, and he should therefore enter his protest against the repeal of that law.

THE EARL OF DERBY: My Lords, if I did not rise immediately after the noble Earl (Earl Fortescue) it was not from the slightest wish to conceal the opinion I have formed upon this subject, but merely because, not intending myself to offer any opposition to the second reading of the Bill, and understanding that it was the intention of the noble Earl who spoke second (Earl Grey) to offer some opposition to it, I was anxious to hear what arguments he was prepared to submit. I confess it has been satisfactory to me to find that my opinions with regard to this Bill are in a great measure shared by the noble Earl, and that, instead of opposing the Bill — as I expected he would do — he has confined himself to making certain observations, not so much with regard to the measure itself as to the possible consequences which he thinks might follow its adoption. I agree with the noble Earl in the opinion he expressed that the Bill is in itself of very trifling and immaterial importance; and I also agree with him in the view which he takes of the danger of some ulterior measures with which he sought to connect this Bill, but with which I confess I am not able to see any connection. Whenever measures of a character dangerous to the constitution may be pro-

posed, nothing will give me greater satisfaction than to find that in resisting them—as I should resist them on whatever side of the House I might happen to sit—I have the conscientious support and assistance of the noble Earl. I must confess, however, that while the noble Earl will find no one more sincerely and conscientiously opposed than I am myself to the democratic measures which he announced his determination to resist, I see no necessity for the solemn warning he gave to those with whom I have the honour of acting, to be cautious that their leaders do not draw them into dangerous courses. I am sure the Conservative party will be deeply grateful for the noble Earl's advice, and I hope they will give it due weight. Whatever importance they may attach to his recommendations, I am sure they will attach great value to his promise of assistance in resisting the progress of extreme measures. The question is, however, how far the Bill now before us is connected with the other measure to which the noble Earl has referred. The noble Earl says, that the proposal to abolish the property qualification is supported by a party who will demand a redistribution of electoral districts, the vote by ballot, the shortening of the duration of Parliaments, and a very large extension of the suffrage—all of which, as I understood, the noble Earl is determined to oppose.

Earl GREY was understood to say, that what he had stated was, that these proposals, considered as a whole, and without any compensating measures on the other side, would amount to a revolution—and so they would.

The Earl of DERBY: Then, I want to know how far, in the opinion of the noble Earl, this measure is revolutionary. The noble Earl has said, that the Bill is utterly unimportant and immaterial. I must protest, then, against his coupling his objections to this Bill with his objections to other measures which, he says, taken altogether and unaccompanied by any compensation would be equivalent to a revolution. Does it follow because the House of Commons are prepared to sanction this measure that they are also prepared to sanction, with or without compensation, the other measures to which the noble Earl has referred? The noble Earl has alluded to secret voting; but the same House of Commons which regards the Bill now before us as a perfectly safe and immaterial measure was not prepared to give its sanction to what the noble Earl regarded as a revolutionary element, namely, the dangerous measure of vote by ballot—for in a very full House that measure was rejected by the House of Commons by a very large majority. I believe that at this moment the House of Commons is engaged in considering another of the measures to which the noble Earl referred, and it is impossible for me to say at what conclusion that House may arrive. The noble Earl, who seems to think that Her Majesty's Government will give their support to all the measures which may be sent up to this House by the House of Commons, has alluded to the measure which may be sent up, founded upon Mr. Locke King's proposition to extend the £10 franchise to counties. I can disabuse the noble Earl of any impression he may have formed by assuring him that such a measure will meet with the most strenuous opposition I can offer to it. If the House of Commons thinks fit to deal singly and separately with any of the measures to which the noble Earl has referred, it will be your Lordships duty, when such measures come under your consideration, to express your opinion upon each of them singly and separately, according to the merits of each proposition, and without reference to those other questions with which it is supposed that they may be connected. With regard to the Bill now before us, although I am not anxious either for its adoption or rejection, I am not prepared to offer any opposition to a measure which immediately affects the composition of the House of Commons, which has been passed by that House, and which appears to me of such intrinsic unimportance that it ought not to be allowed to add to the causes of difference which exist between the two Houses. If I thought that the existing law afforded an actual security for the independence, the station, and the position of those who sit in the House of Commons, and that the adoption of this Bill would materially diminish the *status* and position of the Members of that House, I should hesitate long before I acceded to the passing of the measure, even although it comes up to us recommended by a large majority of the House of Commons. But when I find that from time to time the law upon this subject has been relaxed; that the question has always been dealt with, not as part of a great measure of reform, but as a separate measure; that in the

course of the present reign the rigour of the previous provisions, which required that the qualification of Members should consist exclusively of landed property, has been relaxed and extended to property of every kind; and when I see that the amount of qualification required is not, in the present day, what can be regarded as a guarantee for the independence of any man who mixes in society, and who has to maintain his position as a Member of the House of Commons—such a guarantee of independence as would withdraw him from the exercise of undue influence—I confess it does not appear to me that the alteration proposed by this Bill would effect any real and substantial change in the position of Members of the House of Commons. There is one difficulty which I certainly do anticipate, and which I think requires some consideration before this measure is sanctioned. I refer to the probability—or, at all events, the possibility—that the absence of any qualification may lead to vexatious contests and to vexatious opposition, by putting upon the hustings men of straw, merely with the view of causing vexation and annoyance, and without any real intention that they shall take their seats in the House of Commons. I know I may be asked whether such instances have occurred in Scotland, where no qualification for Members of Parliament is required, and how a system can be defended with reference to English Members of Parliament which is not considered necessary in the case of Scotch Members. I admit that that does not appear to present a difficulty in the practical working of the system. I do not say now whether I think it desirable or not that the *bonâ fide* qualification of Members of the House of Commons should be of a somewhat higher character. I do not agree with the noble Earl who introduced the Bill that the requirement of a qualification is a violation of any of those civil and natural rights which belong to individuals. [Earl Fortescue was understood to say that he did not state that as his own opinion, but that it was entertained by some persons.] I am gratified to learn that the noble Earl does not rely upon that principle; but when I find that the qualification of Members of the House of Commons has, from time to time been altered and relaxed; that such steps have been taken, apart from all measures of "reform," that the law relating to qualification, such as it is, has in many cases, almost by the connivance of the House of Commons, been evaded; that almost any person may obtain—I do not say whether justifiably or not—a qualification which is not real; that the fact of qualifications being so granted, may, owing to blunders or bungling on the part of lawyers, lead comparatively innocent men into the commission of apparently great offences, which no one thinks very discreditable, but which may expose them to grave censures and animadversion, and subject them to heavy penalties,—when I find that this is the case, and that the House of Commons, by a considerable majority, have sent up to your Lordships a Bill with the view of abolishing a requirement which is in many instances evaded—I think—apart from questions upon which we may have, and have had, considerable difference with the House of Commons, and others which may come before us, upon which it may be necessary and essential that we should make a stand against dangerous propositions emanating from that assembly—that in point of policy and wisdom it is not advisable and expedient, if your Lordships think this subject is really and substantially immaterial, that for the purpose of keeping up a vain and shadowy appearance of qualification you should unnecessarily put yourselves in opposition to the House of Commons upon a question which materially and directly and exclusively concerns the composition of that House. For these reasons, without saying that I should have thought it necessary to introduce a measure of this kind, but finding that it has been introduced, and has received the assent of the House of Commons, and believing that it would be practically innocuous—that, if unproductive of any very considerable benefit, it would be perfectly immaterial, I certainly am not disposed to offer any opposition to the Bill, and I would humbly advise your Lordships not to reject it.

The Duke of Newcastle said, that the Bill appeared to be supported with but faint praise, whilst the opposition to it only hesitated dislike; but he differed in the view which seemed to have been taken of it, and he supported it on its merits as one which was important and necessary, and which the legislature ought to pass. The noble Duke opposite said he opposed the Bill because there was no hardship in the present state of the law. He (the Duke of Newcastle) was astonished to hear that statement, for when we looked to recent events, and when we knew that a gentleman was at that moment suffering imprisonment for a violation of the law—a vio-

lation which his noble Friend who moved the second reading said was participated in by half the Members of the House of Commons; and when his noble Friend behind him (Lord Ebury) stated the results of Election Committees on this subject, he thought it could not be said that there was not hardship, and very grievous hardship, in the present state of the law. He (the Duke of Newcastle) and his noble Friend behind him (Lord Ebury) had had some years' experience of the House of Commons, and they had sat on Election Committees, and recollected cases of hardship which existed in both directions. There were cases of gentlemen notoriously without qualification, whose elections were disputed, but who retained their seats in consequence of their disqualification not being sufficiently proved; while, on the other hand, there were cases of gentlemen notoriously possessed of ample qualifications, but in whose titles lawyers found some flaw, and who were unseated on legal technicality. The noble Earl (Earl Grey) had grounded his opposition to the Bill on two points. He had treated it as a part of a great constitutional change, and as a concession to a party which sought more extensive changes. He (the Duke of Newcastle) did not think this a great constitutional change. The origin of the law was but recent—it was introduced in the 7th year of Queen Anne by the Harley Government, and the Act was passed by that Government for a special and avowed party purpose. It was stated in the history of the times that the stockbrokers and merchants were opposed to the Government, and the Bill was passed to exclude the trading interest from Parliament by enacting that there should be an exclusively landed qualification. The law so continued until some twenty years ago, when a mitigation of the law took place, and a qualification of personal estate of an equal amount was placed on the same footing with a landed qualification. As the law stood how many anomalies existed. The noble Earl (the Earl of Derby) had alluded to the absence of qualification in the Scotch representation; and it might be added, that none was required in the case of members for the Universities, or in that of the eldest sons of Peers. But there was a greater anomaly still, for any one who was the son of a knight of a shire was entitled to sit in the House of Commons without a qualification; so that while to be a knight of the shire required a qualification of £600 a year, his son required no qualification; but when he succeeded his father, he was disqualified unless he possessed £600 a year. There was still another anomaly. Take their Lordships' House. All aristocracies were founded either on birth, wealth, or personal distinction. Surely, as regards the two first at least, you might be expected to require some qualification of a money test for a seat in such an assembly; and yet no qualification was required for admission to that House. He had said that he attached importance to this measure; and he supported it on moral grounds, believing that evasion of a law was in itself a moral evil, which ought to be removed as speedily as possible, unless strong grounds could be proved for its continuance. We had for many years been proceeding on a principle which to a great extent sapped the moral feeling of the people with regard to the disgrace attaching to falsehood, and it was a principle which the Legislature ought not to encourage. We had, until recently, brought boys to swear to articles of faith which they did not understand, and that was a moral evil which it was felt must be removed; we were still requiring oaths to be taken repudiating Princes who did not exist; and, lastly, we were retaining a qualification for Members of Parliament which excluded no men from the House of Commons except those whose consciences were of so tender a character as not to enable them to carry on that dalliance with falsehood which the Legislature encouraged. He had no fear of a danger which had been predicted, that the taking away of the qualification would cause the House of Commons to be flooded with bankrupts and swindlers. In the first place, it seemed that under the present law, that class of persons was not necessarily excluded. He should rejoice if a further great reform was carried, and that Members of the House of Commons and of their Lordships' House should no longer possess the privilege of freedom from arrest. ["Hear, hear!"] He rejoiced at the reception which that opinion met with from both sides of the House, and he believed that you would do more to purify the Legislature by such a proceeding than by any fancied exclusion of improper persons by a property qualification. He believed the privilege from arrest was a great disgrace to both Houses. When you went into most societies you might be sure that no one with whom you were associating was in so disgraceful a position as was im-

plied in that privilege; but in the House of Lords you were by no means sure of it. He believed that the evil of the introduction of bankrupts and swindlers into the House of Commons would not be increased, and that it would be cured by such a measure as he had alluded to; and if such a measure came up to their Lordships' House he hoped that it would receive only one Amendment and that was the including of the House of Lords in the Bill. He certainly did not dread the passing of the present Bill on the ground that the alteration of the law would admit into the House of Commons some artisans and poor men, for he should like to see in that House representatives of all classes; and there was not a greater mistake than to suppose, in respect to the Chartists, or any particular class of men whom we were in the habit of having called dangerous, that it was desirable to exclude them from the House of Commons. On the contrary, he thought that there would be great safety in admitting to that assembly men of all classes. He did not think that any fear need be entertained of increased corruption in the House of Commons in consequence of the abolition of the property qualification. Such poor men as might be introduced into Parliament through the instrumentality of the present measure would be found, he had no doubt, much more honest and independent than some of those speculative politicians who got themselves returned for the purpose of supporting any Government from whom they might obtain advantages either for themselves or for their friends. He supported the Bill, therefore, because he believed it to be a moral measure, because it would effect an improvement of a really useful and substantial character, and because the existing law, to use the words of a late learned Judge, was "a mockery, a delusion, and a snare."

EARL GRANVILLE: My Lords, without wishing or intending to trouble your Lordships with many observations, I may be permitted to say that the Bill before us has not only my concurrence, but the concurrence of those noble Lords with whom I have the pleasure of acting in public life. I feel that I should be merely wasting the time of the House if I were to repeat the arguments which have been advanced in favour of the present measure. The noble Earl who spoke second in the debate (Earl Grey) did not object to the Bill in itself, while the slight reasons stated by the noble Duke opposite (the Duke of Rutland) the only person who has expressed any decided opposition to the measure, have been sufficiently answered by the speeches already made on the other side of the question. I cannot admit, with the noble Earl (Earl Grey) that we ought not to pass this Bill on account of the probable introduction next Session of a large and comprehensive measure of Parliamentary reform. Considering that every Government which has existed during the last twenty years has virtually admitted that the representation requires amendment, I do not think we can remain much longer where we are; but when we are asked to resist small measures on the ground that a large and comprehensive measure may be introduced, we are bound to consider what chances there are of such a measure being passed. That object, as it appears to me, can be obtained in only two ways. The first is, that the leading statesmen and politicians of the country should concur in some measure of reform. Now, I am afraid that there is little chance of such an agreement, except by the ordinary means of Parliamentary discussion; and, though it might be desirable to have the general concurrence of prominent statesmen in a measure of reform, I am not sure that the jealousy of the nation would not be excited if political leaders were to settle, as it were out of Court, what changes should be introduced into our representative system. I cannot, therefore, regard that plan as one likely to be carried into effect. The other way in which a great measure of Parliamentary reform may be passed is, either that a strong Government should undertake to push it through, or that there should be a general expression of public opinion on the subject. Now, without meaning any disrespect to noble Lords opposite, I must say that the position which they hold at the present moment, whatever may be the case hereafter, is not such as to enable them to carry whatever measure they might consider sound and beneficial, or successfully to resist in the House of Commons any proposition which they might deem injurious and unsafe. I am bound to admit, at the same time, that some portion of their weakness has been communicated to the other parties in the State, and that at the present moment we cannot calculate upon the formation of a Government strong enough to carry by its own unaided vigour a large and comprehensive measure of reform. Nor does it seem to me that the public generally are much interested in the question. There is no excitement anywhere, and I sincerely believe that the

feeling of the country is not such as to overcome all the difficulties and obstacles which exist to the passing of a really great measure. I think the Members of the House of Commons personally are disposed to say—

> "—— better bear those ills we have,
> Than fly to others that we know not of;"

while the constituencies, being naturally satisfied with their present position, are not particularly anxious for the introduction of extensive alterations into our representative system. At the same time, I feel certain that if we were to stand perfectly still—above all, if we were to put ourselves in opposition to such reforms as could be shown to be reasonable and desirable—we should immediately have a strong and overwhelming public opinion, not directed to a measure full of checks and balances such as has been described to us, but capable of being wielded in favour of a wild and dangerous scheme. For that reason I think it would be prudent for us, whenever Bills like the present come under our consideration, not to put them off with some vague notion that a larger and more comprehensive measure may be proposed; but to consider carefully whether they are calculated to improve our institutions, and to perfect that representative system which I believe as it is, is superior to what exists in any other country; but which, I think, requires considerable change and modification to meet the progressive increase in wealth and enlightenment of different classes of the community. While giving my vote in favour of the present Bill, I shall equally deem it my duty to support other measures that may come before us, provided they seem likely to promote the public good.

Lord CAMPBELL said, he should be guilty of great inconsistency if he did not support the Bill, for, from his early youth, he had expressed his opinion that a property qualification for Members of Parliament was inexpedient. Let them look to the qualifications of electors, and the qualifications of the elected would very soon be everything that could be desired. There never had been any property qualification in Scotland, and no inconvenience had been felt from the want of it. When he was in the House of Commons, there was an attempt to impose a property qualification on Scotland, but he led a meeting which resisted it, and Scotland had always been free. He believed that, in point of respectability and station, the Scotch Members stood as high as those of their English and Irish brethren who lived under the law of a property qualification. He hoped that this Bill would be the precursor of other measures for improving the representation of the people in the House of Commons.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

CASE OF THE *CAGLIARI*.—QUESTION.

The Earl of AIRLIE, in rising pursuant to notice to put a question to Her Majesty's Government upon this subject, said, that a rumour had, at the time upon which he put his notice upon the paper, prevailed to the effect that the demand for compensation in the case of the engineers, Park and Watt, which had been made by Her Majesty's Ministers upon the Government of Naples, had been refused. That report, however, it appeared, turned out to be premature; and he might observe, that he had seen it stated with considerable satisfaction in the public prints that, in answer to a communication from the Government of Naples, the Government of this country had sent out a peremptory demand for compensation in the case in question. Now, he trusted that was the fact, and that the noble Lord the Secretary for Foreign Affairs would deem it to be consistent with his duty to corroborate the statement to which he referred. From the papers which had already been laid upon the table of the House in reference to the subject of the *Cagliari*, he thought a great want of courtesy had been displayed upon the part of the Neapolitan Government; but he begged altogether to deny the justice of the charge which had been made against him by the noble Earl the Secretary for Foreign Affairs a few evenings before, to the effect that he had made it a ground of complaint against Her Majesty's Ministers that they had not gone to war with Naples. He had simply meant to say, upon the occasion alluded to, that Sardinia had made demands upon the Government of that country which she would not, in all probability, have made had she not relied upon the support of England, and that she conceived we were bound to lend her our moral support, so far as her claims were consistent with reason and justice and in accordance with international law. When the fitting opportunity arrived he trusted to be able to show that, so far from desiring to embark in a war with Naples, he was of opinion that the best

course for the preservation of the peace of Europe which could be pursued was that by which a speedy settlement of the question at issue between the two countries could be obtained. In conclusion, he should ask the noble Earl the Secretary for Foreign Affairs whether a final answer had yet been returned by the Neapolitan Government to the demand which had been addressed to it by Her Majesty's Government for compensation on behalf of the engineers, Park and Watt?

The Earl of MALMESBURY: In reply to the question of the noble Earl, I have only to say that we have not yet received the final answer from the Government of Naples to the demand we have thought it right to make; but we shall probably receive it in the course of the week.

House adjourned at Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 10, 1858.

Minutes.] New Member sworn—for Hertford County, Right hon. Sir Edward George Earle Lytton Bulwer Lytton, Baronet.

Public Bills.—1° Commissioners for Exhibition 1851; Wills, &c., of British Subjects Abroad; Galway Harbour and Port Act Amendment; Peace Preservation (Ireland) Act Continuance.

2° Drafts on Bankers Law Amendment; Law of Property Amendment.

MR. HOWARD'S DEPARTURE FROM FLORENCE.—QUESTION.

Mr. BOWYER said, he wished to ask the Under Secretary for Foreign Affairs whether it is true that, after asking an immediate audience and thereby causing inconvenience to the Grand Duke and Duchess of Tuscany, who were at the time in the country, Mr. Howard left Florence and returned to Paris before the day which his Serene and Royal Highness had appointed for such audience; whether Mr. Howard is to be allowed his outfit; and whether a fitting apology has been or is to be made to their Serene and Royal Highnesses the Grand Duke and Grand Duchess of Tuscany for the misconduct of Mr. Howard?

Mr. SEYMOUR FITZGERALD said, the Government had no knowledge of the particular circumstances of inconvenience to the Grand Ducal authorities to which the hon. and learned Gentleman had called attention. In reference to the outfit, Mr. Howard received the amount to which he was entitled, but upon the resignation of his appointment he repaid it. Lord Normanby would explain to the Grand Duke of Tuscany and to the Grand Duchess the circumstances of Mr. Howard's departure.

PROSECUTION OF THE MAYO PRIESTS. QUESTION.

Lord JOHN BROWNE said, he would beg to ask the Attorney General for Ireland whether the Government are going to take any more proceedings against the Rev. Mr. Conway and the Rev. Mr. Ryan?

Mr. WHITESIDE said, he had written to the Crown Solicitor to know whether there was any prospect of obtaining additional evidence against the Rev. Mr. Ryan and the Rev. Mr. Conway, and in answer the Crown Solicitor stated that he neither had any additional evidence nor did he expect it, as every possible exertion had been used to search out all the evidence which could be obtained before the trial. Considering that the object of the prosecution, that the law against intimidation should be expounded, had been attained, and that a subsequent election had taken place in Mayo without any interference on the part of the priests, he did not intend to take any further steps in the matter.

PERSIA—HERAT.—QUESTION.

Mr. GREGORY said, he would beg to ask the Under Secretary for Foreign Affairs if the British Mission has been recalled from Herat; if the independence of Herat, as guaranteed in the late Treaty of Peace with Persia is no longer to be insisted on; and, if so, whether the main object of the late war has not been abandoned? With the permission of the hon. Gentleman, he would also ask another question, of which he had not given notice—namely, whether the Persian Government has not advanced claims to territory lying to the east of Herat and bordering on Candahar, and whether it is not at this time threatening the country of Seistan, to the south of Herat, also contiguous to Candahar?

Mr. SEYMOUR FITZGERALD said, the term "British Mission" was scarcely applicable to the Mission of Colonel Taylor and some other British Officers who were sent to Herat, in order to see that the stipulations for the evacuation of that place were punctually fulfilled. As soon

as that condition was fulfilled the object for which Colonel Taylor was sent to Herat was satisfactorily performed, and he returned. The independence of Herat, as guaranteed in the Treaty of Peace with Persia, had been fully recognised, and the Government had no reason to think that the stipulations of the Treaty would in any respect be evaded. As to whether the main object of the war with Persia had not been abandoned, he considered that the question was answered by what he had already stated, although it was rather difficult to say what was the main object, as the war with Persia was declared and carried on and peace was concluded without any explanations being offered to the House of Commons. With respect to the last question of the hon. Gentleman, claims were set up by the Persian Government to the territory lying to the east of Herat and bordering on Candahar; but the Government had received a communication from Mr. Murray, our Minister there, stating that in consequence of his expostulations those claims had been withdrawn, and the territory recognised as an independent part of Affghanistan. As to the country of Seistan, to the south of Herat, beyond the fact that a claim was advanced by Persia, the Government had at present no information on the subject.

BRAZIL—MESSRS. SWANN AND SMALLPAGE.—QUESTION.

MR. RICH said, he wished to ask the Under Secretary of State for Foreign Affairs whether the Government has received any Report from the law officers of the Crown on the claims and complaints against the Brazilian Government preferred by Messrs. Swann and Smallpage; and, if so, what steps have been taken respecting those claims and complaints?

MR. SEYMOUR FITZGERALD said, the case was considered by the late Government to be one of hardship, and redress for the injuries sustained by Messrs. Swann and Smallpage was pressed upon the Brazilian Government. But the Brazilian Government, having made inquiry into the circumstances, took a totally different view, and as to redress gave a decided refusal. Since then Her Majesty's present Ministers had consulted the Law Officers of the Crown, and were advised that the case did not call for any further interference. The Brazilian Government had undertaken to pay for any actual loss sustained by Messrs. Swann and Smallpage. The matter was now in process of investigation, and would, no doubt, be satisfactorily arranged.

ST. JAMES' PARK—QUESTION.

MR. COGAN said, he rose to ask the Secretary of State for the Home Department whether there would be any objection to allow Members of Parliament coming to, or returning from, the House of Commons to drive through the Park by Constitution Hill, or through the Horse Guards?

MR. WALPOLE said, he must remind the House that two years ago regulations were made, which were understood to be satisfactory to this House and the public generally, for making an opening, with the permission of the Queen, by Buckingham Gate and St. James's Gate, for the accommodation of the public in going through the Park. The privilege had always been vested in the Crown of making exceptions in favour of certain persons either on account of their official position or for other special reasons, and they had been conferred upon all occasions where it was thought reasonable to grant them. But he would put it to the House whether, after the concessions already made by the Crown, it was reasonable to go further. His own individual opinion was—he gave it entirely upon his own responsibility—that he thought there would be an objection to making any further request of this kind; and, certainly, as far as he was concerned, he should be very unwilling to lay such a recommendation before Her Majesty, because he considered it was quite unnecessary.

PACIFICATION OF OUDE—QUESTION.

SIR ERSKINE PERRY said, he would beg to ask the President of the Board of Control whether any despatches have been received by the last Mail relating to the pacification of Oude; and, if so, whether there is any objection to lay them on the table. And whether there is any copy at the India House of the Proclamation issued and the instructions given to the Local Commissioners by Mr. Mountstuart Elphinstone, on the Conquest of the Deccan in 1819, with respect to the rights of landholders and the maintenance of native usages and customs.

LORD STANLEY said, that no official documents whatever had been received by the last Mail on the subject of the Pacification of Oude. With regard to the papers relating to the Conquest of the

Deccan in 1819, he had caused inquiries to be made, and he believed there was no doubt of their existence at the India House. If the hon. and learned Gentleman would move for them, and they were not too voluminous, there would be no objection to produce them.

SIR ERSKINE PERRY said, he should be glad to know whether any non-official or private communication had been received on the subject of the Pacification of Oude, either by the Chairman of the Court of Directors or the President of the Board of Control?

LORD STANLEY said, private letters received from private persons had been put into his hands, but they were not such communications as he considered he ought to lay before the House. He had not received through the late President of the India Board or any other quarter letters from Lord Canning.

MR. HORSMAN said, he understood that letters had been read on the previous day by the Chairman of the Court of Directors from Lord Canning to the Court respecting the Pacification of Oude. Would there be any objection to lay them on the table?

LORD STANLEY: I believe that there was a private letter from Lord Canning addressed to the Chairman of the Court of Directors. The hon. and learned Member opposite (Sir E. Perry), after asking me a question of which he had given notice, proceeded to ask another of which he had given no notice. I am not aware whether my answer was understood. It was, that I have not in my possession, and that I believe there is not in this country, any official document on the subject referred to, which it is in my power to lay before the House.

THE SLAVE TRADE.

THE FRENCH "FREE EMIGRATION" SCHEME. QUESTION.

VISCOUNT GODERICH said, he wished to ask the Under Secretary of State for Foreign Affairs whether there is any truth in the statement alleged to have been made by Mr. Mason, United States Minister to France, that there has been some communication between the Governments of England and France upon the subject of the exportation of Negroes from the West Coast of Africa, in the course of which Her Majesty's Government have informed Count Walewski that they will not object to the French scheme for that purpose, while the wants of the British Colonies are being supplied by the Coolie trade.

MR. SEYMOUR FITZGERALD said, the attention of Her Majesty's Government had been drawn to the statement to which the noble Lord had alluded; and he could only say, that there must have been some very grave misapprehensions as to the facts on the part of Mr. Mason. It was true that there had been communications between Her Majesty's Government and the Government of France with reference to the "Free Emigration" scheme, as it was termed; but it had been on our side rather to express our regret that such a scheme should have been originated, and still more that it should have been persisted in. No concession, such as had been described by Mr. Mason, had been made by Her Majesty's Government; and there had been no admission on their part that such a course would be proper.

MR. CHICHESTER FORTESCUE said, he wished to know if the scheme itself was still going on?

MR. SEYMOUR FITZGERALD said, Her Majesty's Government had no reason to suppose that it had been given up, but they had felt it their duty strongly to point out to the French authorities the objections there were to the plan—not so much on account of the treatment the "free labourers" would receive in the Colonies of France when they arrived there, as on account of the evil results which the scheme would occasion in Africa. The noble Lord at the head of the Foreign Department had proposed that the French Government should name a person, and we another, who should together inquire into the facts alleged; and to this proposal the French Government had assented.

POOR LAW SYSTEM OF MEDICAL RELIEF.

QUESTION.

MR. SCLATER-BOOTH said, he would beg to ask the President of the Poor Law Board whether he intends during the present Session to introduce any measure with the view of providing a remedy for the grievances of the Poor Law Medical Officers?

MR. SOTHERON ESTCOURT said, he was aware that the present system of medical relief was not satisfactory. It was complained that the fees paid to medical gentlemen were inadequate, and that those gentlemen were not otherwise placed on a footing becoming their professional cha-

racter. He had given his attention to the subject as far as it was possible with the hope of devising some measure with regard to it; and, although he was not out of hope of devising a measure which would be attended with good results, yet he could not expect to do anything with it during the present Session. However, if it was possible, he would endeavour to lay a Bill on the table of the House this Session, that it might be considered during the recess.

BOUNTY TO MILITIA REGIMENTS.

MR. CORNWALL LEGH said, he would beg to ask the Secretary of State for War if any Order has been issued by the War Department restricting the Paymasters of Embodied Militia Regiments from paying to the men the full amount of Bounty due to them at the expiration of each quarter in the aggregate sum of *5s.*, to which they are entitled, and instructing them to make this payment by instalments of *2d.* per day during the thirty days next ensuing?

GENERAL PEEL said, that no alteration whatever had been made in the regulation of November, 1857. That regulation directed that the bounty of *5s.* should be payable at the end of each quarter, or at the rate of *2d.* per day for thirty days previous to the termination of the quarter, whichever method the men might prefer.

CHURCH PATRONAGE IN THE SEE OF DURHAM.

QUESTION.

LORD ADOLPHUS VANE-TEMPEST said, he wished to ask the hon. Member for East Kent (Mr. Deedes), whether a meeting of the Ecclesiastical Commissioners was held this day, or is in contemplation, for the purpose of considering the scheme of appropriating a portion of the Church patronage situated in the See of Durham or in the gift of the Bishop of that Diocese, for the purpose of transferring it to other sees; and whether it is the intention of the Ecclesiastical Commissioners to act on this principle, without taking the opinion of this House on the justice of such a course?

MR. DEEDES said, that at a meeting of the Ecclesiastical Commissioners that day by a memorandum respecting the rearrangement of the patronage of the Episcopal Sees in the province of York was submitted to the Board, and referred by them for further consideration to a Committee which was named for the purpose at the same time. until that Committee had made their report of course he was not in a position to answer the second part of the noble Lord's question.

MR. LIDDELL said, he wished to know whether the memorandum did or did not involve the separation of eighteen livings from the Diocese of Durham?

MR. DEEDES said, he could not exactly state the number of livings which were contemplated by the memorandum to be removed from the Diocese of Durham or any other Diocese. It certainly did involve an alteration in very many instances, and in consequence of its importance it had been referred to a Committee of lay Members of the Commission for further consideration, with a view to the thorough investigation of the subject before the Commissioners themselves came to a determination respecting it.

LORD ADOLPHUS VANE-TEMPEST said, he wished to know whether it was the intention of the Commissioners, after considering the question to act upon this principle without reference to the House of Commons on the justice of taking such a course?

MR. DEEDES: Sir, when I tell the noble Lord that the Act of Parliament requires the Commissioners to undertake this distribution of patronage, I think he will at once see that, until there is some direct scheme determined on by them, it would be premature to announce any intentions that they may have.

PUBLIC HOUSES (SCOTLAND.)

QUESTION.

MR. COWAN said, he rose pursuant to notice, to ask the noble Lord the Member for Clackmannanshire (Viscount Melgund), if it still be his intention to move for a Select Committee to inquire into the operation of the Public Houses Act (Scotland) during the present Session; and if so, when he intends to submit his Motion to the House?

VISCOUNT MELGUND said, that when he gave notice of his intention to move for a Committee he had hoped that his proposal would meet with general concurrence; but he found that there were many hon. Members who thought that though the Act had many virtues and perfections, they were of so delicate and fragile a nature that they would not endure so rough a test as a Parliamentary investigation. Under those circumstances he should not move the appointment of a Committee, but he

should, on the 6th of July, draw attention to the subject.

CASE OF MR. TOWNSEND.
PAPER MOVED FOR.

MR. FITZROY moved for a copy of the recorded adjudication of bankruptcy against Mr. JOHN TOWNSEND Member for the borough of Greenwich.

Copy *ordered*,

"Of the record of any adjudication of Bankruptcy against Mr. John Townsend, Member for the Borough of Greenwich."

COUNTY FRANCHISE BILL.
SECOND READING.

Order for Second Reading read.

MR. LOCKE KING, in moving the second reading of the Bill said, he desired to take the earliest opportunity of stating, for the information of the House, that it contained the very same clause as the measure which had been introduced by Lord Aberdeen's Government in 1854, for amending the law with respect to the representation of the people. That Government not only admitted the principle of extending the franchise in counties to the extent which he now proposed, but they showed an honest determination to act upon that principle by making it a prominent feature in the Bill to which he had referred. When in the last Parliament he moved for leave to introduce his Bill he was opposed by a small but influential section of the Liberal party, that was to say, by Her Majesty's late Government; but he was glad subsequently to learn, from an explanation given by Lord Granville in another place, that they did not object to the principle of the Bill, but that they thought that it had been draughted in such a manner that it was not susceptible of the alterations which they thought it necessary to make in it. As he was not a person to quarrel about words, and seeing that most of the Members of the late Government had also been Members of the Government of Lord Aberdeen, and therefore he might reasonably wish to secure their support, he had endeavoured to obviate their objections by adopting in the present Bill the exact words of the Bill which had been introduced by the Government of Lord Aberdeen; and in Committee he intended to move a clause which would make a dwelling-house a necessary part of the qualification. The right hon. Gentlemen who sat on the front Opposition bench could not well object to this Bill, because most of them had been Members of the Aberdeen Government, and had, of course, approved the Reform Bill then introduced, even to its very words. On this ground, then, he claimed the support, not only of the noble Lord the Member for Tiverton (Viscount Palmerston), the noble Lord the Member for London (Lord John Russell), and the right hon. Member for Halifax (Sir C. Wood), but also of the right hon. Baronet the hon. Member for Carlisle (Sir J. Graham), whose name was on the Bill, and who had since most consistently given his support to the principle; and of the right hon. Member for Oxford University (Mr. Gladstone), who was also a Member of Lord Aberdeen's Government, and whose vote he therefore claimed. It was matter of great satisfaction that in the course of the many debates and discussions on this Bill no one had made any serious objection to its principle. Had anybody been able to make out that the class proposed to be enfranchised were not fit to be entrusted with the franchise, that would have been an insurmountable objection; but almost every one who had spoken had admitted that, as a class, they were unobjectionable. It was admitted that they possessed the political capacity; and he maintained that the right ought to follow the capacity. The only objection was, that the measure was inexpedient. At the passing of the Reform Bill it had been admitted that the political capacity resided in a rental of £10, accompanied by residence in certain localities. All that he asked the House to do was to deal in a general way, and with generosity, with those who did not happen to reside in those particular localities. He did not ask them to disfranchise one small borough, or even a single individual, desirable as that might be in some cases. He only asked them to give the same right to a certain class of persons whom they admitted to be a safe body to possess the franchise, without reference to the locality in which they resided. To say that the political capacity existed in certain places and not in others, was to hold that it belonged to the locality, and not to the individual. This argument had been utterly refuted at the time of the Reform Bill, when the right was taken away from the mounds and ruins of Gatton and Old Sarum. It had also been said that this Bill did not deal with the question generally—that it ought to deal with boroughs as well as counties. But what would have been said, if he had been

presumptuous enough to bring in such a Bill? It would have been said at once that he was dealing with too large a question. He had determined that the only objection to his measure should be, not that it was too large, but too small. If they were to wait for a large and extensive measure of Parliamentary Reform they must wait for some time for the tone and temper both of Parliament and the country did not seem to be now in favour of any great measure, and it was therefore, in his opinion, only by piecemeal legislation that they could arrive at any end at the present time. He would advise hon. Gentlemen opposite not to wait for a time of great political excitement, as at the Reform Bill, when reform would be extorted from them, as it was then, by excitement amounting almost to physical force. The Chancellor of the Exchequer had raised a small objection to his Bill, that it would tend to increase anomalies at present existing; but he said nothing about anomalies that it would decrease. He said, that while 160 Members represented something like 500,000 electors in counties, in the boroughs 330 Members represented a constituency of about 460,000. That was a question which concerned the proportion of Members to electors; and if the right hon. Gentleman would bring in a Bill to make the number of Members in proportion to the population, thus adopting another point of "the charter"—that of electoral districts—whether those districts were round or square, the measure should have his cordial support. But such a complaint did not come with good grace from the Chancellor of the Exchequer, for the county of which he was so distinguished an ornament was overloaded with Members. The total population of the county of Bucks, including the represented towns, was only 165,000, and it had eleven Members. Comparing that with East Surrey, he found that in the latter district nearly 580,000 persons were represented by only seven Members. Or, taking the county of Bucks exclusive of the represented towns, he found that 115,000 inhabitants had three Members, while the West Riding of Yorkshire, with a population of nearly 800,000, exclusive of represented towns, had only two. In the counties only one person in twenty-three had a vote; in the boroughs one in eighteen. The statistics showed how very slow was the increase of county electors. In 1848-49, the total number of county voters was 503,552; and, according to the last return, it was only 505,988, being an increase of 2,436 only in ten years. The number of borough electors had increased in the same period, from 368,822 to 439,046, showing an increase of 70,224. Taking the property assessed to the poor rates in the counties—excluding the represented towns—it was £44,518,000, while in the boroughs it was £23,181,000. This, of itself, showed that there were reasons why the number of electors in counties should be increased. It was a paltry excuse to refuse to increase the electoral body in the counties on the ground of there being so great a number already. It was hard to reject the claim of a person who sought to be one of a number of electors—to grudge him the five, ten, or 20,000th share in the election of Members for a county, while in many boroughs each elector had a 200th or a 500th share in electing a Member of Parliament. He hoped the House would not refuse to pass this Bill. Her Majesty's late Government could not recede from the principle which they had laid down on former occasions on this subject. Taking them at their own words, they could not refuse now to support the Bill; and he hoped that the existing Government would not deny this boon to the people of England. Graceful as would be the concession of the late Government on this question, concession would come with far greater grace from the party in power. He hoped that the Chancellor of the Exchequer would not make a promise of any future measure now; for he really felt that a fatality attended those Parliamentary promises, and that there was very little chance of their being fulfilled. He hoped, also, that the right hon. Gentleman would not press the House to a division, because he (Mr. Locke King) felt certain that if he did a majority of the House would divide in favour of the Bill, which majority would express the feeling of both the electors and non-electors of this country.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. DU CANE: Sir, in rising to move the Amendment of which I have given notice, I have to request the kind indulgence of the House for one who upon only one previous occasion has ventured to trespass at any length upon their notice. And I can assure the House that it is with no small diffidence on my part that I have

ventured to assume the prominent part I am now taking in the discussion that awaits us, believing as I do that short as is the title of this Bill, short as is the wording of the Bill itself, and somewhat scanty too as is the amount of argument with which the hon. Member opposite has called upon us to support its second reading, the House is in reality called upon to-night to decide upon one of the most important questions that has been submitted to its notice in the course of this hitherto unusually animated and interesting Session. That question I take to be not merely the abstract justice or injustice of the measure itself; not merely the manner in which the county constituencies or the county representatives of this country will be affected by its passing, those doubtless are important elements for our consideration, but beyond all and above all, comes, I think, a question of far greater importance—at what time, and in what manner this House is disposed to deal with the whole great question of Parliamentary Reform?

Now, Sir, in stating as briefly as I can the principal objections I entertain to the passing of this measure at the present time, I wish, in the first instance, carefully to guard myself from the expression of any opinion that may seem to convey to the House an impression that I am either deeply convinced of the present perfection of our representative system, or that I am opposed in the main to any further extension of the county franchise. On the contrary, I venture to think that the day is not far distant when the great question of Parliamentary Reform must be fully dealt with in all its branches, nay more, I will go even a step further, and, speaking as a private Member, I will venture to assert, that no Ministry, let it be composed of whatever party or parties it may, can hope to retain office for another Session of Parliament without announcing its intention of devoting to an early settlement of that question its utmost attention and deliberation. But, Sir, I must add this also, at the same time, that while upon the one hand it is my honest opinion that there could be no course more beneficial to the progress of legislation, there could be no fairer field, no grander object on which to concentrate the intellectual energies and abilities of the greatest of our statesmen, than the attempt to deal with this great question in a fair, an impartial, and above all, in a comprehensive spirit,—so, on the other hand is it my firm conviction, that there could be no course more hazardous; there could be none more likely to be fraught with ultimate serious peril to the safety and stability of our Representative Institutions than the attempt to deal with it in a spirit of isolated, of partial, and of piecemeal legislation, like the measure now before the House. I venture to maintain this of our representative system, that so intricate and so complicated is its machinery, and at the same time so evenly balanced is its composition, that you can hardly attempt to deal with one anomaly at a time, without either creating a fresh one, or bringing out in a still stronger and more glaring light those that already exist. And of the truth of this assertion I think the measure now before us gives us a somewhat singular illustration. The hon. Member opposite proposes by this measure to deal with certain inequalities and anomalies he alleges to exist in one individual branch of our representative system, the County Franchise. And how, may I ask, does he propose to deal with them? Why, by a process which I can only compare to the ancient fable of attempting to heap Mount Ossa upon Mount Pelion, and which would create a perfect mountain of anomaly and inconsistency out of that which is at present comparatively but a mole-hill. Sir, as I said before, I am far from being opposed to any further extension of our County Franchise. I am convinced that the County Franchise might be most beneficially extended to men now not in possession of it, and who are yet for the most part possessed of the intelligence requisite to enable them to make a right and a conscientious choice of a representative, and sufficiently independent in station to vindicate their choice when made. But if I were asked to point out what in my opinion has of late years been the greatest anomaly and injustice in our county representative system, I should most unhesitatingly say it was this, that large towns already adequately, and more than adequately represented in this House, have begun to assume an undue voice, and to exercise an unfair preponderance over the county representation also. Perhaps I may be allowed to quote to the House one or two instances in support of my assertion. I would ask them to look for instance at the case of East Sussex, where I think it is not too much to say, that one member is returned to this House mainly through the predominent influence of the already suffi-

ciently represented town of Brighton. The same thing was nearly occurring a few months since in the case of one of the divisions of Northamptonshire, through a similar influence on the part of the town of Northampton. And to come a little nearer home, the same thing actually did happen at the last dissolution in the southern division of the county, I, myself, have the honour of representing (Essex), where an hon. Friend of mine was returned mainly through the vast increase of late years of the metropolitan suburban districts of Stratford and West Ham; and wishing to speak with all due respect of the hon. Members for East Surrey and for Middlesex, the proposer and seconder of this measure and not in any way seeking to detract from either their ability or their usefulness as Members of this House, I must confess that I regard them in their capacity of advocates of this Bill far more as the representatives of a metropolitan district of boroughs, than of county constituencies. Now this, Sir, is an anomaly—this is an injustice, which a judicious extension of the county franchise would go far to amend, but which, by the passing of the measure before us, would, I maintain, be increased at least a hundred fold. For what, in point of fact, will be the effect of this measure? I assert that it would be simply this, utterly to subvert throughout the length and breadth of the country the present system both of county franchise and county representation, and to substitute for it one vast and uniform system of borough electoral franchise. It would bring the £10 householders resident in the non-represented towns and the country districts to bear in numerical overwhelming masses upon the freeholders and tenant occupiers in whom the county franchise is at present vested, to the total destruction of that fair and legitimate influence which, I maintain, the landed interest is entitled to possess in its representative assembly. Now, Sir, I think that, if we consider attentively the progress of legislation since the passing of the Reform Bill, there are two great principles, as regards representation, that may fairly be said to have been enunciated. The first of these is, that no system of representation can be said to be perfect, or to fully and fairly express the intelligence and genuine wishes of a nation, that is not based upon the recognition of a diversity of interests to be represented, and that does not assign to each of such interests a voice in the representative assembly of a due proportion to its relative importance. The second is this, that uniformity of the suffrage, upon which I contend this measure to be based, is nothing more or less than another name for vesting the control over your representative body in the hands of a single class; and further, that the lower you extend the franchise on the basis of uniformity, so sure are you to find the controlling class in that which is immediately above the lowest level to which the suffrage is extended. And if the House be once led into sanctioning an extension of the suffrage on this fatal and erroneous basis, I very much fear there will soon be an end to all free and independent legislation. If you vest the control over your representation in the hands of a single class, it is for the interests of that class alone, depend on it, you will eventually be compelled to legislate. If you make the £10 householder that controlling class, it is to his tastes, to his dispositions, nay more, to his very prejudices—you will have to conform and be obedient in all things. Perhaps the House will allow me to quote to it the words of a great and illustrious statesman—I mean Mr. Burke—which I think give an admirable illustration of the position I am now assuming. Mr. Burke says:—

> "Whatever the distinguished few may be, it is the substance and mass of a body which constitutes its character and must ultimately determine its direction. In all bodies, those who aspire to lead must also to a certain degree follow. They must conform their propositions to the taste, talent, and disposition of those whom they wish to conduct."

Now, these are words which I think the House will agree with me, contain a great and an undeniable truth. Mr. Burke wrote these words as regards the relations that exist between the leaders and followers of a representative body itself; but I think we may well carry their application a step further, and say that they are not the less true of those that exist between a representative assembly and that vast body of constituents whose interests it is returned to represent.

But, Sir, the hon. Member for East Surrey has told us this evening, as he told us before, that we must not look upon this as a final measure of Parliamentary Reform, but as one of a series of measures that we are to be called upon to pass from time to time. Now, I must confess that, if the objections I entertain to this measure

as a final one are somewhat strong, those I entertain to it, or indeed to any measure of Reform, as one of a series, are of a still stronger and more emphatic character. Sir, in dealing with a great question like this of Parliamentary Reform, I venture to maintain that to speak of your measure as one of a series is tantamount to an admission, not merely that it is incomplete and imperfect as regards the present, but that you have no definite and well-matured plans as regards the future. I protest, in a great question like this, against this species of blindfold hand-to-mouth legislation. I venture to think that it is of the utmost importance for the best interests of this country that, whenever Parliamentary Reform is dealt with, we should attempt to arrive at such a settlement as may, for many years at least, be regarded in the light of a final one. I venture to maintain, as some of the greatest and wisest of our statesmen have maintained before us, that the habit of making frequent constitutional changes is one of the most dangerous that a people can acquire. And if, year after year and Session after Session, the time and attention of Members of this House are to be occupied in the discussion and agitation of questions relative to the reform of our representative institutions, I must confess that I for one cannot conceive any course more calculated to check the progress of all sound and practical legislation, or to shake the confidence hitherto felt, for the most part, by the people of England in the general efficiency and stability of Parliamentary government. But I have no doubt it will be urged, in the course of this debate, that Her Majesty's Government have already sanctioned the principle of dealing with Reform *seriatim*, inasmuch as they have allowed another measure of the hon. Member's—the Bill for the abolition of Property Qualification—to be passed without resistance on their part. Now, speaking as I do as a private and independent Member of the Conservative party, I do not hesitate to say that I should have been glad if the Government had opposed that measure in a body, on the ground that was urged by the right hon. Gentleman the President of the Board of Trade for so doing, and upon which I myself individually followed him into the division lobby. But I must confess, at the same time, that there were reasons shown in the course of debate for allowing that measure to pass, which could not be urged with equal justice of any other branch of our representative system. That was a measure the non-application of which, in the case of a considerable number of the Members of this House, proved it at once to be of a partial and one-sided character in its bearings; and the application of which, as regards the remaining portion, had been shown by many years' experience to have been rendered, in many instances, nugatory by evasion and equivocation. I contend, then, that you cannot, with justice, assert that the two cases are in the slightest degree analogous. In dealing with the one, you had the benefit of past experience as a guide for the future; in dealing with the other, you can summon to your aid no such assistance. You cannot even tell how many electors your measure will enfranchise; and you are forced into relying solely, with a blind and implicit confidence, upon the fortunes of the future.

Well, Sir, but upon the first reading of this Bill the noble Lord the Member for the City of London made use of what I could not but consider a very extraordinary argument in its favour. The noble Lord told us that he was surprised that any hon. Member should offer the slightest opposition to the passing of this measure, inasmuch as its effect would be largely to increase the county constituencies, and the larger in a numerical point of view the constituency an hon. Member represented the more it enhanced the dignity and the influence of his position as a Member of the House. Now, Sir, I thought at the time that this argument, coming as it did from one who had been a Minister of the Crown, was a somewhat extraordinary one to advance, and subsequent reflection has but confirmed my opinion. I do not mean to say for one moment that the representation of a large and populous constituency, involving as it does the representation of numerous important interests, does not tend to increase an hon. Member's own sense of the responsibilities intrusted to his charge; but to say that a mere numerical increase of a constituency will give of itself Parliamentary influence to its representative, or that there is any other passport to Parliamentary influence than the exhibition of talent or ability of some kind in him who aspires to that much-envied distinction, is, I think, a fallacy which the past pages of Parliamentary history will serve most effectually to disprove. If we look for a moment at the Parliamentary career of some of the most eminent states-

men who have adorned this House since the commencement of the present century, we shall find that, though they may at some period of their career have sat for large and populous constituencies, yet that in all cases it has been the constituencies that sought them, after they had made themselves a name, and not they the constituencies. And further, we shall find that, with one or two exceptions, the higher the Parliamentary position to which they attained the surer were they to relinquish the representation of these large constituencies, and seek the comparative ease afforded by a small borough. If, for instance, we look at the career of that great man, Mr. Canning, we find that, though for some period of his life he sat for the large and populous constituency of Liverpool, yet, that on his becoming leader of the House of Commons, he voluntarily relinquished its representation, and got himself returned for a close borough. Again, the House will, I am sure, not need reminding that that late eminent statesman, Sir Robert Peel, sat from the passing of the Reform Bill to the close of his life, during by far the most important part of his Parliamentary career, for the comparatively small constituency of Tamworth; while, I am sure, we are all equally aware that the noble Lord the late head of Her Majesty's Administration has reposed for many years unmolested in the peaceful shades of Tiverton. It is true the noble Lord himself (Lord J. Russell) is a signal exception to the rule, as we all know he has for many years represented the City of London; but, perhaps, on this point the noble Lord will allow me to read him a short extract from Lord Grey's recent Essay on Parliamentary Reform. Lord Grey says—

"It is so difficult for a Minister who represents a large body of constituents to exercise his judgment with proper freedom, and to escape altogether from being biased by their local interests and feelings, that it appears to me very desirable that in general the servants of the Crown should not hold seats of this kind."

And after quoting one or two intances in support of his assertion, the noble Lord goes on to say—

"That for this very reason he considers it to have been a great disadvantage to Lord John Russell in his ministerial career to have so long represented the City of London."

The noble Lord is not, as we all know at the present moment, a servant of the Crown; but I think it must be obvious to all who have watched the progress of recent events, that with the chequered memories of a ministerial past the noble Lord still associates a few brighter visions of a ministerial future. And if I might venture on a word of advice to so exalted an authority, I would recommend the noble Lord to pause before he rashly becomes the advocate of sweeping and extensive changes in our county constituencies, and endeavour to negotiate for himself an exchange of seats with the hon. Baronet the Member for Tavistock. The noble Lord would then be in a far more independent position, and far better able to avail himself of the good things which the Fates who preside over the rise and fall of Administrations may or may not have yet in store for him.

I have now, Sir, stated the principle objections that I entertain to the dealing in any shape with this measure at the present time, and I am happy, indeed, to think that, however imperfectly I may have done so, the views I have expressed have been shared by the highest authorities, and advocates, too, of almost every shade of liberal opinion that finds a voice within the walls of this House. I am fortified in the first instance by the open and avowed opinions of the noble Lord the Member for London, who as a Minister of the Crown gave this measure a most determined opposition, but who, now that he has found himself a seat below the gangway, for some reason that I confess I am unable exactly to comprehend, though I studied his speech on the first reading with due attention, gives it an equally determined support. I am fortified, also, by the expressed opinion of the noble Lord the Member for Tiverton, the man of great intentions, if not of great deeds, in the cause of reform, who also has resisted this measure as a Minister of the Crown, but whose intentions, now that he, too, is seated on the front benches of Opposition, are at this moment, he will, perhaps, pardon me for saying, a matter of very considerable speculation to both sides of the House. I have also upon my side another high authority from another class of politicians, the sincerity of whose zeal for Parliamentary Reform we have no reason that I know of for doubting, in the person of the right hon. Gentleman the Member for South Wilts. Now, all these three high authorities have given it as their opinion, that whenever this House dealt with the question of Parliamentary Reform, it was of the utmost importance that a diversity of interests to be represented should be

recognized as existing between counties and boroughs; and that in considering the question of the franchise, they should above all things steer clear of extending it on the basis of uniformity. But, Sir, I can even go further than this. It may seem somewhat hopeless to seek for aid from those hon. Gentlemen below the gangway, whose reform ultimatum was given to the House only two nights since by the right hon. Member for Birmingham with a force and a vigour which must have made the noble Lord the Member for Tiverton's hair fairly stand on an end with dismay. But even then I do not despair of success. I hold in my hand a slight comment of *The Times* newspaper of November 18th, 1857, on that Parliamentary Reform Manifesto which startled Members representing county constituencies from their customary repose at that period of the year. In allusion to that document, *The Times* says:—

"It was not, however, we believe, unanimously agreed to. Mr. Ayrton, for one, it is understood, took exception to parts of it, and especially to the proposition for extending the county franchise to £10 occupiers, which he thought would swamp the legitimate influence of property in the election of knights of the shire, and tend to array town against county in a way to which he was altogether adverse."

Now, Sir, we have, I think, heard a great deal of late years of rapid progress, of fusion of party, and, I might almost add, of confusion of principle; but I certainly did not think that upon almost the first occasion I have risen to address the House I should be enabled to prove, as I have done from their own words, that a perfect unanimity of sentiment exists on any subject connected with Parliamentary Reform between the noble Lord the Member for Tiverton on the one hand, and the hon. and learned Member for the Tower Hamlets on the other. And still less did I ever imagine that I should find myself, as a Conservative and county representative, cordially concurring, and I do now, in the sentiments that both have expressed. All I can say is that, as has been well said in theatrical life, so it is not the less true in the Parliamentary arena, "when we do agree our unanimity is truly wonderful." Well, Sir, but I have not yet quite done with *The Times* newspaper of November 18th, for on referring to the leading article on the subject of the same reform manifesto, I find a few words of advice addressed to those who are so ardent in the cause of reform, couched in terms at once so truthful and so forcible, that at the risk of wearying the House, I cannot refrain from giving them the paragraph entire, promising, at the same time, that it is the last extract of any kind to which I will treat them on the present occasion:—

"We cannot but think, on the whole, that Parliamentary Reform had better wait—even for the sake of Parliamentary Reform itself—till an undivided public attention to the subject can secure due justice to it, till public opinion, set free from the present engrossing claims upon it, can watch the progress of such a Bill with proper jealousy, back up Reformers in resistance to petty obstacles and private interests, and secure an effective settlement instead of a corrupt bargain."

Now, this is advice which I venture respectfully to urge this House to adopt on the present occasion. I ask the House to pause to-night ere they give their sanction to the first of a series of concessions I believe to be alike erroneous in theory and mischievous in practice, which would check the progress of useful and beneficial legislation, and which, for the free and independent representative of varied interests would inevitably substitute the fettered and the compromised delegate of a class domination. And I venture to make an appeal not merely to the Members of this House collectively, but I venture also on a special appeal to the noble Lord the late head of Her Majesty's Administration. It certainly appears to me that during the progress of these reform skirmishes which the hon. Member for East Surrey has led so gallantly, and hitherto, I regret to add, so successfully during the present Session, the noble Lord has recognised the wisdom of the ancient proverb, which says that "The end of a feast is better that the beginning of a fray." I think the House can hardly yet have forgotten the somewhat remarkable absence of the noble Lord on the first reading of this Bill. But let me remind the noble Lord of what occurred on the first reading of a similar measure last year. Let me remind the noble Lord that when a cry of mutiny and insurrection arose amid the ranks of his followers, it was a Conservative Opposition that bore down to his rescue. They said, "This is our cause of quarrel as well as it is yours. We consider that the balance of our representative institutions are at stake in this measure. Our sense of honour, our love of fair play, will not allow us to look tamely on and see this great mischief done;" and so, though perhaps they bore the noble Lord no

violent affection, they raised him to his legs again, and they quelled his insurrection. I trust, then, the noble Lord will show by his vote to-night that he is not oblivious of the assistance he then received; and, above all, that he is not oblivious of the principles he then avowed; but that which he was enabled, by a Conservative Opposition to resist, and resist successfully as a Minister of the Crown, he can enable a Conservative Ministry to resist, and resist successfully, even though he be seated on the front benches of Opposition. Sir, I will now leave my Amendment in the hands of this House, confident that the arguments I have advanced will meet with their impartial deliberation. In conclusion, I will but add that I believe this House, by its vote to-night, will show that, whatever may be its natural desire to deal with acknowledged inequalities and anomalies in our representative system this is not the fitting time, as I believe it to be not the fitting manner of making a concession to the voice of popular opinion. I believe that this House will show by its vote to night that, however plausible in the abstract their isolated theories of reform may be, however well adapted to woo and win the popular applause of the hustings of East Surrey, there is something of mature deliberation required—there is something, too, of statesmanlike ability demanded—to mould them to a due conformity with the existing relations of society, and the established institutions of the country. And, above all, will I venture to believe that this House, in its zeal for Parliamentary Reform, will never suffer itself to be led into a forgetfulness of that which has for ages been at once the guiding principle, as it is the noblest object of all its legislation, justice to those vast and varied interests that return it to act as their representative Assembly.

The hon. Member then moved the *Previous Question.*

MR. MILES, in seconding the Amendment, congratulated his hon. Friend who had just sat down on the ability he had displayed in moving this Amendment. He felt that his hon. Friend was a great accession to that House, and trusted that his future career in that Assembly would worthily sustain so promising a commencement. With respect to the question before the House, he was glad that his hon. Friend had withdrawn his original Amendment for reading the Bill a second time that day six months, because such an Amendment, in the present state of the question of reform, would have been considered a vote on the whole question of reform which must be introduced in the next Session. On the 20th of this month the registration in the counties commenced, so that this Bill, even if it were passed, could have no operation before the beginning of another year. He thought they ought to wait till next Session, when the whole question of reform would be considered. He had the greatest objection to piecemeal reform. This was a question upon which the noble Lord the Member for London had changed his opinion. In bringing forward his Reform Bill in 1854 the noble Lord, in reference to the first Reform Bill, said that they had not limited the franchise to one species, for that would not have made the reform sufficiently comprehensive. With regard to the scheme of 1854, the noble Lord proposed a £10 franchise for the counties, but dropped the borough franchise to one of £6. Instead of a uniform franchise, however, the noble Lord proposed to give votes to persons with salaries of £100 a year; to persons with incomes of £10 from the Funds, or from East India Stock; to persons who paid 40*s.* assessed taxes, income tax or licence duty in the year; to graduates of Universities—a proposition to which there was not the slightest objection; and to every person having a deposit of £50 in a savings' bank. These qualifications were to be common to counties and boroughs. Thus the noble Lord's proposed £10 franchise did not stand alone, but was part of a very varied franchise. The war with Russia prevented the question from being again brought forward till last year, when the hon. Member for East Surrey (Mr. Locke King) introduced his Bill. The hon. Member for East Surrey had, as he understood him, said that his measure of last year was opposed by the noble Lord the Member for Tiverton, and by right hon. and hon. Gentlemen opposite, because they did not agree with its details. But what did the noble Lord himself say on that occasion? He said nothing about details. What he said was,—

"I cannot agree with my hon. Friend on the principle which forms the foundation of his proposal—namely, that there should be identity of qualification for voting in boroughs and counties. I rather agree with what has fallen from my noble friend the Member for London"—there he was deceived—"that there has always been a distinction, and I think it expedient to maintain that distinction, between the right of voting in boroughs and counties. The two great classes of electors repre-

sent different interests in the community, and the principle on which their right of voting has stood has always been different."

The hon. Member for East Surrey was therefore mistaken in supposing that the noble Lord was a supporter of his plan. They on that side were entitled to claim the support, on this question, not only of the noble Lord, but of all those hon. Members on the other side who had voted with him. His hon. Friend who had moved the Amendment had reminded the noble Lord that they on that side had come to his relief on this question on a former occasion. They certainly had done so, and the result was that the Motion was at once got rid of. They now asked the noble Lord to come to their relief. Let them have fair play on this measure. That was all they asked. They stood there an avowed minority. Having helped the noble Lord on this question last year, they claimed not only his support, but the support of all who voted with him on that occasion against the Bill of the hon. Member for the reason assigned by the noble Lord. He claimed therefore the support of the hon. Member for Stroud (Mr. Horsman)—of the right hon. Member for Taunton (Mr. Labouchere)—of the right hon. Gentleman the Member for Radnor (Sir G. Lewis)—and of the right hon. Gentleman the Member for Kidderminster (Mr. Lowe). He inferred from what he had seen in *The Times* of that day, that they should have the vote of the right hon. Gentleman. They claimed the vote of the hon. Member for Devonport (Mr. J. Wilson), and also of that hon. Member who had been of such service to the late Government—the right hon. Member for Wells (Sir W. Hayter). Two returns on this subject—one moved for by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), the other by the hon. Member for Stockport (Mr. J. B. Smith), —well deserved their attention, because they showed that the counties ought to have not only more voters, but more representatives. There were many anomalies in the Bill of 1832, which was passed amidst great agitation and excitement. The hon. Member for East Surrey (Mr. L. King) had alluded to some threatened agitation; but the fact was that not a single petition had been presented in favour of this Bill, and the only ones which had any reference to Parliamentary reform were from 19,500 persons in favour of universal suffrage. There was not one in favour of this Bill. Therefore there did not appear to be any danger of much popular agitation. The truth was, the House had brought this reform upon itself by constantly calling upon Governments to introduce a Reform Bill. The noble Lord the Member for London first promised to do so, and he redeemed his pledge. The noble Lord the Member for Tiverton made a similar promise, but he had not fulfilled it. Lord Derby had stated his intention to bring in a Reform Bill next Session. ["No, no!"] He was sorry to hear his right hon. Friend (Mr. Walpole) say the other night that Lord Derby had promised to consider the question, but had not promised to bring forward any measure. Lord Derby, in his Ministerial statement on the 1st of March, said:—

"As soon as the pressure of Parliamentary business enables us deliberately and carefully to consider the question, we will direct our attention to the defects which exist in the laws regulating the representation of the people in Parliament, and to the amendments which may be made in those laws; and we will give that attention with the sincere and earnest desire to trifle no longer with this great question, but with the hope that we may be able in the next Session of Parliament to lay before the Legislature and the country a measure upon that subject which may for a time settle a matter of such deep importance, and which, if we cannot hope to please everybody—which would indeed be a most extravagant expectation—may at least be accepted as a fair and reasonable measure by all moderate, impartial, and well educated men." [3 *Hansard*, cxlix. 43.]

He understood this as a pledge to introduce a measure in the next Session. Under these circumstances he did not think the present measure ought to be taken into consideration, or that the question of Parliamentary reform should be treated piecemeal—it was a subject which could only be fittingly dealt with as a whole; and if the Government wished to show they were in earnest they must lay before the country a bold and comprehensive measure. Taking the Reform Bill for their basis, they must improve upon it, remove its anomalies, and open the franchise to other classes of Her Majesty's subjects. His hon. Friend (Mr. Du Cane) had quoted an article written some time ago in *The Times*. Now if he were to speak two hours he could not better explain his sentiments than by reading two short extracts that appeared in *The Times* of that day. He always found that the leading journal was quoted by hon. Gentlemen opposite when it suited their arguments, but that it was always attempted to be suppressed when it told against them. *The Times* of to-day said—

"The present county franchise was fixed in the Reform Act, and can only reasonably be altered to any considerable extent in a second measure of the same serious and comprehensive character . . The House of Commons ought not to pass a bad measure, and a bad measure we believe this to be, not so much in what it does as in what it leaves undone. No reasonable person can doubt that it would at once consign many of our counties to constituencies of the same class as that now specially represented in our boroughs. This would be to convert our counties into large boroughs."

All he would add was that he cordially seconded the proposition of his hon. Friend, and that he hoped to have the support of hon. and right hon. Gentlemen opposite.

Previous Question proposed, "That that Question be now put."

VISCOUNT PALMERSTON: Mr. Speaker, I waited till the very last moment, when those who are of that opinion must say "No!" or those words would be pronounced that must close the mouths of all who are assembled — I waited, I say, until the last moment, in order that the House might know what was the line which Her Majesty's Government were about to take on this Motion. But as the House is to divide in ignorance of the course which the Government intend to pursue, I rise to answer the eloquent, touching, and moving appeals made to me and to my right hon. Friends by those who have moved and spoken upon this Amendment. Sir, we have often had occasion this Session to feel compassion for the pitiable condition in which the Government are placed. They came into office avowedly professing to rest upon a minority, and depending for support upon the majority of this House; but never upon any occasion have such signals of distress been hung out to those who do not belong to the Government as on the present occasion, not by the Government, but by those who profess to express—and who, by the silence of the Treasury bench, may be considered to express their sentiments. The mover of this Amendment, in a speech to the ability of which I gladly bear my humble testimony — it was a promise of future performances which I am sure must be gratifying to all—that hon. Gentleman appealed in moving accents for support to those who sit here, and the ground, forsooth! of his appeal was to ask for our assistance in return for the assistance which he said the Conservative Members afforded the late Government on a former occasion. The hon. Gentleman said, that in February, 1857, there was an insurrection and a mutiny in the ranks of those who supported the late Government, and that the Conservative party came to the rescue and afforded them relief. No doubt that was a very charitable action. But, Sir, there was a February 1858, as well as a February 1857. In February 1858 there was a mutiny and insurrection against the Government, and what did hon. Gentlemen opposite then do? Did they come to our assistance? No, they joined the ranks of the insurgents, and overthrew the constituted authorities. So far, therefore, as any personal claim is concerned, I put February 1858 as a set-off against February 1857. Sir, the present conduct of the Government and the language we have heard to-night remind us of the miserable condition of the former inhabitants of this island when they were deserted by the Romans. They said, as the Government now say, "The barbarians"—of course all who do not sit on the Treasury benches are barbarians—"the barbarians drive us into the sea," for which we may read the troubled waters of the gangway, "and now the sea drives us back upon the barbarians." Now, I hold myself free to act on this occasion upon my own opinion, without being bound by any feeling of gratitude to hon. Gentlemen who sit opposite. Last year, when my hon. Friend (Mr. Locke King) brought in a Bill on this subject, it was a different Bill in title and intention from that which he now proposes. It was then a measure for an assimilation of the county and borough franchise. The present is a Bill to improve and extend the franchise of counties, but it is not by title and intention a Bill to assimilate the franchise of the two. Last year Her Majesty's Government announced their intention to propose in the present Session a Bill of Parliamentary Reform. Now, as we intended to embrace in that Bill arrangements with regard to the county franchise, we were of opinion that the House ought to trust us so far as to postpone any decision relative to the county franchise last year, and to wait until we had produced our measure. But the present Government have not pledged themselves to produce a measure of Parliamentary Reform, but only to consider the question. Consideration and procedure are, however, different things. The consideration may last a long while, and the decision may be tardy in coming. Well,

Sir, I hold that this Bill is not the Bill that was proposed last year. Gentlemen may say, and will say, so far, with truth—that, although the Bill is a different one, and the procedure is not by proposing the assimilation of the borough and county franchise, yet that the manner in which the blanks are filled up will accomplish that object. No doubt that is the state of the case. But then, Sir, those who like myself adhere to the opinion expressed by many, that it will be very undesirable and objectionable to assimilate the borough and county franchise by reducing the franchise to £10, may vote for a second reading with the intention of proposing an alteration in the franchise that is intended to be established for county voters. And therefore any man who contemplates a reduction in the rate of the county franchise may perfectly well vote, and would indeed consistently vote, for the second reading of this Bill, reserving to himself the liberty of proposing in Committee the particular amount of qualification that he would prefer. As I am not one of those who think that the county franchise ought not to be lowered,—as I am one of those who think it would be advantageous to reduce the present county franchise, and to extend to a certain amount the county constituencies —I, for one, if called on to choose between the Previous Question and agreeing to the second reading, am prepared to give my vote for the second reading with that reserve with regard to the amount of qualification which I have stated. There have been many arguments used in favour of this Bill from agreeing with which I must refrain. We are told that one of the grounds upon which this Bill is proposed is, that we are to get rid of an anomaly in our representative system. I defy you by any legislation to get rid of the anomalies in the representative system. If you were to divide the country into parallelograms, establish electoral districts, and award the franchise to equal numbers, you would not then get rid of the anomalies in the representative system; because anomaly means only that which in the opinion of the man who uses the word is at variance with some imaginary rule which ought to be laid down as the rule upon the subject to which his opinion applies. One man might think the rule ought to be a perfect numerical equality in the constituencies, and that man would say, "get rid of the anomaly by equalizing the number of constituents;" but another man might say that the proper course to be pursued would be to secure a representation of the different interests and classes in the community, and he would probably tell you that you would only add to existing anomalies by dividing the country into equal electoral districts, and seeking a numerical equality of constituents. Therefore, I put aside arguments founded on anomalies, because I defy the ingenuity of man to frame a representative system which shall not be liable to objections—full of what the person who makes the objections is pleased to call anomalies. We are told, also, that it is better to make these changes now, because we shall be called upon by strong popular impulse to make them hereafter, under less favourable circumstances; and we are referred to what passed at the time of the Reform Bill in 1832. I think that argument is misplaced. When the Reform Bill of 1832 passed there existed a system which no man who deliberately considered it could fail to admit was in the highest degree objectionable. There were imaginary boroughs returning Members to Parliament, and a large mass of wealthy and industrious communities who had no voice whatever in the Legislature of the country. It was a state of things, which went on to a certain point; but when the time came to consider it, it could not be defended by any arguments whatever. But that state of things cannot possibly be said to exist now, and therefore I cannot admit that the example of the great national demand for a change in the representation in 1832 can apply to the present state of the representation as founded by the arrangement of 1832. That, however, is no reason against looking into the present system, and endeavouring to improve that portion of it which is susceptible of improvement; but it is an argument against rushing headlong into any particular proposal on the fallacious assumption that there is no time to consider, and that we shall soon be driven by popular impulse, in spite of the intentions which our reason induces us to entertain. I have no objection to bit-by-bit reform. I think it might be better, perhaps, to leave this measure to be incorporated as part of a more general scheme; but I do not think that the nation at large is at present very anxious for any great fundamental change in our representative system. I believe the House of Commons is much more forward in this matter than the nation whom they represent. I believe the country will be satisfied with very moderate measures.

But, at the same time, if I am called on to decide, I cannot concur in thinking the present county franchise ought not to be improved. I, therefore, shall be ready to go into Committee with my hon. Friend for the purpose of endeavouring to see in what degree and to what extent the county franchise can be reduced consistently with the interests of the county and a due regard to that balance of interests upon which our representative system rests.

MR. HENLEY: The noble Lord has stated in such plain and unanswerable language every objection that can be made to the present Bill, as explained by its mover, that I find he has left me nothing to add to his arguments against the measure. The hon. Gentleman the Member for East Surrey (Mr. Locke King) has rested his case entirely on the expediency of assimilating the county and the borough franchises. He used no other argument which could justify the adoption of his proposal. The position which he maintained was, that as a £10 franchise was good for the boroughs, a similar franchise must be good for the counties. But the noble Lord says that he cannot assent to that conclusion, and that he will not vote for a £10 county franchise, although he is willing to alter the frachise established in the counties under the existing law. The noble Lord, however, has not told us what is the nature of the change of which he would be prepared to approve. He did not give us the smallest inkling as to the figure which he would support in committee, if the Bill should ever reach that stage. The noble Lord has complained that no Member of the Government rose before himself to address the House; but I think he must admit that, after two speeches had been made by hon. Members sitting on this side against the Bill, it was natural for us to suppose that some of those who were called by the noble Lord himself, and not by us "the barbarians" would get up and address the House in support of the Motion of the hon. Member for East Surrey. Hon. Members are well aware that it is very unusual to see three Members sitting on the same of the House rise in succession to maintain the same opinions upon any question. Now, with respect to the proposal itself, I must say I think my hon. Friend the Member for East Somersetshire (Mr. Miles) was perfectly justified in asking what could be gained by attempting to legislate upon this subject in the present Session. The time is gone by when such a measure as this could have any immediate effect. The registration for the counties will commence before it will be possible to pass this Bill through the House, even if it went through its stages in the most rapid manner; and there can, therefore, be no reason why we should now embark in this discussion. The words employed in "another place" by the noble Earl at the head of the Government have been quoted for the purpose of showing what are the future intentions of the Government in reference to the introduction of a reform Bill. Now, I think those words are as explicit as words can be. Let it be remembered, too, that the speaker is not a man who is at all apt to use language and afterwards fail to act up to it. Under those circumstances I think it is not unreasonable to ask the House whether, by adopting the course they are now invited to pursue, they believe they would be facilitating a general settlement of the reform question, or whether they do not rather think they would thereby be throwing an impediment in the way of the accomplishment of such an object? I entirely approve of the mode in which the proposal for the second reading of the Bill has been met; and I must also bear my testimony to the great ability and moderation with which the Previous Question has been moved. I believe it would have been unfair to have met the Motion for the second reading of the Bill by a direct negative. I believe that after the pledge given by the Government to look into the whole reform question, with a view to its general settlement, it would have been unfair to have asked the Government or the House to any particular proposition. The hon. Gentleman who brought forward the Bill wishes to assimilate the county and the borough franchises; but no one has adduced any argument in favour of such a scheme, and the noble Lord (Viscount Palmerston) has argued directly against it. Every one must see that the noble Lord is availing himself of a kind of special plea when he supports the second reading of the Bill, while he expressed his disapproval of a £10 county franchise. I will ask hon. Members opposite who sit below the gangway, whether they do not understand this to be a measure for a £10 county franchise, and nothing else? Yet the noble Lord will not consent to a £10 franchise when we get into Committee. I must add that I think the hon. Gentleman who introduced the Bill ought to have given us some intima-

Viscount Palmerston

tion of its probable effect on that balance of power between different interests and classes which is secured by our present representative system; but the hon. Member has left that very important matter wholly unnoticed. I very much doubt whether the measure would remove the anomalies of the present system. I agree with the noble Lord that you must have anomalies under any arrangement it would be possible to adopt; and all that you can do is to obtain a sort of balance of those anomalies, so that all the interests of the country may on the whole be fairly represented. I do not believe you would, by adopting this measure, close all discussion as to the amount at which the qualification for the county franchise should stand, and I do not think it would now be just or wise to attempt to prejudge that matter, and thus throw an impediment in the way of the Government which would interfere with their taking the whole reform question into their consideration, with the view of honestly endeavouring to effect its settlement. I must repeat that I believe the noble Lord has completely refuted the proposal for an assimilation of the county and the borough franchises; and I have now only to state, in conclusion, that I shall cordially give my support to the Mover of the Previous Question.

Whereupon *Previous Question* put, "That that Question be now put."

The House *divided:*—Ayes 226; Noes 168: Majority 58.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Tuesday* next.

[*For Division List, see end of Volume.*]

UNIVERSITIES (SCOTLAND) BILL.

SECOND READING.

THE LORD ADVOCATE moved the second reading of this Bill.

Order for Second Reading read.

Motion made, and Question proposed,—"That the Bill be now read a second time."

MR. BLACK said, that in rising to move that the Bill be read a second time that day six months, he did so under a great disadvantage, because since the Bill professed to reform and improve the Scotch Universities, he feared that hon. Members generally thought that this Bill was similar in its object to the Bills lately carried through Parliament for the improvement of the Universities of Cambridge and Oxford. It was with great reluctance that he had come forward to oppose the measure, but no other course was open to him when he found that, while the Bill was brought forward as a measure to reform and improve the Scotch Universities, the changes proposed were really of a retrograde rather than of a progressive character. He doubted whether twenty Members had examined the Bill sufficiently to learn its true character, and he was quite sure that upon examination it would be found to be a measure which would not work, or, if it would work, that it would be to no useful purpose. Had his objections to the Bill been of a light character—to mere matters of detail—he might have contented himself with proposing Amendments in Committee; but he felt that the Bill was so thoroughly bad as to be quite unmendable; that it required a new stock, new lock, and new barrel. He had heard what improvement the Professors desired, what the students desired, and what the patrons desired. The Professors wanted money that they might have their salaries increased; the students wished to have endowments which might furnish the means of literary retirement, and to have the Scotch Universities endowed upon the same scale as the English; and the patrons desired that some millionaire would die and leave large funds at the disposal of the colleges. Now, in these respects, the Bill met the wishes neither of the Professors nor the students—nor the patrons. He had examined the Bill with great attention with the view of learning its real character, but he must confess that, nevertheless, he had considerable difficulty in following the learned Lord when he stated its provisions. The preamble commenced by stating that it was expedient, for the advancement of religion and learning, that provision should be made for the better government and discipline of the Universities of Scotland. Now, when he saw those words "advancement of religion" in a Government measure, it always made him very suspicious. The proposed changes were indeed a very crab-like method of reforming abuses. The Bill provided, for instance, that the General Council of the University of Aberdeen should consist of the members of the University Court, of the professors, and of all the graduates registered in the books of the University and King's College and in the books of Marischal College and University, and of all future graduates. At present there were twenty-one professors

sat on the other side of the House; and it was surprising that such a Bill should have been introduced. The 15th clause, in short, was so objectionable, that he should consider it quite sufficient to justify him in refusing to sanction the second reading. From what took place at the meeting of Scotch Members in a Committee-room upstairs great distrust had been excited in his mind as to what the learned Lord Advocate would do in Committee. He had been overwhelmed with letters urging objections to the measure. The remonstrances from Aberdeen and the north of Scotland, from graduates of King's College, from synods, and from the graduates of Marischal College, were exceedingly strong; and that there might be no mistake he would in the end read some of the documents which he had received against the Bill. The citizens of Aberdeen had for years asked for a measure which would unite the two Universities into one University, under one common government, and they now asked for the same thing to be done, but the Bill in addition enacted the fusion of the two colleges, to the suppression, practically of Marischal College—which had been founded by the Earl Marischal of Scotland for three centuries for the benefit of the citizens of new Aberdeen alone, and which, by the charter, was not to be translated forth from Aberdeen, and which was supported by endowments and gifts. Among the opponents of the hon. and learned Gentleman's proposition was the Society of Advocates of Aberdeen, the graduates of Marischal College and University, and the graduates and alumni of King's College University. Two hundred graduates of King's College University, of which the hon. and learned Gentleman was Lord Rector, entered their solemn protest against alienating the funds of foundations to any purpose contrary to their original destination. The hon. and learned Lord by his profession was bound to support the law, and it was curious to see him coming forward to subvert the law. The only parties in favour of the fusion of the two colleges was the Senatus of King's College, and a majority of six to four of the Professors of Marischal College; but the had been informed by telegraph that day, that out of six two had changed their opinion, and he was in hourly expectation of receiving a petition to the House ineicating this indicating this change. From the position of the only parties who supported the fusion of the two colleges the hon. and learned Gentleman could not deny but that the question was a personal one, as the object was to suppress some chairs, and divide the emoluments among those Professoos who remained. [The hon. and gallant Member here referred to various petitions to the House of Commons, Resolutions, &c., in opposition to the Bill, especially to what was called the fusion of the two colleges. These documents represented the opinions of the following persons:—The Mayor and Town Council of Aberdeen, the Incorporated Trades of Aberdeen, the Landholders and Commissioners of Supply of the county of Aberdeen, the Landholders and Commissioners of Supply for the county of Banff, the Landholders and Commissioners of Supply for the county of Kincardine, the Synod of Aberdeen, some District Courts of the Free Church, Society of Advocates in Aberdeen, Graduates of Marischal College, Graduates and Alumni of King's College, Senators of Marischal College, the Town Council of Peterhead, &c.] The hon. Member continued.—Thus, on one side there was a universal feeling, not against a Bill for improving the status of the University, but against that part which conferred illegal and unconstitutional powers on the Commissioners, and was contrary to the interests and feelings of the people of Aberdeen and of the north of Scotland. Now, with regard to Marischal College, it had been founded three centuries ago by the Earl Marischal of Scotland, and was under no pretence to be translated from the place of its foundation; it possessed a number of exhibitions or bursaries from £5 to £30 a year, which enabled even the very poor to receive that instruction, without which they could not expect to succeed in life. Various attempts had been made from time to time to suppress Marischal College in favour of a united college and University, but the inhabitants of Aberdeen had successfulty resisted all these attempts. It had existed in its integrity for three centuries, and yet the hon. and learned Gentleman now proposed by a dash of his pen to disturb those vested rights, and make waste paper of the Royal Charter. He (Colonel Sykes) admitted that it was quite proper that the State should interfere in cases where the objects of the founders of charitable or educational institutions were not carried out, but he considered it an act of oppression and tyranny to step in and deliberately set aside the intentions of

founders where they had been properly carried out; and he contended that in the case of Marischal College the objects of the founder had not failed, and that the proposed interference was therefore unjust and tyrannical. He lamented that the hon. and learned Gentleman was indifferent to the interests and feelings, not of a class or a community, but of an entire people. One of the reasons given for the fusion of the two colleges was, that the chairs were so badly endowed that competent men could not be obtained to fill them; but two gentlemen of the English Universities were professors there now, and he was told that whenever a vacancy occurred there were sometimes no less than twenty candidates from Oxford and Cambridge. It could not, therefore, be on the ground of the want of a sufficient endowment for these chairs, that it was necessary that the average of £400 a year for each chair should be increased. The feeling against the fusion of the two colleges of Aberdeen, instead of diminishing, was increasing. He had in his possession, in addition to the petitions already presented, a petition on the subject, which he ought to have presented that evening. There was another coming from 2,300 of the Parliamentary electors of the city of Aberdeen, and many others were preparing. The petitioners objected to the fusion of the Marischal and King's Colleges as a gross violation of ancient charters and patrimonial rights. If the hon. and learned Gentleman granted the concessions which the petitioners asked for, and which resolved themselves into the maintenance of a complete faculty of arts in each college, he might say, on the part of the inhabitants of Aberdeen, they would not oppose the Bill becoming law.

MR. A. STEUART said, he thought the Bill for the fusion of the two Universities of Aberdeen was a measure with which the prosperity of the north of Scotland was closely bound up, and if he thought it involved any invasion of the privileges of the Universities, or any alteration which was not necessary to adapt them for increased means of improvement and usefulness, he should be inclined to join in the opposition to its passing. The opposition to the Bill undoubtedly seemed to assume a somewhat alarming aspect, and he should deeply regret if it had any effect in either defeating or postponing the measure, the adoption of which he believed every sincere friend of Scotland would hail with joy. The opposition from Aberdeen especially appeared very formidable. The hon. and gallant Member (Colonel Sykes) had quoted document after document to show that the corporation, the clergy, the inhabitants, and even the landlords of Aberdeen, were opposed to the Bill. He believed, however, that this opposition did not arise entirely from the unpopularity of the measure, but in a large degree from local prejudice and a jealous feeling of rivalry. Here was a description, from a local paper, of the meeting called the "Head Court," from which the petition to be presented by the hon. and gallant Member opposite emanated:—

> "A 'Head Court'—if we may judge by the Castle Street specimen — consists of nine or ten individuals trying to speak, and wearying themselves with gesticulations, and some thousands of people (men and boys) roaring and shouting, and hooting them down as effectually as if the orators had been endeavouring to converse with the public out of the heart of Julien's band in the full crash of a battle-piece . . . . If a stranger had been told that this is our 'Head Court' he might certainly have been struck with the simplicity and popular character of our institutions and our way of resuscitating the ancient Saxon witenagemote, but he would not have been impressed with the value of the judicial decision likely to emanate from such a source."

From such a source came the petition which was signed by 2,300 Parliamentary electors of Aberdeen, and he deprecated its having any influence whatever upon the Bill. It was, however, said that the landowners of the counties of Aberdeen and Banff, and the adjoining counties, had passed resolutions against the Bill; but it had not been mentioned that the convener of Aberdeen, and a still more distinguished person, the Earl of Aberdeen the Lord Lieutenant of the county, were strongly in favour of the fusion of the Universities. He (Mr. Steuart) believed that the effect of the Bill would be to bring more distinguished ornaments of learning from a distance to compete for the chairs in the Scotch Universities, and thus to raise the standard of education in Scotland much higher than it had ever been before. It was easy to understand how the opposition to the measure sprung up when they looked to the spirit which animated the two colleges of Aberdeen. King's College represented the high Tory feelings of the country population; on the other hand the Marischal College gave expression to the democratic feeling of the city population of Aberdeen, and it was not wonderful

that a feeling of jealousy should exist between too such bodies; and if the Bill put an end to such feelings, it would effect a great good. He could not think that what this measure proposed amounted, as the hon. and gallant Gentleman opposite (Colonel Sykes) represented, to an invasion of vested rights, like what had recently been threatened in Oude. Surely the fusing of the endowment of two colleges, or throwing the bursaries and scholarships belonging to them together could not in any sense be considered a violent invasion of vested rights. In the case of the University of Cambridge, the Commission, presided over by the noble Lord the Member for King's Lynn (Lord Stanley) had proposed measures which went much further than this Bill proposed to go. The hon. and gallant Member had quoted a good many opinions against the plan laid down in the Bill, but he had omitted to state that the majority of the Professors of King's College cordially agreed in the principle of the measure submitted to the House, and he ventured to hope that their opinion would neutralise the effect of those formidable documents and petitions which had been submitted to them. So far for Aberdeen. He was not surprised at the objections of the hon. Gentleman the Member for Edinburgh (Mr. Black), supposing, as he did, that the rights of certain portions of his fellow-townsmen were about to be endangered. The hon. Gentleman had taken credit for the manner in which the Town Council of Edinburgh had managed the Universities. No doubt that body consisted, for the greater part, of a number of bigoted and exclusive Tories who would regard this measure with disfavour; but he thought the Town Council of Edinburgh was not a body to which the management of the University ought to be entrusted. It happened that an Edinburgh paper had been sent to him last night containing the speech of an Edinburgh bailie at a public meeting, in which he complained that sectarian jealousies had crept into the management of the Universities to such an extent that the townspeople had become disgusted, and would not rally round their municipal representatives in defence of their just rights, and another gentleman rose and confirmed the statement. The late Lord Cockburn, in his evidence before the University Commissioners of 1835, had ridiculed the idea of a man of learning and genius going through a course of mental prostration before thirty-three tradesmen of the town, elected into a Town Council. He might mention a case which had occurred not very long since. There was a vacancy for the Greek chair in the Edinburgh University, and a friend of his, who now filled a high station in the University of Cambridge, asked him for some information as to the character of the Town Council. He told his friend that he had no chance whatever, for the Town Council had already two candidates before them; one was a Free Church man, and therefore had a good chance of election, but the other had an equally strong one, for he had just before defeated the established presbytery of Aberdeen in an attempt to oust him from a professorship he held there. He would not go into the particulars of the quarrel between that gentleman and the presbytery, but it was much the same as if Baron Rothschild were to come to the table, take the oath on the true faith of a Christian, and then turn round and say, "I do not believe a word of it." So this learned Gentleman went to the table of the presbytery, signed the formula as a member of the Church of Scotland, and then said "I am not to be bound by what I have sworn." It turned out, as he had told his friend, the two gentlemen ran a neck-and-neck race, but the gentleman who who had beaten the presbytery won the election; and yet the Town Council of Edinburgh objected to the system proposed under this Bill as a horrible oligarchy, and some Scotch Members surprised him by saying "perish the Universities rather than submit to such tyranny." As to the other objections that had been urged against the Bill, and particularly those coming from the University of Glasgow, he did not say there was no foundation for them, but he was sure his learned Friend would not object to remove them in Committee.

SIR WILLIAM DUNBAR wished to offer a few observations on the subject matter of the present discussion, but he regretted that he should find himself opposed to two hon. Gentlemen who had addressed the House—the hon. Members for Edinburgh and Aberdeen, both University towns. As both those hon. Members were well acquainted with the subject which they discussed, their opinions were entitled to weight and consideration; but it would require more cogent arguments than they had used to make him ditrust his own judgment and refuse his support to the

Bill, the utility and importance of which were obvious. From the character of the opposition it had met with in all quarters it might be supposed that its provisions had been framed, not to confer a benefit, but to inflict an injury; not to improve the education of the country, by adapting it to the requirements of the time, but for the purpose of impairing the usefulness of the Universities, if not to lower the standard of education. He could see in the Bill no such intention—indeed, nothing but what was conceived in the most beneficial spirit, especially the alteration proposed by the learned Lord Advocate. He therefore saw no reason why legislation should be postponed, and the people be deprived of those advantages which the Bill was calculated to bestow upon them. If the hon. Gentlemen to whom he had referred could have shown that there was no want of improvement in the government of the Universities, and that the course of study which they prescribed kept pace with the requirements of the day, that within all was content and satisfaction, and that without there had been no expression of public opinion in favour of University reform in Scotland, there might be some ground for their opposition to the Bill; but the only opposition he had heard had arisen from what he would term amiable and excusable local partialities. Now, surely no opposition founded upon local partialities should stand in the way of a measure so essentially for the public benefit as that before the House. The hon. Gentleman the Member for Edinburgh (Mr. Black) referred to the constitution of the University of that city. Now, the constitution of that University differed rom that of any other similar institution; fnd although the power vested in the Town Council had been, upon the whole, faithfully exercised, yet it by no means followed that the duty of internal superintendence might not be as well discharged by any other body. But if the preservation of the right of the Town Council of Edinburgh was a ground for opposing the Bill, it was clearly an objection to be urged in Committee, and not brought forward as a ground of opposition to a Bill having reference to the Scotch Universities generally. The interference of the Town Council with the internal arrangements of the University had been condemned by the late Dr. Chalmers, by Lord Cockburn, and by many other distinguished Scotchmen. But still the Bill did not deprive the Town Council of their patronage. The hon. and gallant Member for Aberdeen (Colonel Sykes) had entered into the history of the two colleges of that city to show that they should still be kept separate and distinct, but it was sufficient for his (Sir W. Dunbar's) purpose to mention that the agitation for their amalgamation was not of recent origin, but had been at work for the last two centuries; and, from all he had heard or read, the question of union ought to be now decided in Parliament, or the agitation would continue two centuries longer before public opinion would work the change. It was a fact that both colleges were in themselves incomplete, but they might be amalgamated into one complete University. The Commission of 1857 had recommended a compromise, but in making that recommendation they surrendered their own judgment to the strong local feeling, which did more credit to the sensitiveness of the people of Aberdeen than to their judgment. If the Universities of Scotland were to be raised to the position which they ought to occupy, private convictions and personal considerations should be alike set aside, and the question considered with regard to the interests of the community generally; and he believed and hoped that the Lord Advocate had approached the subject in that spirit, and would never lose sight of it whilst endeavouring to accomplish the objects he proposed. Under any circumstances the Bill, by increasing the emoluments of the existing Professors, by providing retiring allowances for disabled Professors, by taking security for the better management of the Universities, and by abolishing existing restrictions, accomplished much in the right direction, and in his opinion the learned Lord Advocate, whether his measure should fail, or, as he hoped, should succeed, had, by this endeavour to deal with so important a subject, entitled himself to the gratitude, not only of the people of Scotland, but of every well-wisher to the cause of education.

MR. DUNLOP said, he had come down to the House in the expectation that the present Bill would be postponed, and was not therefore prepared to enter very fully into the question. He would, however, say that he was glad his right hon. and learned Friend (the Lord Advocate) had taken up this subject. It could not be in better hands, and he hoped his hon. and learned Friend would consent to such alterations as would enable him to support the Bill; for he should certainly regret if he were compelled to oppose the first mea-

sure that had been introduced for the advancement of Scottish University Education. With regard to the objections urged by the hon. and gallant Member for Aberdeen and others, these were rather objections of detail than of principle, and might more justly be urged in Committee. Some of the provisions of the present measure he regarded as being of great value—those, for instance, providing for retiring professors, those making provision for additional chairs, and the proposed establishment of a Council in which the graduates of the Universities were to have a voice. There were, however, provisions in the Bill of which he regretted to be obliged to express his disapproval. The Bill, he thought, tended to render the government of the Universities of too closely corporate a character. As at present framed, the governing body — the University Court— would be exclusively corporate, and at the same time, to a large extent, clerical. It consisted of the Principal, himself a member of the Senatus Academicus, and a clergyman; an Assessor nominated by the Chancellor who was to be elected by the Senatus with the exception of the newly created Chancellorship of Edinburgh, which the Bill proposed should be filled up by the Crown, together with an Assessor nominated by the Council; the Rector, who was also to be appointed by the Council, and an Assessor nominated by him. Then the Council was to consist exclusively of Masters of Arts, and these were, and would for some time, be chiefly clergymen; so that there would be no popular element in the governing bodies, except in the University of Edinburgh, in which the Town Council were to select two Assessors, and where the Chancellor was to be appointed by the Crown. He (Mr. Dunlop) thought that the Crown should have the appointment of the Chancellor in all the Universities, and thereby give the State a voice in the University Court. Again, the General Council ought to be so opened up as to admit medical graduates, and those of other professions than the Church, and to take away the almost exclusively clerical character — not, indeed, confined to one denomination — which as matters at present stand in Scotland it would under the Bill possess. And finally, the Rector who had himself a vote in the University Court and nominated an Assessor, who also had a vote, ought to be elected by the students as he was at present in all the Universities except one.

Mr. Dunlop

They had in times past well exercised that privilege, selecting the most eminent men of the day. It was of great value to the studeents to be brought into contact with such men, and it was of importance to the Universities that an extraneous element of such a character should be introduced into their governing bodies. There could be no doubt that the Universities of England held a higher standard of learning than those of Scotland; but they lacked that faculty, so eminently characteristic of the Scotch Universities, of spreading throughout the land a vast amount of general and popular learning, and he would very much prefer that the Scottish Universities should retain that character than that they should attain the excellence of the universities here at the expense of so popular a feature. But that very circumstance rendered it of importance that there should also be something of the popular element in the Government of the Universities; and therefore he thought it unfortunate that the hon. and learned Lord should have taken from the matriculated students the power of electing their Rectors. He trusted the House would have from the learned Lord Advocate an assurance that the corporate character to which he had alluded would be guarded against, or he should be obliged, with regret, to withhold at a future stage, his support from the measure.

MR. STIRLING would congratulate the hon. and learned Lord on the support his measure had received, not only from his own side of the House, but from the other. He was glad to find that they had at last found an educational subject upon which it was possible for all to agree, and he hoped this concurrence of opinion was a favourable augury for the reception of other larger measures yet to come. He should have expressed his assent to the Bill by a silent vote, but for the reference made in the title of the Bill to the union of the colleges and universities of Aberdeen. He had been a member of the Commission appointed to investigate this question, upon which he freely admitted he entertained an opinion in favour of that union until he went as far north as Aberdeen itself, and there he found public opinion, both in the city and the University of Aberdeen, so opposed to it, that he was obliged somewhat to modify his views. Upon this subject public opinion was an element which they could not disregard, and that was very strong in the city of Aberdeen.

In a letter to Colonel Mure, from a nobleman whose name was of more weight in Scotland than that of any man living (the Earl of Aberdeen), he said that he found the local public and the people of the city of Aberdeen so decidedly opposed to this union, that he abandoned the project of his Government in 1854, until at least some change occurred in that opinion. Since that time nothing had occurred to justify this union; but, on the contrary, public opinion had set in much stronger than it had been in the same direction. Although in the abstract he had been in favour of this union, yet he found it necessary to modify that opinion and to recommend that, whilst there was a union of the Universities, the colleges should remain separate — one of them teaching certain branches, such as divinity, law, or medicine; the other certain others, but each retaining their full staff of Professors in what was called the faculty of Arts. That was the modification which he recommended the Lord Advocate to adopt. As a reason for retaining the colleges separate, he mentioned that endowments were supplied there from private sources, insomuch that as lately as the last year a new professorship in Marischal College had been established out of private funds; but there would be a danger of these sources being dried up if the old colleges were suppressed in favour of some new body with a new name. Moreover, such was the local feeling on the subject, that if any Commissioner were sent north by his right hon. Friend to suppress one or other of these colleges, he would require to be backed with at least something more than moral force. The University of Glasgow was treated in the Bill more summarily in certain points than it ought to be, and somewhat unfavourably. As for the opposition of the hon. Member for Edinburgh (Mr. Black), he was sure that any amount of qualified concession would not induce him to moderate his bitterness; and he therefore appealed to his right hon. Friend whether he ought not to go further, and acquire still more of the public opinion of Scotland, by relieving the Town Council of Edinburgh of a good deal of its patronage. It was quite true that that Council was an elective body; but it did not on that account afford the slightest security against jobbery in University appointments. He hoped the suggestions which had been thrown out in the course of the debate would not be lost on his right hon. Friend, and that a pretty full paper of Amendments would save them much trouble in Committee.

MR. COWAN said, he had been anticipated in nearly all that he had to say, but the objections to the Bill were so grave and serious, that he thought it would be better to delay proceeding with it until there was more agreement among the people of Scotland. He admitted that many of the points objected to were rather subjects for consideration in Committee. He would not yield to any man in his wish to improve the Universities, but he was sorry to say that his hopes of doing so this Session were damped yesterday, when he found the right hon. Gentleman would consent to no modification whatever. He would take the opportunity of referring to the case of Professor Blackie. He (Mr. Cowan) was somewhat surprised to hear an objection from the Ministerial side of the House to the Test Act, which they had so lately defended as necessary for preserving inviolate their ancient religion. It was owing to his energy and skill that the attention of the country had been directed to the subject of the Universities, and to the necessity of introducing reform. The Scotch were proud of their Universities, and were desirous to maintain their ancient reputation. He might without impropriety appeal to the noble Lords the Members for Tiverton and London, who were distinguished *alumni* of these Universities, and had studied there in the days when Playfair, Adam Smith, and Dugald Stewart were in the zenith of their fame; and he would ask them not to sanction a change which would have the effect of placing the Universities in an inferior position to their sister Universities in England. He would rely upon the manner in which the patronage had been bestowed, and the reputation which the Universities had acquired throughout Europe. For these reasons he would ask the House not to sanction the measure without first giving to it that due and ample consideration which its vast importance demanded. He was desirous to support the second reading of the Bill, but unless such Amendments were made as were imperatively demanded, he should feel compelled to go into the same lobby as his colleague.

MR. WARREN: I shall offer no apology for rising, as an English Member, to take part in a debate hitherto confined to Scotch Members, and relating to a Scotch

institution, and that for two reasons. First, any question affecting the welfare of the Scottish Universities is necessarily an Imperial one in the eye of the British Legislature—that of the United Kingdom of Great Britain and Ireland; and I can conceive of scarcely any question that can come before us of greater magnitude or more pressing importance and interest than one concerning the reformation, I had almost said the reconstruction, of the Universities of Scotland. My second reason for interfering in this debate is, that I must naturally feel an interest in it, being myself an *alumnus* of the University of Edinburgh, and at the same time as my hon. and learned Friend opposite the late Lord Advocate (Mr. Moncreiff) and the Bishop of London. I left the University so far back as 1828, just two years before the issuing of the Report of the Commission on whose recommendation the Bill before us is founded—and which makes its appearance after so great an interval as twenty-eight years. Those Commissioners were numerous, and persons of high station and great weight and influence in Scotland—indeed, they comprised some of the most eminent names of which Scotland could boast. Their Report appeared in October, 1830, as the result of a period of four years' systematic and patient inquiry. They tell us that they had subjected the Scottish Universities to a most searching and complete scrutiny, and spared no effort to get trustworthy information. They addressed requisitions to every Principal and Professor in the Universities and colleges, and obtained from them the inspection of all their respective charters and other muniments. They directed a notice to be affixed on the walls of each University, intimating that they should be ready to hear all concerned, in regard to all matters relating to the universities and colleges, and inviting communications to be transmitted to them. They held special visitations of the Universities of St. Andrews, Glasgow, and Aberdeen, and at great length examined the Principals and Professors of the University of Edinburgh, and a number of other persons who, though not members of the University, were well informed concerning them. The Commissioners obtained a great body of valuable and authentic information, to be found in the bulky blue book which they published, and which entirely justifies the able and elaborate Report, signed by fourteen of the Commissioners, whose main recommendations will be found embodied in the Bill laid before the House. With such means and opportunities, the only wonder is that so lengthened a period should have elapsed without even a Bill having been introduced. It is enough for me that it at length it makes its appearance in substantial conformity with the suggestions of the Commissioners to whom I have referred. What could they have done but what they did do, and to what weight are not their recommendations entitled? I have not heard the propriety of any of them called in question, and I for one am prepared to act on them implicitly. I think my learned Friend below me (the Lord Advocate) who has introduced this Bill, is entitled to the cordial thanks of the House, and of Scotland, for the manner in which he has addressed himself to this important question, and it gave me great pleasure to find my learned Friend opposite, his predecessor, so cordially supporting him. I am sure that in so doing they are rendering great and permanent service to their country. Scotland has long been characterized by its insatiable thirst for learning, and the extraordinary efforts made to obtain it, by even its humblest classes, of which I have personally been a witness; and I rejoice at the prospect now afforded of consolidating and improving her academical institutions, and thus affording her the advantage of that *impetus* which we have so recently given to our own great academical institutions of Oxford and Cambridge. Let those of Scotland be placed on a level, and made to harmonize, with the wants and capabilities of this advancing age, and I really think such will be the effect of this Bill. I hope, therefore, that no obstacle will be placed in the way of its getting into Committee, where all its multifarious provisions can be thoroughly canvassed. Some of them I foresee will give rise to keen discussions; but I am satisfied that, as a whole, the Bill is well entitled to the acceptance of the House.

VISCOUNT DUNCAN gave his cordial support to the Bill. He had too much respect both for the constituency he represented, and for the House to enter into any of the local arguments which had been brought against the Bill, and which he thought would have much better been urged in Committee. He should like to ask Scotch Members if University education in Scotland was adequate to the wants

of the country, or at all equal to the education in the Universities of this country? Decidedly it was not. Then, he would ask them, was it capable of improvement? Undoubtedly it was; and because it was capable of improvement he gave his support to any Bill which had the effect of improving it. Some years ago Scotchmen were in the habit of considering themselves better educated than their southern neighbours; but if they looked at the result of the recent competitive examinations they would see that that was very far from being the case now. He remembered that when Ireland was in difficulties, Sir Robert Peel had, among the first measures for its improvement, introduced a system of national education; and that system, although stigmatized as "Godless," had been productive of the greatest benefit. In the part of the United Kingdom to which he (Viscount Duncan) belonged, there had been too little attention paid to University education; and now he thanked the Lord Advocate for this Bill to improve it. By whom was it opposed? By the Members for Edinburgh in the first place. He had been educated at the University of Edinburgh, and he had a great respect for it; but he did not think that Edinburgh ought to monopolise it, or that the management of it should remain in the hands of the Town Council now that it was supported by the public funds. Then the Bill was opposed by the City of Aberdeen. But he believed that the union of the two Universities would be a great benefit to that part of Scotland; and he thought that the City of Aberdeen had not, just as the City of Edinburgh had not, any right to monopolise the University. Let them fancy such a thing as the towns of Oxford or Cambridge claiming to monopolise those Universities because they were situated there; or, suppose the corporation of London should claim to have the management of the London University—why, if such a proposition were made, they would be laughed at from one end of the kingdom to the other. He supported the Bill, because he believed that it was calculated for the general good of Scotland, and not for the good of any particular locality; and he was not prepared to throw it out for any of the allegations which had been urged against it; on the contrary, he felt that it was an honour to the learned Lord Advocate who had introduced it. As to the danger of improper appointments, he thought that with the freedom of the press of this country that was not to be feared.

MR. GRANT DUFF would vote with great pleasure for the second reading of the Bill, although he did not agree to the provisions relating to the two colleges of Aberdeen. It had been truly said, at the meeting of Scotch Members the other day, that the Commission was the Bill; and he trusted that the Commissioners who would be appointed would be persons in whom they all had confidence. He acknowledged that credit was due to the Government for the manner in which they had filled up the only appointment which had fallen vacant in the Scotch Universities since they came into office. They had appointed a gentleman of great distinction, who was opposed to them in politics, but whose appointment was an honour to the University to which he had been named, and reflected great credit on the Government. He should vote for the second reading of the Bill.

MR. GILPIN said, he thought this was an Imperial, and not merely a Scotch question. He objected to distinctions being drawn between measures as being exclusively Scotch or exclusively Irish. He at all events could look at the Bill free from local prejudice, and he thought the proper mode of dealing with the objections was to refer the Bill to a Select Committee. He entirely agreed that this Bill had been brought forward under the care of one of the ablest men in the House; but one thing struck him, namely, the large powers committed to a small body of men without responsibility. The true direction of University reform was to enlarge their bases, extend their constituencies, and give a more popular control over them. He thought that the Commissioners ought to account to the House for their expenditure. He should with reluctance vote against the second reading unless explanations were given, because he thought the details were imperfectly understood, and a new Bill might be introduced next Session.

MR. E. ELLICE, Jun., observed, that this Bill had already been before what he might term a Select Committee of Scotch Members. Before that assembly the Bill had been discussed, and nothing could exceed the courtesy of the learned Lord in allowing objections to it being entertained. He acknowledged the importance of such great powers being entrusted to the Com-

missioners; indeed the Commission was the Bill. But the learned Lord Advocate had already answered some of those exceptions. He had, however, provided that the proposed rules should be published in the Edinburgh papers, and should afterwards be confirmed by Her Majesty in Council. He should not be satisfied, however, if the names of the Commissioners were not given in; he thought he should not be satisfied in voting for the second reading unless these names were given by the learned Lord. With regard to the grant of £10,000, he really thought that when Scotland got so little of the public money, so scanty a grant as this ought not to be objected to. He thought that the expediency, the fairness, and justice of this vote must be admitted when the importance of the ends to be attained are considered. He thought he might congratulate the Lord Advocate upon having introduced a Bill open to so few objections; but he hoped his hon. and learned Friend would satisfy the House upon certain practical points. The first was as to the distribution of the fund. They ought to expect that the scheme for distribution should be before the House in some form or the other, or before the Government, before such scheme is allowed. The next was, the election of Rectors. This was proposed to be materially altered. He thought the present mode of election could not be materially improved. He thought the students, as he remembered them of old, would abhor a job, and would elect men whom they thought eminent in literature and science. It mattered not whether they elected a stranger, as the Rector had a right of choosing an assessor. He understood it was the intention of the Lord Advocate to popularize the University Court by adding to it one assessor to be elected by the students. He was quite ready to adopt that Amendment. He thought the election of the Chancellor ought not to be in the hands of the University but in the hands of the Crown. He thought it a reflection on past Governments that, in spite of the Reports of a Commission, nothing had been done to remedy the evils the Commission had pointed out; and he thought great credit was due to the learned Lord Advocate for the introduction of this measure. He hoped the House would unanimously pass it.

THE LORD ADVOCATE said, that when he introduced a measure for improving the Scottish Universities he was perfectly conscious of the very delicate and important task he had undertaken, and he was therefore well pleased with the amount of support the Bill had received from the House. He also thought he had reason to congratulate himself that so very few objections to it had been stated at the present stage. The only two hon. Members from whom he had experienced direct and active opposition were the hon. Member for Edinburgh (Mr. Black) and the hon. Member for Aberdeen (Colonel Sykes). But their opposition was founded really upon local considerations, which had better be dealt with in Committee rather than on any general principle. They had, however, alleged some things against the Bill which he had better explain. The hon. Member for Edinburgh charged him with embarking upon a most suspicious course, because the object professed by the Bill was the advancement of religion and learning; he had also charged him with attempting to introduce radical and most revolutionary changes as to the Universities by a machinery that was so complicated as to be unintelligible. Now, he (the Lord Advocate) did not think that other hon. Members who had read the Bill had found it so unintelligible in its details as the hon. Member had represented it to be. The Bill was founded almost entirely upon the Report of the Commission of 1830, a Report which had very much alleviated his labours, and which was one of the most able documents it was ever his good fortune to peruse. Almost all the suggestions of the Commissioners were embodied in the Bill. Of course some of its details were not to be found in the Report; but any hon. Member who had made himself master of the Report would fully understand the machinery by which the principle of the Bill was to be carried out, and any hon. Member who had not must confess that he had not made himself master of the question of Scotch University reform. The hon. Member for Aberdeen had made one objection to the Bill, independently of local considerations—namely, the objection that so much power was granted to the Commissioners and that there was no appeal against what they might do. He (the Lord Advocate) had already given notice of an Amendment which would render every rule or ordinance of the Commissioners subject to the approval of Her Majesty in Council. That

Amendment declared that no rule or ordinance of the Commissioners should have any effect until it should have been published in the manner therein provided, and have been approved by Her Majesty in Council. He at once admitted that he agreed with those hon. Members who had insisted that the Commissioners should have no power of distributing the funds of the Universities without the supervision of Parliament or of the Government; and he would endeavour to alter the Bill so as to give to the Commissioners exactly the same powers in that respect as were given in the cases of the Universities of Oxford and Cambridge. These were the only objections which had been stated against the principle of the Bill by the hon. Member for Aberdeen and the hon. Member for Edinburgh, whom he reckoned as the only active opponents of the Bill that evening. These hon. Members had certainly stated very strong objections to portions of the Bill applicable to the particular localities which they represented, on which he would say a few words. In the first place, the hon. Member for Edinburgh was constrained to admit that nothing could be so anomalous, nothing so apparently indefensible on principle, as that the regulation of the course of study in a University, and the management of its affairs, should be in the hands of a municipal council, consisting chiefly of tradesmen. He was very much obliged to his hon. Friend for the admission; but then it had been stated that evening in that House, and elsewhere, over and over again, that that system, though very anomalous in itself, was still entitled to the credit of having worked great good in times past. He was not disposed to make any such admission. On the contrary, he believed that, so far as regarded the administration of the affairs of Universities by town councils, it had been attended, he would not say with unmixed, but certainly with very great, evil. What was the boast made by the representatives of those town councils that evening? They said the town councils had had litigation with the Professors and the Senatus Academicus, but then they were always found to be in the right, and that the Senatus Academicus had never resisted them successfully. What did that mean? Simply this—that in their contests with the Senatus Academicus they had been found to be right in point of law, and to have such control over the affairs of the Universities that the Senatus Academicus could never successfully resist them. But the question whether the interests of the Universities had been advanced by their success in litigation was a very different one indeed. An hon. Member had stated that one of the changes which the town councils introduced, and of which that hon. Member himself seemed very cordially to approve, was that by which students attending a University were allowed to give attendance upon the lectures of certain extra-academical teachers instead of the professors themselves; and he stated that the reason why that course was resorted to was that some professors were too old, that some were in bad health, and some exceedingly unpopular. Now, one of the evils against which this Bill would guard was that of professors who were too old or too infirm continuing to exercise the functions of a professor. He presumed that if some of the professors were exceedingly unpopular, the town councils who appointed them were answerable for that unpopularity. He believed that any hon. Gentleman who undertook to prove that the present system, anomalous as it was, had worked well in times past would fail. But the town council of Edinburgh were naturally most jealous of their rights. Like all other corporate bodies, they were unwilling to part with them, and would struggle for them with the utmost pertinacity. But when the hon. Member talked of the inhabitants and citizens of Edinburgh as he had, he went much beyond his warrant. He (the Lord Advocate) saw no evidence, either in that House or in Scotland, that the views of the town council of Edinburgh were in any degree in sympathy with the country in general. On the contrary, if he were to appeal to the ordinary modes in which public opinion was expressed on such questions, the hon. Member might recollect that very remarkable meeting which took place in December last in Edinburgh, in favour of University reform. Let him remind them that there had not been, within the memory of living man, so influential a meeting; but there was not the slightest indication at that meeting that the people of Edinburgh sympathized with the arrogant pretensions of the town council. The press, also, were generally in favour of the measure. The fact was, that the case for which the hon. Gentleman pleaded was the case of the town coun-

cil of Edinburgh, and not the case of the city of Edinburgh, for the largest section in that city were in favour of the present Bill. But whosever the case was, it would be considered in Committee, and in Committee he should be prepared to meet the case of the hon. Gentleman's constituents. Now, with regard to the remarks of the hon. Member for Aberdeen (Colonel Sykes) —the hon. Member said that there was a vast preponderance of opinion in Aberdeen and in the north of Scotland against the fusion of the two Universities, and that it would be vain to hope that any settlement of the kind would meet with favour from any class of men in that part of the country. The hon. Gentleman, however, greatly exaggerated his strength in that respect, for he must remind him that the Senatus Academicus and the Marischal College had petitioned in favour of the Bill. He had himself presented a petition that evening from the town which the hon. Gentleman who opposed the Bill represented, in favour of the measure; and most especially and distinctly in favour of that portion of it which provided for the entire and absolute union of the two Universities. But even if there were a strong local feeling in any place against the measure, that was not a consideration that could enter very much into the legislation of the House of Commons on a question of this kind. Both as regarded Edinburgh and Aberdeen, it appeared to him that the persons who opposed the Bill were forgetting the national character of the Universities, and were seeking to convert them into something very little better than good borough schools. That, he hoped, was not the spirit in which the House of Commons would legislate upon the subject; he trusted they would consider the Bill as a measure intended not to make provision for single localities, but to render these Universities national institutions, and as the national means of diffusing through Scotland sound education, and he would say, with all respect for the hon. Member for Aberdeen, for promoting religion with learning. The opponents of the Bill appeared to him to wish to maintain two institutions, crippled and imperfect, rather than to constitute one good and effective. He should be quite prepared to show the hon. Member for Aberdeen, in Committee, that the great preponderance of intelligence and unprejudiced opinion was in favour of an entire union of the two institutions. He could only say that any suggestions which might be made in Committee, for the improvement of the measure, would be met in the most friendly spirit, and would receive the most careful consideration. His hon. and learned Friend the Member for Greenock (Mr. Dunlop) appeared to think that, in the composition of the Academical Council, the clerical element would too much prevail. He (the Lord Advocate) thought that, if that were so, it would be a great evil, and he should be ready to do anything in his power to remedy it. The Bill would enhance the value of academical degrees, and would therefore act as an incentive to all classes to enter the *curriculum* which led to them. There were, no doubt, difficulties arising from the constitution of the bodies of graduates as they now stood—there were persons who had entered or were about to enter the Episcopal Church, or some body of Dissenters; but the evil to which his hon. and learned Friend referred was one which would be constantly and progressively diminishing under this Bill. He had given notice of an Amendment which he hoped would meet the objections of his hon. and learned Friend; but if that were not adopted he should be ready to assent to any Amendment which had for its object to secure an independent element in the Members of the Council. The second point referred to by his hon. and learned Friend was the mode of choosing the Rectors. The mode of choosing the Rectors at the University of Glasgow and the Marischal College at Aberdeen were elected by the matriculated students. In the other Universities it was not so. It had been suggested that where that practice did not at present exist, it should be established. As far as his own feelings and sentiments went, he had a great bias in favour of election by the students; without giving any pledge that he would adopt that principle, he would say that his wish was to adopt it. Then with regard to the office of Chancellor—in Edinburgh there was no Chancellor. But in regard to the other Universities it was said that as he was elected by the Senatus Academicus he represented too exclusively the professorial and academical interests. In answer to that objection he would ask the House to remember who were the individuals who were now the Chancellors of the Scotch Universities. They were the Duke

of Argyll, the Duke of Montrose, the Earl of Aberdeen—and these certainly were not persons likely to represent the prejudices and interests of any particular class. The nomination which it was proposed should be vested in the Crown as regarded Edinburgh, suggested whether it would not be well to extend that principle to the other Universities, thereby assisting the other elements presented by the Universities, and, at the same time, counteracting the other influences to which his hon. and learned Friend had alluded. The point was worthy of consideration, and he should be prepared to attend to it. With respect to the suggestions of the hon. Member for St. Andrew's (Mr. E. Ellice), the only one to which he should advert, was that touching the promulgation of the names of the Commissioners. Upon that point he could assure the hon. Gentleman and the House that it was a task of very great difficulty. Nothing but the difficulty of framing such a list of names as would be satisfactory for so important an object had prevented him hitherto from laying those names before the House; but he promised that no time should be lost, and he hoped the announcement of those names would at once secure the confidence of all parties. He did not consider it at all necessary to go back to the principles of the Bill, but he had rather endeavoured to meet objections that had been raised; and he would only add that his sole object in promoting his Bill had been the prosperity and permanent welfare of the Scottish universities, and he should be most desirous hereafter to receive any suggestion for their improvement. He could not expect that he could produce a perfect measure upon a subject which necessarily must give rise to a great deal of discussion, and be open to great alterations in its passage through that House.

LORD ELCHO said, after the speech of the hon. and learned Lord, he should reserve his observations until the next stage. He would only say he believed the measure to be one of a comprehensive and liberal character, and the learned Lord must have been gratified by the manner in which it had been received by the House.

MR. BAXTER appealed to the hon. Member for Edinburgh (Mr. Black) to withdraw his Amendment.

MR. BLACK said, after the candid manner in which the learned Lord had addressed the House and expressed his readiness to listen to any suggestions, he should, with the leave of the House, withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *To-morrow.*

JOINT STOCK COMPANIES BILL.

COMMITTEE.

Order for Committee read; House in Committee.

Clause 1 *agreed to.*

Clause 2.

MR. HENLEY wished to know what notice would be given to depositors in banks which were converted from unlimited to limited liability of the change that occurred in their relations towards such banks?

MR. HEADLAM said, that under the former Act it was provided that no change could affect existing contracts. After a change to limited liability, a bank must advertise the circumstance upon all its forms.

MR. HENLEY drew the attention of the hon. and learned Gentleman to the cases of running accounts which were not in the nature of contracts.

MR. HEADLAM replied, that it was competent for parties to withdraw their money if they pleased, as they would have sufficient notice of the change.

MR. HENLEY suggested, whether there should not be some special notice.

MR. HEADLAM would have no objection to adopt any suggestion that might be made upon the point.

Clause *agreed to.*

Clause 3.

MR. WILSON proposed to apply the Bill to existing companies by adding, after the word "business," the words, "all existing companies at the time carrying on business on unlimited liability before availing themselves of the provisions of the Act."

MR. HENLEY asked the hon. and learned Gentlemen whether, after the greater number of shares had been issued, there ought not to be some intimation given as to what the value of the shares might be, and a statement of the amount which the depositors had paid?

MR. HEADLAM said, that the memorandum of association would state the information which the right hon. Gentleman required.

MR. FINLAY proposed the addition of

the following words to the clause, "and also the amount of all debts and liabilities to the said joint-stock company on the 31st December immediately preceding, signed by two of the directors and the manager," his object being to have their debts and liabilities published every year.

MR. HEADLAM thought there would be some difficulty in publishing those statements in the manner proposed. He would not, however, object to the Amendment if the Committee thought it desirable to adopt it, as he was anxious for the fullest publication of the affairs of those companies.

MR. KINNAIRD thought the Amendment of his hon. Friend would render the statements of those companies plainer to the public.

MR. AYRTON said, if it were desirable to have a statement which would not deceive the public, as all such statements generally did, he thought that the Bill should define more accurately what the statement should be. The first requisite should be to compel a declaration of the assets truly valued, stating what were good and what were bad. There should be a further provision, that if the directors neglected to distinguish the good, bad, and doubtful assets once every six months, they should be subjected to a penalty which would prevent them from deluding themselves and the public by a statement of assets which were no assets at all.

MR. BUCHANAN supported the Amendment.

MR. WILSON said, that the clause ought to be struck out altogether, as while they proposed to make it incumbent on the bankers to set out the increasing liabilities, they did not require them to give any account of the increased assets.

MR. HENLEY said, that the clause introduced a more perfect audit; but it would be necessary to insert words which would prevent a one-sided account being given.

Amendment, by leave, *withdrawn.*

MR. HASSARD then moved to insert the words, "and shall also be legibly printed at the top of every receipt given for deposits by the company," in the clause, so as to make it appear on such receipts that the company was limited.

MR. HEADLAM opposed the Amendment, considering it unnecessary.

Amendment *negatived.*

Clause *agreed to.*

Clause 4 was also *agreed to.*

MR. WEGUELIN said, there was an essential difference between banking and ordinary business which called for a modification in the principle of limited liability as applied to banks. It was desirable as a matter of policy that some legislative guarantee should be taken for the credit and stability of banks, the functions of which in some respects resembled those of a trust. The peculiarity of a banker's business was that he held almost all his money payable on demand, and his very safety rested on the forbearance of his creditors. There ought, therefore, to be some security for the creditor in the event of the insolvency of the bank.

Clause,—

"If a Banking Company, constituted on the principle of Limited Liability, shall become insolvent, all and every the proprietors for the time being of any interest or share in the capital thereof are individually liable in their persons and property to be called upon to contribute for or towards the payment, satisfaction, or discharge of the debts, liabilities, and engagements of the said Company, not only such part or parts of all and every share or shares held in the capital of the said Company, as shall not have been theretofore called for and paid up, but also all such further sums of money, not exceeding the amount of the share or interest held by such proprietors respectively in the capital of the Company, as shall be requisite and necessary to pay, satisfy, and discharge the debts, engagements, and liabilities of the Company,"

brought up, and read 1°.

MR. HANKEY did not advocate either one principle or the other, but would leave the public to be perfectly free upon the subject as to whether they would deposit their money in banks with limited or unlimited liability. He thought they ought to put the principle in practice as regarded banks as well as in other joint-stock undertakings. It was not so much a question of capital as of public confidence.

MR. CHEETHAM said, it had been his fate to be director of one of the largest banking undertakings out of London, in the county of Lancaster, and it was there found that the true principle to proceed safely upon was not so much in respect to large accumulation of deposits, as a perfect reliance on the skill, prudence, and judgment of its managers. All the events that had reflected so much disgrace on the commercial community had ensued from banks on the unlimited liability principle trading on supposititious capital, and who pledged the liability of the shareholders to an enormous extent.

MR. HEADLAM hoped the clause would be negatived, seeing that the Bill proceeded entirely on the principle of letting

the public judge of banks for themselves, and trust to the government, management, and stability of its managers without introducing any legislative guarantees.

MR. CROSSLEY said, that the clause was unnecessary, because it was already the practice of joint-stock banks to call up only about half the amount of the shares.

Motion made and Question put—"That the Clause be now read 2°."

The Committee *divided*:—Ayes 40; Noes 128: Majority 88.

On the Question that the CHAIRMAN leave the Chair,

MR. COWAN said, that notwithstanding the high authority in favour of the Bill, he doubted whether it was one that deserved the approval of the House, and he would move that it be read a second time that day six months.

MR. WILSON said, he had intended to move as an instruction to the Committee that the provisions of the Bill should be so altered as to include insurance companies, but he found on looking more carefully at the Bill that, in order to carry out his object, it would be necessary to introduce special clauses which might be inconsistent and inconvenient in a measure relating to banks. He wished, however, to ask the Chancellor of the Exchequer whether he would have any objection to introduce a Bill for the purpose of placing insurance companies upon a more satisfactory footing? After a very patient inquiry before a Committee in 1853 the late Government had framed a measure on the subject, which was introduced last year, and they had since prepared another Bill, which, had they remained in office, they had intended to submit to the House. He thought it was much more advisable that a measure on such a subject should be introduced by the Government than by a private Member, and he wished to know whether the Chancellor of the Exchequer would take up the question?

THE CHANCELLOR OF THE EXCHEQUER replied that the subject was undoubtedly one of considerable importance, and under ordinary circumstances he would have been happy to endeavour to meet the views of the hon. Gentleman, but in the present state of public business he could not undertake to bring forward a Bill.

MR. LOWE observed, that such a Bill as was indicated by the hon. Gentleman (Mr. Wilson) might be comprised in one or two clauses consolidating the various measures relating to the subject.

THE CHANCELLOR OF THE EXCHEQUER repeated that, in the present state of public business, he could not promise to prepare such a Bill.

The House resumed.

Bill *reported*, as amended, to be considered on *Monday* next.

POOR REMOVAL.

COMMITTEE MOVED FOR.

MR. SOTHERON ESTCOURT moved for the appointment of a Select Committee on the operation of Act 9 & 10 *Vict.* c. 66, which enacts that no poor person shall be removable who shall have resided five years in any parish, and of the Acts 10 & 11 *Vict.* c. 110, and 11 & 12 *Vict.* c. 110, which enacts that the relief given to such irremovable persons shall be charged upon the common fund of the union. The reason he thought it desirable that such a Committee should be appointed was, that during the few months he had presided over the Poor Law Board he had received several deputations from unions and parishes complaining of the operation of the Act referred to as being more unfair and unequal than could ever have been contemplated by the Legislature. Whether that was so or not, he could not say; but it was certainly desirable that the case should be fully investigated. The measure was passed at first as a temporary measure; but year after year had passed on, and, though partial inquiries had taken place, nothing permanent had been effected. The Committee had recommended that the immovability should commence after three years; there seemed to be no principle either in the five years or three; and all he wished by this Committee was an impartial inquiry into the working of the Act. Though the Session was now pretty far advanced, he thought there was still time for the inquiry, an inquiry which he was sure must be gone into before the House could go into the question of poor law settlement.

SIR JOHN SHELLEY asked whether the Bill for the Amendment of the Poor Law which the right hon. Gentleman had promised would be postponed till this Committee made its Report.

MR. BOUVERIE said, it was most desirable that the proposed Committee should be appointed. The Act expired next Session, and before renewing it Parliament ought to consider the principles upon which it was framed, as well as the effect of its operation.

SIR JOHN PAKINGTON said, he was

glad this subject was about to be inquired into, and he hoped the Gentlemen composing the Committee would remember that the Bill whose working they were to inquire into was orignally passed in the interest of the poor.

MR. SCOTT complained of the way in which Scotch paupers were removed into Scotland.

MR. SOTHERON ESTCOURT said, he did not intend to postpone his Bill while this inquiry was pending, but at the same time he did not mean to press it forward. He was aware that measure had excited a good deal of interest and some alarm, and in order to give time for persons to make themselves acquainted with the subject, and to see that their fears were groundless, he had postponed the second reading for a fortnight.

Motion *agreed to.*

Select Committee *appointed,*—

"On the operation of the Act 9 & 10 *Vict.*, c. 66, which enacts, that no poor person shall be removable who shall have resided five years in any parish, and of the Acts 10 & 11 *Vict.*, c. 110, and 11 & 12 *Vict.*, c. 110, which enacts, that the relief given to such irremovable persons shall be charged upon the common fund of the Union."

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, June 11, 1858.

THE *CAGLIARI*.—THE ENGINEERS WATT AND PARK.

THE EARL OF MALMESBURY: My Lords, yesterday evening the noble Earl opposite (the Earl of Airlie) put a question to me, desiring to know whether we had received a final answer from the King of Naples to our demand for compensation to the two English engineers, and the noble Earl gave me notice that he would repeat the question next week. I am happy to save the noble Earl the trouble, and to inform your Lordships that the King of Naples has agreed to pay Her Majesty's Government the sum of £3,000 as compensation to the engineers, and that he has, without any condition whatever, given up the ship *Cagliari* and the whole of her crew into the hands of Her Majesty's Government.

THE EARL OF CLARENDON: I am sure the announcement of my noble Friend will be received with great satisfaction by the country. I wish to ask my noble Friend whether he is correct in stating that the ship and crew are to be given into the hands of Her Majesty's Government? We have made no demand for them, and I am anxious to understand whether it is to Her Majesty's Government or the Government of Sardinia that the ship and crew are to be given up.

THE EARL OF MALMESBURY: The *Cagliari* and her crew have been given up absolutely to the disposition of Her Majesty's Government.

In reply to Lord CAMPBELL,

THE EARL OF MALMESBURY said, that he believed the course taken by the Neapolitan Government would put an end to all controversy between the three Governments on the subject of the *Cagliari*.

PROPERTY QUALIFICATION BILL.
COMMITTEE.

Order of the Day for the House to be put in Committee, read.

EARL GREY said, he thought that when their Lordships were considering a Bill for abolishing the property qualification of Members of the House of Commons, they ought, with respect to Members of both Houses, to abolish a privilege which ought not to exist, and which was a subject for scandal. He would, therefore, move, that the Committee be instructed to amend the Bill, by introducing a clause rendering Members of both Houses of Parliament liable to arrest for debt under a judgment of a Court of competent jurisdiction, and to alter the title of the Bill accordingly. He did not, of course, propose that arrests of Members of either House for debt should take place, except in the case of judgments. With respect to Members of both Houses, it was really right and proper that they should not be enabled, by the existing privileges, to evade the payment of their just debts, and he thought, when they were taking away the security which a property qualification was supposed to give in the case of Members of the House of Commons, that that was the proper time to amend the law as to the exemption of Members from arrest.

Moved—

"That it be an instruction to the Committee to amend the Bill by introducing Clauses rendering the Members of both Houses of Parliament liable to arrest for Debt under the judgment of a Court of competent jurisdiction, and by altering the title of the Bill accordingly."

LORD CAMPBELL said, his noble Friend

had brought forward the proposition on the ground that their Lordships, as his noble Friend had said, were exempted from the payment of their debts; but that was not so, inasmuch as the property of any of their Lordships might be seized by creditors in satisfaction of debt. His noble Friend's proposition would also put their Lordships in a much worse situation than other classes of the Queen's subjects. For example, a witness subpœnaed to give evidence might not be arrested, nor might a barrister in Westminster Hall or on circuit. Their Lordships should, at all events, have an equal privilege, and should not be liable to arrest when they were coming down to attend their duties in that House.

EARL STANHOPE said, the Amendment of his noble Friend had been brought forward without notice — a circumstance which he thought was fatal to it. Besides, it was not only an Amendment without notice, but one on an entirely new subject, inasmuch as he could see no natural or necessary connection between that Amendment and the Bill on which they were in Committee.

LORD BROUGHAM said, he could not agree to the statement that there was no natural connection between a Bill abolishing all property qualification of Members of the other House and some course of the kind taken by his noble Friend (Earl Grey). He had his doubts that his noble Friend's proposition was the best mode of attaining the end he had in view, but he thought there was a necessary connection between the two subjects. His noble Friend said, it was only in the case of judgment debts that he would make Members of both Houses liable to arrest; but he should bear in mind how many facilities there were of obtaining judgments. He should like to have the opportunity of considering the matter more fully before he gave a definite opinion as to the propriety of the alteration suggested by his noble Friend.

EARL FORTESCUE hoped the House would not agree to the Amendment. He quite agreed in its principle, but he did not think it the most proper course to carry it out, by attaching it as a rider to such a Bill as that now under consideration.

EARL GRANVILLE said, from what had passed there appeared to be a general concurrence that the main object of the noble Earl was a desirable one. There were, however, reasons why there should not be hasty legislation; and it would be better if the noble Earl would not press his Motion upon the present occasion, but would introduce immediately a Bill upon the subject, which, if the House would read it a second time, could be referred to a Select Committee, where it could be carefully considered in all its details.

After a few words from Lord WENSLEYDALE,

THE EARL OF DERBY said, he did not think that such a clause as that proposed by his noble Friend should be introduced incidentally and without notice. None of their Lordships had come down prepared to discuss the question raised by the proposed clause. It was a very serious question; and he should reserve any opinion as to the propriety of making any alteration in the law on the subject, or as to what restrictions ought to be imposed in case of such alteration. Though there might be some connection between the subject of the instruction and that of the Bill then before their Lordships, it was not so close a one as made it necessary that the one matter should be included in the same Bill as the other. He understood that a Bill having for its object the abolition of the privilege of freedom from arrest in the case of Members of the Legislature was about to be introduced into the other House, and a discussion on the question could be had by their Lordships better on a Bill of that kind coming up from the other House than on an instruction to a Committee on a subject that had not been contemplated by that House when it sent up the Bill.

EARL GREY said, it was impossible that he should have given notice, for his Motion had originated from a debate in the House last night, and his noble Friend had fixed the Committee on the Bill for that evening. However, difficulty of shortness of notice could be got over by deferring the Committee upon this Bill for three or four days. It appeared to him that the question he had raised was closely connected with that proposed to be dealt with by the Bill; for when they were abolishing a security, however imperfect, they ought to substitute, if possible, some means of insuring the independence of Members of Parliament. Unless the two subjects were united he felt sure the abolition of the privilege of freedom from arrest would never be carried. He thought the best course to adopt in reference to the Bill would be to refer it to a Select Committee, to which it should be an instruction to introduce into

it a clause to carry into effect the object which he had in view. If, however, their Lordships should not consent to take that course, he should not put them to the trouble of dividing, as it was evident the greater number of the Members of their Lordships' House were opposed to his proposition. Feeling confident, at the same time, that his Amendment was sound in principle, he could not consent to withdraw it.

On Question, *disagreed to.*

House in Committee.

Bill *reported,* without Amendment; and to be read 3ª, on *Monday* next.

House adjourned at Six o'clock, to *Monday* next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 11, 1858.

LUNATIC ASYLUMS COMMISSION (IRELAND).—QUESTION.

MR. MACARTNEY said, he wished to ask the Chief Secretary for Ireland whether there is any prospect of the labours of the Lunatic Asylums Commission (Ireland) being brought to a close, so that the Report may be laid upon the table previous to the 1st day of July?

LORD NAAS said, that the Commission was now sitting, and, from the information he had obtained, he had every reason to believe that its labours would come to an end in about a week, and the Report would be printed and in the hands of Members before the end of the first week in July.

ANNEXATION OF DHAR.—QUESTION.

MR. J. B. SMITH said, he would beg to ask the President of the Board of Control whether the Government has decided on confirming or disallowing the annexation of the Principality of Dhar; and in case the Government has decided on the above question, whether it will produce Copies of the Correspondence which has taken place on the subject.

LORD STANLEY: Sir, the despatch which will announce the intentions of the Government with regard to the affairs of Dhar is in course of preparation, and has not yet gone out. But I may say, generally, that it is the intention of the Government to disallow the policy of annexation as regards the territory of Dhar, and that the present occupation of that territory is provisional only, subject as to its duration to further explanation which we hope to receive. I may add, that in the present state of affairs I think it would be premature to produce the papers.

MR. CECIL MOORE'S APPOINTMENT. QUESTION.

MR. J. D. FITZGERALD said, he rose to ask the Attorney General for Ireland whether Mr. Cecil Moore, who has been recently appointed Sessional Crown Prosecutor for the County of Tyrone, is the same Mr. Cecil Moore described in the Appendix to the Report on the Belfast Riots, page 289, as Cecil Moore, of Cottage Hill, Aughnaclony, Grand Secretary of the Tyrone Orange Lodge?

MR. WHITESIDE said, he could not answer the question whether Mr. Cecil Moore was the same person as the Cecil Moore whose name appeared with two hundred other names in the appendix of the Report to which the right hon. and learned Gentleman referred. The small office to which Mr. Cecil Moore had been appointed became vacant while he (Mr. Whiteside) was attending to his Parliamentary duties, and that Gentleman was recommended to him by the two Members for the county, and by several other persons, as a most respectable and competent person, but that he refused to make the appointment until the Assistant Barrister had made his Report. In that Report it was stated that Mr. Cecil Moore had practised as an attorney in the Court of which he (the Assistant Barrister) was the sole Judge, and also in the Court of Quarter Sessions for twelve years, and that he considered him to be a person of most respectable character. He (Mr. Whiteside) had not instituted any inquiry into his politics or religion, but he would correspond with him on the subject of the hon. and learned Gentleman's question, and take good care that his conduct in his office was such as befitted a person who held that situation.

THE LADIES' GALLERY.—QUESTION.

MAJOR EDWARDS said, he would beg to ask the Chief Commissioner of Works whether there is any objection to an increase of accommodation in the Ladies' Gallery?

LORD JOHN MANNERS said, that in consequence of the observations of the hon.

Gentleman in Committee of Supply, he lost no time in inquiring into the subject, and he was happy to say there would be no objection to make the experiment of giving an increase of accommodation in the Ladies' Gallery. If the experiment answered, it would be carried further.

STATE OF THE THAMES.—QUESTION.

MR. BRADY said, he wished to put a question to the noble Lord the Chief Commissioner of Works with regard to the state of the River Thames. It was a notorious fact that hon. Gentlemen sitting in the Committee Rooms and in the Library were utterly unable to remain there in consequence of the stench which arose from the river; and he wished to know if the noble Lord has taken any measures for mitigating the effluvium and discontinuing the nuisance.

LORD JOHN MANNERS said, he was very sorry to tell the hon. Gentleman that the River Thames was not in his jurisdiction, and therefore not under his control.

CHATHAM BARRACKS.—QUESTION.

GENERAL BUCKLEY said, he rose to ask whether the attention of the Secretary of State for War has been called to the defective supply of water and the crowded state of the Barracks at Chatham?

GENERAL PEEL said, he had received no official Report on the subject of the water. His attention had been called to the state of the barracks, and he would make inquiries about it.

OFFICERS' SERVANTS.—QUESTION.

GENERAL CODRINGTON said, he would beg to ask the Secretary of State for War whether the warrant of 1857 relating to Officers' Soldier-Servants is or is not cancelled; and, if not, whether it is still considered that the sum of 1*s.* a day in England, and 1*s.* 6*d.* a day abroad, is a sufficient sum to pay for a Civilian Servant.

GENERAL PEEL said, the document alluded to by the hon. and gallant Member was not a Warrant, but a War Office circular, and it was cancelled.

On the Motion for the adjournment of the House to Monday,

LORD CANNING'S PROCLAMATION.

QUESTION.

MR. WILSON said, he would beg to ask the President of the Board of Control, whether any distinct information has been received that Lord Canning's Proclamation has been issued at Lucknow, and of the result which has been produced upon the Talookdars in their relation to the British Government. The reason for putting the question was, that it had appeared several times in the public prints, that information had been received at Calcutta as to the successful results of Mr. Montgomery's efforts for the pacification of Oude; and he was very much astonished two or three days ago, when the Attorney General for Ireland, having occasion to refer to the subject, took upon himself to say, that Mr. Montgomery had disobeyed and cancelled Lord Canning's Proclamation. Unless the Government were in possession of information to justify that statement, he thought it a most unwarrantable inference, from the slender facts of which we were cognisant, that because Mr. Montgomery had succeeded in pacifying Oude, therefore he had changed the policy of the Governor General. It appeared that those who disapproved the Proclamation and policy of the Governor General took the earliest opportunity of suggesting and supposing that any possible success which had attended the policy of Lord Canning was not attributable to his policy, but to the abrogation and reversal of it. If the Government were in possession of any information, he hoped the noble Lord would state that they had no objection to lay it before the House.

LORD STANLEY: I am glad the hon. Gentleman has put the question, because it will give me an opportunity of correcting a slight inaccuracy in the reply which I gave yesterday to another question in reference to the same subject. I was asked yesterday by my hon. and learned Friend the Member for Devonport (Sir E. Perry) whether any official documents had been received by the last mail relative to the pacification of Oude. When I saw that notice on the paper, I caused inquiry to be made in the department with which I am connected, and I received a positive assurance that nothing official on the subject had been received. I have again made inquiry to-day, and I find that I was right so far that no despatches have been received on the subject from the Governor General. But after my reply was given, and when the House had proceeded to the transaction of other business, so that I had no longer an opportunity of offering any explanation, there was forwarded to me a paper containing a short postscript to a miscellaneous despatch from the Secre-

tary to the Chief Commissioner of Oude to the Secretary to the Governor General in India. That miscellaneous despatch, with its postscript, was transmitted from Calcutta, not accompanied with any official explanation, and is not of a very recent date. The date is the 3rd of April. The date of the covering letter which transmits it from Calcutta is the 20th of April; therefore it hardly represents the latest accounts which have been received in this country. It does not go fully into detail, but such as it is, as I have been unintentionally the means of misleading the House, I shall do well to read it:—

"Secretary to Chief Commissioner of Oude to Secretary to Government.

"Lucknow, April 3.

"The talookdars are holding aloof [I believe that means holding aloof from the rebel cause]; and the Chief Commissioner fervently hopes that there will not be any very serious opposition to the permanent establishment of our rule in Oude. Two lists are sent, one of the landholders who treated with us at Alumbagh, the other of those who have come in under terms of the Government Proclamation, combined with the Chief Commissioner's letter of assurance that those who come forward and do good service now, will have their claims to the lands of which we dispossessed them reinvestigated."

This is the only official paper which I can discover on the subject. From it, it will undoubtedly appear that a Proclamation had been issued to the people of Oude, but that Proclamation had been considerably modified from the draught sent home. I may say that, from the tenor of various private letters from different persons, I hope we have reason to believe that the policy actually pursued in Oude has been a policy of conciliation and justice, and that its results, as far as we can ascertain them, have been satisfactory with regard to the landed proprietors generally. As I shall not have an opportunity of speaking again, I hope the House will allow me to answer at once two other questions of which notice had been given. The hon. and learned Member for Devonport (Sir Erskine Perry) wishes to ask whether letters from the Governor General of India have not been received, covering Reports of a public character from Mr. Montgomery and other officers in Oude, relating to the pacification of that country, and whether there is any objection to laying such Reports on the table. It is true that, in a private letter received from Lord Canning, there were inclosures relating to various public matters; unfortunately the letter in question is not in my hand at the present moment, and though I endeavoured to obtain it in order to refer to its contents before coming down to the House, I have not been able to do so. It is a private letter, and, of course, cannot be officially produced; and without seeing it again, I cannot say whether there is anything in it which would make it impossible to communicate it without detriment to the public service. I cannot, therefore, of course, promise to communicate it at present. But it would be more convenient, I think, to wait until this information reaches us officially, accompanied by an official covering despatch, which will probably contain further explanation, and I have reason to believe that such a despatch will arrive by the next mail. The noble Lord the Member for Durham (Lord A. Vane-Tempest) wishes to know whether Her Majesty's Government have received any official communication from India on the subject of the taking of Kotah; and, if so, whether they have any objection to the production of such papers. In answer to that question, I have to say that General Roberts' official despatch has been received, and is being published, I believe, in this evening's *Gazette*.

SANITARY STATE OF THE METROPOLITAN CHURCHES—OBSERVATIONS.

MR. LAURIE said, he rose to call the attention of the House to Dr. Letheby's Report of the Sanitary State of the Churches, especially those in the Metropolis. The hon. Gentleman said, that, according to this Report, there were at present somewhere about 1,600 corpses lying under the pews occupied by the congregations in the metropolitan churches. Although these corpses were enclosed in leaden coffins, yet, when after the lapse of time the metal gave way, there oozed out a dark liquid, which was a deadly poison, and the effluvium which escaped was a fertile cause of disease. Surely, when they were erecting statues to the memory of Dr. Jenner, they might do something to save the lives of living worshippers. He called the attention of the Home Secretary to this matter in the hope that he would see that some steps were taken to remedy this state of things, either by removal of the corpses or in some other way. Such matters as this were of vital importance to the comfort and happiness of the people, and now that the old landmarks of politics were broken down, he had every confidence that the Gentlemen now in office would apply themselves earn-

estly to every question of social improvement brought under their notice.

Mr. HARDY said, this subject was no doubt one of considerable importance, and it had not escaped the attention of former Governments or the Legislature. The noble Lord the Member for Tiverton was first in the work of carrying out the measure passed by the Government of 1852 for putting a stop to burials in churches, and closing over-filled burial grounds, and had been most effectively followed up by the right hon. Gentleman who succeeded him at the Home Office. He was sure that his right hon. Friend (Mr. Walpole) would pursue the same course with a view to abate the evil, the gravity of which every day that passed more and more brought to their attention. A clause was inserted in the Act of last Session which for the first time gave power to the Secretary of State upon information to interfere for the protection of the public, when the vaults of a church or other burial-places were in a state that was injurious to the public health. It was not passed, however, until the end of August, and as yet there had been no opportunity of putting it extensively into operation; but the very fact to which the hon. Member had called attention, that Dr. Letheby and Mr. Grainger had been examining the vaults in the City of London, would show that Government had not lost sight of the subject. In some of the metropolitan churches measures had been taken for covering up the bodies completely in sand and charcoal; and that, he believed, was, under the circumstances, the best means that could be adopted. So far as the removal of the bodies were concerned, he could not imagine a greater evil, or anything more calculated to excite terror in the public mind, than to let it go forth that there was any intention to remove 15,000 bodies from the London churches to places in the neighbourhood of the metropolis. The subject, he could assure the hon. Gentlemen, would not be lost sight of by his right hon. Friend. The authorities at the Home Office were, in fact, daily attending to it; for it was their earnest desire to get rid of the evil at once and for ever in the churches both in London and in the country. He believed that every church in the metropolis had already been closed against any more burials, and that there was now hardly a burial-place in the metropolitan districts, except in the suburbs, but was shut. He trusted the House would be satisfied that the measures which had been adopted by Parliament were being fairly carried out, and that the Government would do all in their power to enforce them.

THE NATIONAL DEFENCES.

QUESTION.

Sir CHARLES NAPIER said, he rose to ask the Chancellor of the Exchequer if it was his intention to ask for an additional Vote for Seamen and Marines, in consequence of the vast preparations making in some parts of Europe by sea and land; and whether, when the additional Troops are sent to India, it was the intention of the Government to call out an equal number of Militia to replace them? It was not long since the right hon. Gentleman told his constituents at Slough that we had been within a few hours of a war with France; and seeing what was the present state of that country, he (Sir C. Napier) thought it not at all impossible that the same thing might occur again. After the very alarming article which appeared the other day in "the leading journal"—which had created a great sensation throughout the country, he thought it quite plain that Parliament and the country ought to be made aware what our defences really were. He had not the slightest idea that the Emperor of the French desired a war with us: but there was an immense army kept up in France, and, after the recent manifestation of the predominant position which it had assumed, nobody could tell whether it might not drive the Emperor to an attack on this country. We also knew that the French Government had lately been making immense exertions in all their ports. Cherbourg was now open, and it was connected by a railway with Paris, as were the other ports. Railroads had totally changed the whole face of European warfare. By means of them the French Government would be able to move troops with the greatest ease from one end of the empire to the other, and they also gave every facility for bringing seamen from Toulon and the Mediterranean ports to the Channel harbour. France had, of course, a right to fit out as large a fleet as she thought proper; but this extraordinary activity must create a suspicion in the minds of the people of this country. Whom was France arming against? She was on good terms with America; and the increase in the navy could not be directed against Austria, which was not a maritime Power; Russia

was out of her way and inaccessible to attack by sea: and there could be no other Power but this country with which France could wish to try her strength on the ocean. What the people wished to know was, whether they were safe from invasion or not in case a quarrel should occur with France—and it was impossible to be quite sure that one might not at some time or other occur; nor was the French Emperor a man to tell us beforehand what he was going to do. The First Lord of the Admiralty had recently stated in that House that France had, within two sail of the line, the same number of ships that we possessed. But that was not all. By her system of conscription and inscription France could call together at any time 60,000 or 70,000 seamen; and besides these, a large number of men who had served in the navy for several years, and had gone back to their homes, were liable to be called out also. What had we to oppose to these? We had plenty of ships. He believed that at the present moment we had twenty screw line-of-battle ships of one sort or other ready for sea; but within the last few months we had had a lamentable specimen of the time that it required to man line-of-battle ship in the cases of the *Renown* and the *Marlborough*. He was happy to say that, owing to the great exertions of the present Board of Admiralty, both these vessels were now ready. He would read to the House the actual state of our ships, because he believed that the information would prove satisfactory to them. We had at Portsmouth the *Duke of Wellington*, a very fine three-decked ship, and the *Hannibal*—both in commission, but only half manned, or not quite half manned—and the *Cæsar*, also ready for sea, but not manned. At Plymouth were the *Exmouth* and *Orion*, just commissioned, but not manned—the *Orion* he was happy to say was manning very rapidly. At Sheerness there were the *Royal George*, the *Cressy*, and the *Colossus*—the *Royal George* and the *Cressy* were in commission, and were half manned, but the greater part of the men were not able seamen. At Cork was the *Nile*, half manned. On the coasts we have nine block ships, of which six were useless and three indifferent. Now, in the event of any disturbance occurring between this country and France, we should have to consider, not only the ships and seamen that France possessed, but her very large army, stated to amount to not less than 500,000 men; and we knew with what ease men could now be transported from one spot to another by means of steam. Supposing that we had an army of 400,000 or 500,000 men, and the same number of ships that we had at present, nothing in the world would be easier than for us to make an attack upon France if we thought fit to do so. A telegram would be despatched to the different ports, ordering our steam vessels to collect at Spithead, where they would all probably arrive within three or four hours of one another. So, if France equalled us in men-of-war — which she did, although she could not compete with us in the matter of steam vessels—she could order by telegraph any number of men to collect at Cherbourg, where they could be taken on board with the utmost despatch. He had himself seen the harbour of Cherbourg. The great works there were now completed, and the enormous docks and basins afforded means for embarking any number of men in a wonderfully short time. The troops could walk on board; cavalry, mounted on their horses, could ride on board; and artillery could be easily shipped, for thirty sail-of-the-line could lie alongside of the wharfs alone. While these great works had been in preparation in France, we, on our side, had not been altogether idle, and he would try to explain to the House what were our means of defence irrespective of the ships to which he had referred. We had lately very properly established the Coastguard on a much more efficient footing than it had ever been before; and we had now, he believed, between 4,000 and 5,000 Coastguard-men, who were seamen, besides 1,000 or 2,000 more who were not seamen. We had also a pretty large force of Coast Volunteers. This force was one which he had himself recommended forty years ago, and he was satisfied that, as a naval militia, they would prove a most valuable auxiliary, provided that we had a navy to receive them. It was impossible to consider the country in her present state to be safe from an attack from France. He did not say that France had any intention to attack us, but this great country ought not to be left at the mercy of any nation which might find it its interest to pick a quarrel with us. Why had we 20,000 men at this moment at Aldershot? They were costing money, and he presumed that they were kept there in

order to defend the country in case of attack; but the best means of defending the country was to meet the enemy before he could land upon our shores. It was no use mincing the matter, he must warn the House and the people that if they wished to keep the country in a state of safety they must be prepared to put their hands into their pockets; and the Government ought to tell the people that they would not be responsible for the safety of the country unless it were properly—not extravagantly—but properly defended. What we ought to do was at once to man ten sail-of-the-line completely; the men should be kept constantly ready for sea; and if once the Government and the nation consented to that, we should have our ships ready at all times, and should be equal to any emergency, because we should be enabled, by distributing half the crews among other ships, and filling up the numbers with Marines, Coastguardsmen, and Naval Volunteers, and thus double the navy without the slightest difficulty; this would give us a very powerful force. No time should be lost in doing this; no one could deny that these measures were necessary. How did we know at this moment that France and Russia were not on very good terms; and what would be the feeling of this country if we heard that the Russian fleet had quitted the Baltic and was coming up the Channel? The confusion that it would create would be tremendous, and what would become of the funds God only knew. [*A laugh.*] He saw some hon. Gentlemen opposite laugh; but he must be permitted to tell them that it was no laughing business. Perhaps those hon. Gentlemen supposed that if the emergency did arise, it would be quite enough to get men and embark them on board ships; but that would not do—what were required were trained and efficient men. If two ships of equal capacity and power, and having the same number of men on board—one being a disciplined and the other an undisciplined crew—were to be opposed to each other in action, the ship with the disciplined crew would beat the other in half an hour. Suppose, for instance, the *Royal Albert* just returned from service, and the *Marlborough* just commissioned to be put in competition, why it would be impossible for the *Marlborough* to contend with any chance of success against her more practised opponent; and the same result would take place if she were placed against a disciplined French ship. He was not going to compare Frenchmen with Englishmen. He hoped in God they never would be equal to us, but it was never safe to despise an enemy; and though in the last French war the French vessels were officered in a very inferior way, on account of the emigration that had taken place, still they always made a gallant resistance, and lost a great number of men before they struck their colours. There was now a rumour than we were not on very comfortable terms with America; and if they were to hear that some dashing American officer, in order to gain a name—and he would very easily gain it in that way—had carried one of our vessels into New York, he would like to know in what position we should be? He remembered some time ago, when the *Indus* was upon the American station, it was discovered, when the men were at exercise, that all but sixteen of the ship's gun-carriages were rotten. He did not say that would happen again, but they ought always to be in a state of preparation. It was true that the First Lord of the Admiralty, after three weeks' consideration, had given them a Commission upon manning the navy; but they had not yet got the names of the Commissioners. Why they ought to have had the Report by this time; but the Admiralty was a slow body, there was no moving it. He understood that there were 10,000 troops at this moment under orders for India; that would just leave us so much weaker at home, and therefore they ought to be the more active in manning the navy. He understood that the number of men voted by the House was now complete, or nearly so; and if that were so, he wished to know how the First Lord of the Admiralty was to man ten additional sail of the line without a supplementary Vote. It was true there was a number of ships coming home, but ships did not all come home at the time they were expected, and when they did the men must have leave, so that it would be impossible to get them together again in sufficient numbers to man ten sail of the line (and no fewer would do) till the summer was at an end. Perhaps the Chancellor of the Exchequer might ask him what were the preparations in Europe to which his question referred. Now, he did not say that those preparations had been begun within the last few days—they had been going on for years; but those preparations were now on the

point of completion. The hon. and gallant Admiral concluded by putting the Question of which he had given notice.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I was somewhat alarmed by the question which the hon. and gallant Admiral placed upon the paper to-day, because I supposed that he was in possession of some recent information which authorized him to make such a startling inquiry; but I am in some degree relieved by his informing the House that, in fact, he has no further information than that which has been the basis of the three speeches which he has made this Session upon the same subject. I can assure the gallant Admiral that Her Majesty's Ministers are truly and deeply sensible of the great responsibility which devolves upon them both to defend our common country and to vindicate, if necessary, the honour of our flag; but I am sure the House will feel that it is extremely inconvenient to the public interests to ask in this House whether our means of defence are equal to the means which those who are our allies, or any other Powers, may by any possible combination of circumstances have at their disposal for our annoyance. The hon. and gallant Admiral assumes, in the absence of all reasonable ground, that it is the interest and the desire of all the Powers of Europe, especially of those with whom we are at this moment in cordial alliance, not only to go to war with this country, but to go to war with this country suddenly, without the slightest regard to the laws and customs of civilized nations, and without any apparent cause, for the invasion of our territory and the devastation of our shores: The hon. and gallant Admiral has alluded to some observations which I made upon the probability of war, under certain circumstances, with France; but, without reviving any controversy upon those expressions, I may remind the House that that was an opinion given upon the assumption that there were sufficient, or at least important, causes at work, and which had been long at work, that might have produced so lamentable and disastrous a result. At the present moment, however, so far as France is concerned, we are not only in frequent but constant communication, and if it were the wish or supposed interest of France to pick a quarrel with England, opportunities might easily be obtained, when we are combining together to regulate the affairs of Europe under difficult circumstances, by which such an unfortunate state of affairs might be brought about. I am bound to say, in answer to this question of the hon. and gallant Gentleman, that he really has made no statement to the House by which he can substantiate his assertion that vast warlike preparations are being made by France at this moment by sea and land; he has laid no foundation to induce the House to believe that there is a state of affairs existing at this moment with respect to our relations with the different Powers, and particularly with that Power to which he more particularly pointed, under this particular head of armament different from that which he admits existed a considerable time since. No information has reached Her Majesty's Government that there are being made at this moment those extraordinary preparations by sea and land of which he has spoken. I need not reassure the House that at the present moment the relations between the two countries are of a cordial and confidential nature, and that at this moment we are acting with the principal Powers of Europe, and especially with France, in the management and regulation of most delicate and important interests, under circumstances which certainly would seem to indicate that the object—and such I hope will be the result—of all our labours is the maintenance of the peace of Europe, and not its outrageous disturbance, as the hon. and gallant Admiral seems to anticipate. But, though the gallant Admiral has limited his question to inquiries as to some parts of Europe, in his speech he has travelled across the Atlantic and reminded us that troubles are preparing for us in America. Unquestionably the House is now familiar with the circumstances. It is certainly possible that, from the excited state of feeling that prevails in the United States upon a particular subject, embarrassing and even mischievous results might occur in the interval that would elapse before communications from this country had reached the Government of America. But these are accidents which, however deplorable, no policy can possibly guard against; and, remembering the natural sympathy that exists between the citizens of the United States and the subjects of Her Majesty, and that between the existing Government of the United States and Her Majesty's Government upon all the great principles of policy which should regulate their relations there is a complete accordance, I will not anticipate that those embarrassing and mis-

chievous accidents will occur. I will hope that those unfortunate accidents not taking place, there will be that which I am convinced will be the result, a complete understanding between the two Governments upon those circumstances which have certainly for a moment placed our relations in considerable danger. But, speaking generally upon the subject, what I venture to impress upon the House is, that it is not the policy or the interest of England always to give credit to foreign Governments for the worst intentions. I must express my opinion that a policy vigilant I grant it should be, and vigilant I, on the part of Her Majesty's Government, pledged myself to the gallant Admiral it shall be—and firm, but at the same time conciliatory, just, adapted to settle all those questions of controversy that may arise between the different nations and Governments, is more likely to adjust happily those differences than a policy of suspicion, and a readiness to show to foreign nations that you do not give them credit for those feelings upon which the progress of humanity and civilization depends. Now, we have had within the last very few hours a very significant proof, I think, of the justice of my observations. Within these few hours we have received a despatch which shows that a state of affairs in one part of the world which caused us, I hesitate to say, great disquietude, and which I even admit did seem to endanger the peaceful relations of European States, has been happily terminated. We have within these few hours received a despatch from Naples, informing us that his Majesty the King of Naples has granted and is prepared immediately to pay adequate, and I may say ample compensation to the English engineers; and, more than that, that the King of Naples has placed the Sardinian ship *Cagliari* and the whole of its crew at the disposal of the Queen of England. Mr. Lyons adds that on the next day the Neapolitan officers are to call upon him to receive his instructions as to the delivery of the ship *Cagliari* to him, and that he awaits the instructions of my noble Friend the Secretary of State for Foreign Affairs. In those instructions, which before the House met were despatched to Naples, Mr. Lyons has been instructed to deliver the *Cagliari* and its crew to the command of its late captain, under the general superintendence of Mr. Barber, the Consul, who throughout this affair has conducted himself with so much spirit and ability. The *Cagliari*, under the command of the same Sardinian captain, manned with the same Sardinian crew, and under the general authority of Mr. Barber, will sail to Genoa, and there Mr. Barber will deliver the *Cagliari* and its crew to the authorities of the King of Sardinia. Now, but a very short time ago these were circumstances that caused, and justly caused, the greatest anxiety in the public mind; and if we had pursued another course, which at the moment might have obtained considerable approbation, we might have brought about results of a very different character and have thrown Europe into confusion. Acting, however, with firmness, but at the same time with conciliation and in a spirit of justice, we have obtained this most satisfactory conclusion of this troublesome affair, and a new guarantee for the maintenance of the peace of Europe. Sir, if there were those evil dispositions which are attributed with so much facility to foreign States, do not you think that they would have seized this opportunity of throwing the greatest difficulties in the way of the peaceful solution of this question? But, on the contrary, we have had, throughout, the sympathies of this very Power to whom these evil dispositions are so freely imputed—we have had the sympathies of France in bringing to this most satisfactory termination these difficult, and at one time most distressing circumstances. Well, animated by seeing the result of a policy such as I have described, I cannot concur in the views which the gallant Admiral has attempted to enforce upon this House. This I will say,—that, whatever may be the state of our alliances, the state of the defences of this country ought to be complete. Considering our insular position, and the great wealth of this country, we ought, totally independent of all diplomatic circumstances—totally irrespective of what may be the results of a skilful or maladroit policy—we ought, abstractedly speaking, if I may use the expression, to lay down as a first condition that England should be adequately and completely defended. But what is adequate for the complete defence of the country must be left to those who have the difficulty and responsibility of the direction of affairs. If we are wanting—if events prove that we are wanting—in thoughtful vigilance or preparation upon this most important subject, the consequence to us must be of the most awkward description. But I would ask the House to give us credit for attempting, and I hope

not unsuccessfully, to do our duty in this important respect ; and let the House believe that the state of our alliances with the great Powers of Europe, although not free from difficulty and anxiety, for that they never can be, is a state very encouraging to the cause of peace. Were they, however, of a very different character, the state of this country is such that we may confidently hope, under any circumstances, to be able to defend our shores and vindicate our honour.

MR. BENTINCK said, it appeared to him that the right hon. Gentleman had somewhat misapprehended the object of the question of the hon. and gallant Admiral. The right hon. Gentleman had told the House that he was not aware of any extensive preparations being made abroad. [MR. DISRAELI: I said, "extraordinary," not "extensive."] Very well, extraordinary preparations, and he also added that the relations between this country and foreign Powers were of the most cordial description. Now, they had been informed a short time ago by the right hon. Gentleman at the head of the Admiralty that during a very considerable portion of the tenure of office of the late Government the coasts of the country were totally without defence. That statement, made a very short time back, had received no contradiction from the late First Lord of the Admiralty, and therefore he was justified in assuming that such was the case when the present Government took office. He was not going to raise the question as to what were "extensive" or "extraordinary" preparations in neighbouring countries, but this he would say, that these preparations had been carried on for some time until this country had become weak in relation to other countries. What the hon. and gallant Admiral wished to know—and he concurred with him in feeling anxiety for the information which he sought—was, whether in case of any unforeseen emergency we should be able to defend the coasts of this country. He did not impugn the zeal or ability of the right hon. Gentleman or his colleagues; but at the same time he thought that House and the country had a right to know upon what they depended for the defence of the country. He did not anticipate a French invasion, but it was a disgraceful position for a country which called herself the mistress of the seas to be actually in doubt whether or no she was able to defend her own shores. The gallant Admiral had not anticipated an invasion, for he relied upon the good faith—and he quite concurred in that opinion—of the Emperor of the French, which, perhaps, joined to his moderation, had prevented a collision at a time when circumstances into which he should not enter had created strong feelings of irritation in the two countries. It might, however, happen that circumstances might arise when that distinguished man would not have events within his own control; and it was a most fair and proper question, and one to which the country had a right to expect an answer, to ask the Government what were the actual defences of the country, and whether we were in a position, under any circumstances, to defend our shores?

MR. LINDSAY said, he did not rise for the purpose of discussing the question before the House, but merely to say that he, for one, had been very much pleased with the answer of the right hon. Gentleman the Chancellor of the Exchequer, who showed that the Government was ready to defend the country against any invasion, while at the same time they were not going to waste the funds of the country in any unnecessary expenditure. There was no possibility of an invasion taking place—it was a mere dream ;—but even supposing such a thing savoured of possibility, it was admitted on all hands that this country had abundance of ships, and the only difficulty had been in manning them. Now, although it might be difficult at the present moment to obtain sailors to go upon foreign stations, yet if such a very improbable thing as an invasion were threatened, there would be no difficulty in obtaining seamen for the defence of our own shores. There were always ships of the merchant navy at home to supply seamen sufficient to man all the ships of war. But he trusted that the right hon. Gentleman and his colleagues would continue to follow out that conciliatory policy he had indicated to the House, and that instead of persisting in the absurd and pernicious policy of building large men-of-war because they were afraid of France, and thus compelling France to build them because she was afraid of England, he would say to France, "We have, for instance, sixty ships of the line, and you have forty ships of the line; now let us keep relative proportions afloat, and not build any more." He hoped the present Government would cause no more expenditure than was absolutely sufficient to maintain the defences of the country.

They were going on spending large sums of money while, he believed, some understanding between this country and France might be come to.

MR. BRIGHT: The hon. Gentleman who introduced this matter has put a question to the Government, and the hon. Member for Norfolk (Mr. Bentinck) has put a question to everybody in this House. Now, I shall just put one question to them, and I should be glad some evening to receive a distinct answer to it. I want to know the precise amount of expenditure, or of force by land and sea, which is required in order to enable us to say that this country is completely defended. It appears to me that gentlemen who, from their profession, should be the last to take alarm, are continually driving these terrors into the ears of peaceable non-military persons like myself. Only a few years ago a sound of alarm of a French invasion had been raised, and others have succeeded it like the claps of a thunderstorm in summer. Does the hon. Member opposite recollect that, not including the expense of wars, a much larger sum has been voted during the present year for the national defences than, I believe, ever has been spent before in time of peace? We spend twice as much now as we did twenty years ago, although, as far as any application of that expenditure goes, we have not a single foot of territory more to defend than we had then. I should like to know to what all this tends, and to what length we are to go; because, if ever the unhappy day should arrive in my lifetime, when, instead of spending £22,000,000 on defensive armaments, we shall be spending £44,000,000, I undertake to prove, by the same arguments as have been used by the two Gentlemen who have just addressed the House, that this country is in a state of almost absolute want of defence. I would undertake, with the map of England and Ireland in my hand, to indicate at least 100 points on which an enemy might land; I could also show that France was inhabited by a large population accustomed to war; I could talk about their avenging Waterloo, and all the other stock stories which are regularly trotted out on occasions of this nature, and I could establish then, as clearly as can be established now, that we were running the greatest possible risk, and that the nation was slumbering while it was on the edge of a most fearful precipice. I know a certain old lady of eighty years of age, whom some people have been trying to frighten within the last few days. A most plausible circular, written by some professor—of what he is a professor I can't say—was put by some simpleton before the somewhat dimmed eyes of this old lady; but she said, "I am not at all alarmed, for I have lived in the world eighty years, and as long as I can recollect there has always been a story afloat that there was going to be a French invasion." I dare say hon. Gentlemen have read Horace Walpole's Letters, in one of which—I forget exactly its date, for my memory does not serve me as to dates—an anecdote is told of there having once been a great alarm about an invasion; and he says there was found to be nothing in it—that it was used, as apothecaries say of something which they employ when they give very nauseous doses, as a "vehicle," the object being "to make us swallow the Hessians." The case is just the same now. There is an uneasiness in the country relative to taxation. I had a letter this morning—which I am very sorry I did not bring here with me—from a small master-cutler, probably a constituent of the hon. and learned Member for Sheffield. This man has a large number of children, whom he has a hard struggle to support; his trade is bad; and he says, "For Heaven's sake let us try if possible to have a different foreign policy — smaller armaments, fewer quarrels, lighter taxes, and a better chance for an industrious man to maintain himself and his family." I am asked by persons in this House—and some people out of doors who do not look very deeply into these matters put the same question to me,—why do you show something like favour to a Conservative Government, and why were you accessory to putting the Gentlemen now in opposition on their present benches? If I wanted an answer to this, it would be found in the speech which the Chancellor of the Exchequer has made to us to-night. These are not questions of aristocracy and democracy, they are not questions of Conservatism and Radicalism; they are questions of the obvious interests of our country, and of humanity at large. And I say a Government that would adopt a foreign policy based on moderation and justice is one that I should be disposed to see on the Treasury bench, in preference to any other Government which pretended to a great exhibition of English power in all parts of the world. The

right hon. Gentleman has described what has been done with respect to Naples. All that difficulty arose from the unseemly conduct pursued towards that country a year and a half ago by the English Government. It is now at an end. The moderate and conciliatory policy of England has been met by an equal moderation on the part of the Neapolitan Government; and that squabble is now buried, we hope, for ever. We have another thing at present on hand—this American question, which I presume is owing to the sending out of gunboats and ships to the Cuban or West Indian station during the last year, and also, I suppose, to the instructions issued by the late Government, under which the English commanders in those waters, acting with what is called more vigour, have done that which the United States' nation would not stand any more than I am sure the English would do under the like circumstances. Then we have another matter in the China question, to which I would ask the attention particularly of the hon. Member who introduced this subject. If you are to have seventy or, as I think the right hon. Gentleman said, sixty ships of war in the Eastern seas, carrying on a quarrel which you don't understand, and engaged in a complication which you might have avoided,—if you are to have all this great armament stationed at a distance of 10,000 or 15,000 miles from you,—I ask what amount of revenue or of taxation which can possibly be raised will ever give you what you suppose you require—namely, large fleets to defend your coasts at home? Now, the course which the Government have taken in this matter is a truly Conservative course. There is no true Conservatism which is not based on a true morality. And whether at home or abroad, I believe it is possible for a Government, without bravado and without boasting, to confer solid benefit on the country, and whatever may have been its past profession of politics, to gain a substantial support from the people. I did not intend to make more than one observation when I rose; but I have heard the statement of the right hon. Gentleman with extreme pleasure. I believe it will give equal satisfaction throughout the country. I only hope the House and the nation will sustain the present Government in every effort they may make to restore our foreign relations to a state of tranquillity and safety, so that we may be able to turn our attention again to that from which we have been diverted for the last five years—namely, the process of reducing our expenditure, in order, if possible, to render England a country which all Englishmen shall prefer, rather than one from which they have incessant inducements to emigrate to every other part of the globe.

SIR CHARLES WOOD: Sir, I so entirely agree in what has been said as to the inconvenience of raising general discussions on foreign policy upon the formal Motion for adjournment till Monday, that I shall confine my attention to the conduct of the late Government, in the department with which I was connected, which has been so much impugned by the hon. Members for Norfolk and Birmingham. The former hon. Gentleman said that we left the country in a most defenceless state, and that it was necessary for our successors to make strenuous exertions in order to replace the armaments of the country on something like a proper footing. I appeal to the most unexceptionable testimony as to the utter erroneousness of this representation. The noble Earl at the head of the present Government himself admitted in another place that he had been both surprised and gratified, at the period of his accession to office, to learn that the impression which had previously prevailed in regard to the national defences was entirely unfounded, and that he had found the country both by land and sea in a complete state of defence. Well, what has been the conduct of the present Government since then? They very properly took time to consider the Estimates which we had prepared, but which had not been actually voted when they came into power, and the First Lord of the Admiralty took Votes on account several weeks before he definitively brought forward the Navy Estimates. And did the course which, after due reflection, the right hon. Gentleman pursued indicate any belief on his part that the country was inefficiently defended? Why, he did not deem it necessary to recommend the addition of a single man to the number proposed by his predecessors; and as to the Votes for the dockyards and the building of ships, he actually reduced the Estimates which we had prepared. I said at the time that I thought the reduction injudicious, and I still retain that opinion. Yet the hon. Member for Norfolk talks of the Herculean labour which we imposed on our successors.

MR. BENTINCK explained that he had spoken of the efforts that were necessary

to place the defences of the country in a position to meet an emergency when the late Government left office.

SIR CHARLES WOOD: It is clear that the present Government must have believed the national defences to be in a safe condition, for they have thought proper to reduce our Estimates. But I pass on to the assertion of the hon. Member for Birmingham, that whatever complications might exist in America arose from the instructions sent out by the late Government to the officers of the West Indian station. Now, it is perfectly true that I sent out additional gunboats to be employed in checking the slave trade, which was raising its head again in those waters; but I can inform the hon. Gentleman of what he evidently cannot know—namely, that no new instructions whatever have been issued to our commanders in the West Indies, and that those officers are still acting on the instructions which were drawn up in the year 1844, with a studious desire to avoid giving just cause of offence, and which were signed, I believe, by Sir George Cockburn. What I have said to any officer on that station has been rather in the way of caution. This is a point on which some misapprehension has prevailed in the minds of hon. Members, and perhaps in this country and I am glad to have had this opportunity of stating that nothing whatever was done by the Government with which I was connected which could lead the officers in command of vessels engaged in checking the slave trade to do anything which they would not have done any time during the last fifteen years.

MR. HEADLAM said, he did not rise to answer the very difficult question proposed by the hon. Member for Birmingham as to the cost at which the expense of the defences of this country could be defrayed; but having regard to the existing state of Europe, and to the demand necessarily made upon the forces of this country, he did not think that they were at this moment greater than was absolutely needed. Having early in the Session taken an active part in calling the attention of Her Majesty's Government to the case of the British engineers in Naples, and having urged upon them further steps than they then seemed disposed to adopt, he should not act rightly towards them if, upon the announcement of the result of their negotiations, he did not tender to them his congratulations upon their success, and his great satisfaction at the favourable issue of their exertions. With respect to the question of our defences he was not an alarmist. He entertained no fears of an invasion from France, but at the same time, remembering how different the events of the last ten years had been from any which could have been anticipated, he thought that we could not rely with confidence upon any predictions as to what might occur in the future. He desired peace as ardently as the hon. Member for Birmingham himself; but he was convinced that the true mode of securing tranquillity was for our Government upon all occasions to use firm and dignified language, and that they could not do unless they felt that our defences were adequate to the magnitude of the interests which had to be protected, and to the importance of this country in the world. Having heard with great satisfaction the statement of the right hon. Gentleman as to the termination of the negotiations at Naples, and many of the difficulties in that matter having arisen from the suspension of our diplomatic relations with that country, he should be glad to hear that the whole affair was at end, and that those relations had been resumed.

COLONEL FRENCH said he wished to put a question to the right hon. Baronet the First Lord of the Admiralty on the subject of Manning the Navy. It was now three weeks since the Government had signified their intention of appointing a Royal Commission to inquire into the subject, and although the names of the Commissioners had been circulated in the clubs, the Government appeared to have taken no steps to bring them together. The list of names which he had heard included those of Lord Hardwicke, Admiral Martin, Lord Chandos, Mr. Cardwell, Mr. Lindsay, Capt. Shepherd, Mr. Green, the shipowner, and others. He wished to know when the right hon. Baronet intended to nominate the Committee? and he also desired to express a hope that the usual custom would be followed, and that the hon. and gallant Admiral (Sir Charles Napier) who moved the appointment of the Commission would be placed on it.

SIR JOHN PAKINGTON: The hon. and gallant Admiral who commenced this discussion complained that, although three weeks have elapsed since he moved the appointment of a Royal Commission to inquire into the manning of the navy, it has not yet been issued. The Commission is now ready, the list of members is complete,

and if there is any further delay, it will only be such as is required in order to comply with the various forms which must be gone through before the Commission can be made public. With regard to the statement that the names have been currently talked of in the clubs, I can only say that such ought not to have been the case. I have never communicated the names of those who were likely to serve on this Commission, except in confidence, and only in cases in which such communication was unadvoidable. How it was that the names became known, I cannot tell, but I have no hesitation in saying that they ought not to have been known. I have not authorized their publication, and I will repeat what I said when a similar statement was made by an hon. and gallant Officer behind me (Admiral Duncombe), that at the time he made that statement not one of the names had been officially settled. Considering the difficulty which every hon. Gentleman must know attends the formation of a Royal Commission, the anxiety the Government must feel to appoint the most competent persons, the frequency with which it happens that those who are applied to are unable to serve, and the fact that, in this case the Whitsuntide holidays immediately followed the adoption of the Resolution for the issuing of the Commission, I hope that the House will feel that the lapse of three weeks has not been an unreasonable delay. I will now say a few words in consequence of the extent to which the hon. and gallant Admiral opposite (Sir Charles Napier) and my hon. Friend the Member for Norfolk (Mr. Bentinck) have in the course of this discussion referred to the state of the naval defences of this country. After what has been said by my right hon. Friend the Chancellor of the Exchequer, in every word of which I most heartily concur, I shall say but a very few words. My hon. Friend the Member for Norfolk, referred to what fell from me two or three months ago in moving the Navy Estimates. I then stated my opinion, which I am now fully prepared to repeat, that it was not becoming the dignity of this country, it was not consistent with its safety or security, that our coast should be left so destitute of naval defence as they had been during the winter months in consequence of the detention of so large an amount of our forces in China and India. I entertain these feelings now as strongly as I did then; but, in expressing them, I do not thereby intimate the slightest doubt of the loyalty and good faith of our ally the Emperor of the French, or intend to convey either to this House or to the public that I sympathize with these alarms, which, I must say, I have heard with great regret. If any such feelings prevail in the public mind, it is undoubtedly natural, and perhaps right, that they should find utterance in this House; but at the same time I feel, and I hope the House will feel, that we cannot too strongly deprecate either speeches in this House or articles in newspapers which tend to excite alarm in the public mind when there is no just ground for such a feeling. I think hon. Members will agree with me that the only result of such speeches and such articles will be to create two great dangers and evils—panic and alarm—in the public mind in this city, and too probably irritation in the mind of our allies the French, whom it is our desire and our policy to conciliate in every honourable way. Consistently with these feelings, and consistently with the opinion I have already expressed that it is not becoming the dignity of England that we should be without naval defences on our shores, I can state that the present Government have from their accession to office exerted themselves to the utmost to make those defences effective,—not from any alarm, not from any doubt of the loyalty of our allies, but from a feeling that this country ought, under all circumstances, to be prepared for any emergency which may arise. I am happy to say that the hon. and gallant Admiral in the course of his speech underrated — unintentionally I am sure— the naval power of this country; and I am bound to state that at this time we could, at the shortest notice, assemble in the Channel a fleet which would, I believe, be able to cope with any that any other power of Europe could send out. I feel it my duty to make that statement, hoping that I shall not be understood to imply any alarm, but the reverse. I do not mean to imply that there exists any reason for assembling such a fleet at the present moment. The House has heard from my right hon. Friend how satisfactory is the present state of our foreign relations; having, however, been appealed to I desire to say that while, on the one hand, the Government feel it to be their imperative duty to take care that the naval defences of this country shall be satisfactory, and shall be worthy of its dignity and power, on the other we are no less desirous of

Sir John Pakington

adopting with regard to all foreign powers a policy so conciliatory as to make any resort to those defences quite unnecessary.

THE CASE OF CAPTAIN JUDKINS.

OBSERVATIONS.

MR. HORSFALL said, he rose to call the attention of the House to the arrest of Captain Judkins, of the Royal Mail Steamer *Persia*, in New York, on the 16th of May last. He had no intention to raise any unfriendly feeling between this country and America; on the contrary, it afforded him the greatest pleasure to know that in the recent arbitrary proceedings taken against him Captain Judkins had been supported by the press of New York and by the public feeling of that city. He would have been content to leave the question to be disposed of in America if it had not been one of considerable importance to the shipping interests of this country; but when he stated that Captain Judkins, though liberated on bail, was obliged to return to America to undergo a troublesome and expensive trial, he thought the House would naturally feel inclined to ask of what crime he had been guilty. The facts of the case which had been communicated to him not only by Captain Judkins himself, and by Mr. Cunard, the agent for the line of steamers to which the *Persia* belonged, but by an American authority also, might be briefly stated. The *Persia*, when under quarantine at New York, was boarded by a health officer, who discovered a case of smallpox in the ship, and who ordered Captain Judkins to lie to for some hours and allow no one to leave the vessel. A custom-house officer who was on board in his official capacity, desired to go ashore; but Captain Judkins, in obedience to the order of the health officer, which he was bound to obey, refused to permit him, and the custom-house officer remained on board until the *Persia* was discharged from quarantine and went up to the city. No sooner had Captain Judkins landed than he was arrested on the ground of having detained an officer of the customs on board his ship. Mr. Cunard, who was in America at the time, remonstrated against those proceedings, and, finding his remonstrances unavailing, he addressed a letter on the subject to the Mayor of New York. The Mayor forwarded that communication to the officer of health, who confirmed the statement of Mr. Cunard as to the facts of the case, and added that Captain Judkins had acted in strict conformity with the health laws of the port, and could not have done otherwise without incurring very serious consequences. The Mayor sent to Mr. Cunard a copy of the communication he had received from the officer of health, and, on his own part, stated that, had Captain Judkins acted in a different manner he would have subjected himself to punishment by fine or imprisonment, or both, as would be evident from an extract which he enclosed from the health laws of the State. It appeared that the whole difficulty arose from the fact that the laws of the State of New York were entirely at variance with those of the United States; so that it was utterly impossible for a person to observe the one code without infringing the other. Captain Judkins, therefore, was placed in this unfortunate position, that in consequence of having observed the laws of the State of New York he had been subjected to arrest, and, though allowed to come home with his vessel on bail, he had now to return to New York to undergo a very expensive and troublesome process. He submitted that that was not a position in which a British subject should be placed. If there was a difference between the laws of the United States and those of New York do not let Captain Judkins be the victim. He ventured, therefore, to ask for the friendly interference of the Government—for he believed it required nothing but a remonstrance on their part, not only to have the unjustifiable proceedings against Captain Judkins entirely quashed, but—what was his principal object—to prevent the occurrence of any similar case in future.

OUTRAGE AT BELGRADE—CONSUL FONBLANQUE.—QUESTION.

VISCOUNT BURY said, he wished to ask the Under Secretary for Foreign Affairs another question. The following telegraphic despatch, dated Belgrade, 8th of June, had been received:—

"Mr. De Fonblanque, Her Majesty's Consul General at Belgrade, was attacked by a Turkish soldier on the evening of the 7th of June, and severely wounded with a sword bayonet and contused by stones thrown at him. The act is attributed to fanaticism, connected probably with the bad feeling created by the Montenegrin affair. The Pasha appears to make lightly of it, but the Servian population is much enraged."

He desired to know whether the Government have received any information upon that subject?

CASE OF THE *CAGLIARI*—QUESTION.

MR. RIDLEY said, he hoped the hon. Under Secretary would inform the House, at the same time, how much has been conceded by way of compensation to the two British Engineers of the *Cagliari*, and whether the King of Naples, in granting indemnity, had acted upon his own Motion without the intercession of third parties.

MR. SEYMOUR FITZGERALD: In reply to the hon. Member for Liverpool (Mr. Horsfall), I can only repeat what I said the other day, that we have no knowledge of the circumstances of the case which he has brought before the House. From the statements which he has made, however, it is obvious that Captain Judkins has been placed in a very unfair predicament. I can assure the House that his case will receive the anxious and immediate attention of the Government—every proper representation will be made in the right quarter; and I have such complete confidence in the administration of the law, and in the sense of justice in the United States, that I have not the smallest doubt Captain Judkins will receive complete satisfaction. In reply to the question of the noble Lord the Member for Norwich (Viscount Bury), I have to state that a telegram, similar to that which he has read to the House, was received at the Foreign Office. Beyond that despatch we have no information; but immediately upon its receipt we telegraphed to Mr. Colquhoun, our Consul at Bucharest, to go at once to Belgrade to inquire into the circumstances, authorizing him, at the same time, to take whatever steps he might deem necessary. Coming to the question of the hon. Member for Newcastle (Mr. Ridley), I cannot say, because I possess no knowledge on the subject, what communications may have passed between other Powers and the Court of Naples. I can only state that the redress which has been afforded to the two engineers was given in answer to a categorical demand which my noble Friend at the head of the Foreign Office thought it his duty to make, and which was carried to Naples by a messenger, who had instructions to wait ten days for a reply, and to return at once if no satisfactory reply were given. A satisfactory reply has, however, been given, and I have to state that the sum which has been paid is £3,000.

PACIFICATION OF OUDE.—QUESTION.

SIR ERSKINE PERRY said, he had given notice "To ask whether letters from the Governor General of India have not been received, covering reports of a public character, from Mr. Montgomery and other officers in Oude, relating to the pacification of that country, and whether there is any objection to laying such Reports on the table?" He understood that the documents referred to formed part of a private communication and could not be produced. He hoped, however, that the noble Lord would reconsider his determination and agree to produce those papers at once, as they would be of great value to the public. He would take another opportunity of putting a question to the noble Lord on the subject.

PRINCE EDWARD ISLAND.—QUESTION.

MR. GLADSTONE inquired. when the Government intended to move the second reading of the Bill for guaranteeing a loan on behalf of Prince Edward Island? That Bill involved two important questions—the principle of guaranteeing loans for colonial purposes; and the peculiar form in which the arrangement in the present instance was proposed, a colonial Act having actually been passed for raising the loan in anticipation of a guarantee being given by the Imperial Parliament—and it was of the utmost consequence that the second reading should not be taken without a full discussion. He had moved for some information bearing on those colonial guarantees, which was not yet supplied to the House, but he hoped that it would be produced before the House was called on to assent to the second reading of the Bill.

SIR BULWER LYTTON said, that having been so short a time in office, he had been unable yet to come to a decision upon the Bill; but if the right hon. Gentleman would repeat his question on Monday, he would then give an answer.

GOVERNMENT OF INDIA.—COMMITTEE.

THIRD RESOLUTION.

Order for Committee read.

House in Committee.

MR. CHAIRMAN stated that the Question he had to put to the House was, that the blank in the following—the third—Resolution should be filled up with the word "more:"—

"That in order to assist such Minister of the Crown in the discharge of his duties, it is expedient that a Council be appointed of not —— than twelve nor more than eighteen Members."

LORD JOHN RUSSELL: I moved the insertion of the word "more," with the view of providing that the Council should not consist of more than twelve; but I wish, at this period, to call the attention of the Committee to the nature of the Council which we are about to form; for although the Question only concerns the number of the Council, it may be convenient that we should have here some regard to the whole nature of the Government we are about to constitute. We have now been engaged some months upon this question. Three attempts have been made under various forms, and under different Governments, to induce the House either to give up the task of legislation for the present, or to make only a temporary provision, so that the subject may be considered next year. These attempts have all been negatived by large majorities of the House; and we are now, I may say, at the commencement of the task of constructing a Government for India. I stated, on a former occasion, that three different plans might be adopted. One was to constitute the Government of India, as nearly as possible, like the East India Company, only connecting the President of the Board of Control with the Court of Directors, and thus continuing what the Government propose to abolish. Another was, to give the whole power to a Secretary of State, with only an Assistant Under Secretary of State. Both these schemes have been virtually set aside by the decision of the House. The hon. and learned Member for Sheffield (Mr. Roebuck), who proposed a Minister of the Crown without a Council, did not even divide the House, for he saw clearly that the opinion of the House was against him. Well, there only remains the question of having a Minister of the Crown with a Council, whether he shall be called a Secretary of State, or President of that Council. Now, various questions will arise as to the constitution of this Council. In the first, place, we ought to form a clear notion as to the purpose for which we propose this Council. It appears to me that it ought to be a Council consisting of persons of high character, and it would be an advantage if many of them, whether a half or a greater portion, should be persons who have had the benefit of experience in India. Now, would these persons who have had experience in India accept a seat in this Council? Many of them are persons who have held positions of great power, and who have had hundreds of thousands, and perhaps millions, of people looking to their decree as decisive of their welfare, and they would not accept any situation except it were accompanied by due honour, and such as it would not be in any degree derogatory to them to hold. I speak of such men as Mounstuart Elphinstone and Lord Metcalfe. Persons of that class would accept a position of honour which gave them some kind of influence over the welfare of India, but they would not be expected to become merely subordinates of a Minister of the Crown. I therefore think that in dealing with this Council regard should be had to the powers, salary, and tenure of the Members, so that they be such as men of high distinction might be willing to accept the office. With regard to the number of the Council, we do not require more than is necessary to transact the business. The Government, in their original Resolution, propose a number not less than twelve. That seems to imply that a number not exceeding twelve would be sufficient for the business; because they would hardly propose any number which, in their estimation, would be insufficient for the purpose. With regard to the division of the business, I think there might be four Committees, of three persons each, to deal with the great subjects of finance, the army and navy, and the internal government of India, the latter comprising the administration of justice and the foreign policy of the Government of India. Thus the whole business would be carefully and deliberately transacted. It also appears to me that, in order to enable men such as I have mentioned to transact this business, it would be necessary to attach a competent and able secretary to each of these Committees; and therefore not less than four secretaries would be required. I believe that the view taken at the India House is, that men who devote themselves to the labour of the government of India ought to have every assistance possible, and that the business should be brought before them in such a shape that they could decide on it with a full knowledge of all the transactions which had taken place. I myself had experience of the assistance given by the Secretary to the Secretary of State in an office which, though not greatly resembling the business of the proposed Council, had, nevertheless, some similarity to it—the Colonial Office—and I think the noble Lord now the President of the Board of Control must have seen enough to be aware that the

[*Third Resolution.*

very able men who preside in the different departments of the Colonial Office prepare business in such a manner that the Secretary of State is able, with respect to any subject which may come before him—whether Newfoundland or Prince Edward Island—to come to a decision upon the main points of the matter so clearly and plainly put before him. Now, Sir, I think the Council of India ought to have similar aid. I think the number of the Council ought not to exceed twelve, and that twelve would be sufficient for all practical purposes. I think, also, the Committee should bear in mind what fell from the noble Lord the Member for Tiverton on a former night, to the effect that in future years, when present difficulties have been overcome, and when many questions of urgent importance in India have been settled, the home Government will hardly have those matters of detail, of expenditure of trifling sums, or those very narrow questions which the Directors of the East India Company hitherto have had to deal with. I do not doubt the statement of the hon. and gallant Member, himself a Director of the East India Company (Colonel Sykes), that the business before the Court has been very great, perhaps at times almost overwhelming; but, at the same time, I do not think it absolutely necessary that in all future years an equal amount of business should be done in this country. Further, with respect to all the members of the Council, I think they ought to hold positions of dignity. I think, for instance, that it would be right that every one of them should be a member of the Privy Council; and that would constitute an inducement to persons who have had experience in India to accept the situation of Member of the Council. This, however, is a point for subsequent consideration on the Bill, rather than for present consideration upon the Resolutions. I am of opinion, also, that the Members of the Council should not be excluded from sitting in Parliament. I am aware that many persons imagine that a Member of the Council not immediately removable at the pleasure of the Crown might state opinions, if he sat in this House, adverse to the existing Secretary of State or President of the Council for India; but for many years—ever since the settlement of 1784—East India Directors have sat in this House, and they have felt it their duty, though differing in the private direction of business, not to bring before the House questions on which that difference of opinion existed. It should be borne in mind that it is one of the greatest objects of ambition for a person having a competent fortune to obtain a seat in the House of Commons, and to be the representative perhaps of the town or county from which he originally came. As to the salaries to be paid to the Members of the Council, I own I think the salary of £1,000 a year each, proposed both by the late and present Governments, a scanty remuneration for the services to be performed. I have always found—no doubt it is an absurd feeling—that in this country there is a general disposition to estimate the importance of offices by the amount of salary attached to them, and that persons are frequently unwilling to accept appointments which, so far as the salaries are concerned, place them in an inferior position to those who are not their equals in rank and position. In my opinion, salaries of not less than £1,500 a year ought to be assigned to the Members of Council; and if that course be adopted, the expense would be the same as it would be if the proposal of the Government were acceded to—that eighteen Members of Council should be appointed at a salary of £1,000 a year each. There is another point to which I wish to call the attention of the Committee. In 1793, what was styled the Secret Committee of the Court of Directors was constituted. That Committee consists of the Chairman and Deputy Chairman of the East India Company and the senior Member of the Court of Directors, and it is with them alone that the President of the Board of Control holds any communications upon questions of foreign policy and other matters of delicacy and difficulty affecting our Indian empire. That change was adopted at the suggestion of Mr. Dundas, who although he then made one of the ablest speeches that has ever been delivered on the affairs of India, does not appear to have laid any particular stress upon the change, of the importance of which, however, he must have been fully aware, because it enabled the Minister of the Crown—the President of the Board of Control—to direct the foreign relations of India without the consent, or even the knowledge, of the Court of Directors;—it was, therefore, a change which, with regard to the affairs of India, gave the Minister of the Crown and the English Cabinet complete supremaey; but the attention of Parliament was not called to the importance of the measure. It seems to me, however,

that if the Indian Council were well chosen, and reliance were placed in it, that Council ought to be intrusted with a full knowledge of all the affairs of India. If it were supposed that any Power was preparing armaments which were likely to be directed against India, I think the despatches relating to such a subject should be laid before the Council, and that the Secretary of State ought to lend a willing ear to their opinions. The Secretary of State should be bound to act in conformity with the opinions of the Council. I do not mean to say that, with regard to this or any other part of his duties, because I think he ought to be the responsible person, but resposible after having received the fullest information on the part of the Council. For instance, if I find—and indeed I should be sure to find—among the members of the Council men who are thoroughly acquainted with the circumstances of Affghanistan, Burmah, and Persia, I think that, before the Secretary of State comes to any final decision affecting those countries, he ought to obtain all the information which could be afforded him by the Council. It is evident, therefore, that the Members of Council ought to have as full information on all matters coming within their cognizance, as is possessed by the Cabinet Council of Her Majesty with regard to the domestic affairs and foreign relations of this country. In my opinion, if you constitute a Council, it ought not to have less authority, or less dignity, or less power, than that which I have claimed for it. There are some other matters upon which I wish to say a few words, more especially as the noble Lord the President of the Board of Control touched upon the question of patronage. I believe there would be great public advantage that the Members of Council should be exempt from any suspicion with respect to the exercise of patronage, and that there should be no reason to suppose that considerations of private friendship or relationship led them to confer appointments without regard to the merits of the recipients. I think there would be great advantage in freeing them from such a suspicion. At the same time, I think it is desirable to avoid placing a great accumulation of patronage in the hands of the Secretary of State for India, and that it is desirable to find some other mode of exercising it. And the mode which I would recommend to the Committee is free and open competition. The noble Lord the President of the Board of Control stated the other night that, although this mode of selection might be suitable so far as civil appointments were concerned, he doubted whether it would be advisable with regard to cadets for the military service, who were not to be chosen solely on the ground of their literary and intellectual accomplishments. It does not follow, however, because we establish a competitive system, that it should be confined to literary and intellectual accomplishments. I think, on the contrary, that physical qualifications might also be taken into account after a preliminary examination; candidates for military appointments should have an opportunity of showing their fitness — as, for instance, in riding across country, quickness of eye, a zeal in making himself acquainted with the details of the profession — for that branch of the service in which they were desirous of obtaining employment; all these considerations ought to have full weight, and the Secretary of State might make rules requiring as a necessary condition fitness for the military service. In supporting the Bill which was introduced on this subject by my noble Friend the Member for Tiverton I stated that I thought it would be most unfortunate if the proposed change interfered with or diminished the position of the civil and military services of the East India Company. Those services, both civil and military, are most distinguished. I am sure it will be admitted that the military officers in the service of the East India Company who held commands at different stations when the mutiny broke out evinced a degree of courage, intelligence, and promptitude which was highly honourable to them, and which showed that no circumstances, however unexpected, and no dangers, however appalling, prevented them from applying all their energies—prudence, courage, and coolness—to meet the emergency in which they were placed. I should be extremely sorry if from a partiality for the service of the Crown, or from any undue deference to persons holding high commands, the military service of the East India Company should be in any respect disparaged or its attractions diminished. There is another subject of the greatest importance in India, and to which the Council will have to devote their earnest attention — the administration of justice. It is impossible to read the papers which have during the last few years been laid before Parliament without being convinced that the administration of justice

in India has been most unsatisfactory, and that the subject was one which must be dealt with with energy and wisdom. At the same time, it would be unwise and imprudent to attempt this year to make any material change in the internal Government of India, either of an administrative or executive character. The reason why I press for immediate legislation for India is that no time may be lost in enabling the Crown and the Ministers of the Crown to bring in measures next year for promoting the happiness and prosperity of the people of India. He had heard it said, with great truth, that unless Parliament contributed to the welfare and happiness of the people of India, to the due administration of justice, to the protection of the lives and properties of the millions in India, it had no business to attempt to govern that great empire. It is my belief that we can do so. It is, however, an arduous problem, and it is in no spirit of party—a thing which is, I am happy to see, absent from all our discussions upon this point—but with a view to our making legislation as satisfactory as possible, that I have ventured to introduce to the House my own poor notions upon the question. It is with these views I move that the Committee do not consist of more than twelve members.

SIR JAMES GRAHAM said, he should be glad to hear from the noble Lord whether he proposed that the members of the Council should be nominated by the Crown upon the advice of the Minister of the day, and whether they were to hold their office for life or for a limited period?

LORD JOHN RUSSELL said, he proposed that the nominations should be in the Crown. Whether they should not be made subject to such limitations as the Government might propose, that the persons should have served in some capacity in India, or whether the first members should or should not be named in the Bill, were questions which he would rather leave to the Government. For himself he should not object to the nominations to the first Council being in the Bill, reserving to himself, of course, the liberty to judge of the nominations to be made. If the Government thought that the first nominations ought to be made by the Crown, he should not be disinclined to give them the full power of making these nominations on their own responsibility. He proposed that the Members of the Council should hold their offices during good behaviour. He had heard objections to this tenure, but he thought it the best. When a man, whatever might be his qualifications or former experience, had served for some years in this Council, he would probably, if a man of sense, be more fit to continue a Member of the Council than he was to enter it at the beginning. For himself, he could say that when he was Secretary of State, if Mr. Phillipps, the Under Secretary for the Home Department, or Sir James Stephen, the Under Secretary of the Colonial Office, had come to him and said his time of office had expired, he should have felt his resignation to be a great loss, because his services would have become more valuable to him than they were two years previously. If, however, the Committee thought that a term of service ought to be named, it should not be less than ten years. As India was an exhausting climate, it might be said with some truth that a man who had lived in India, and had afterwards served for ten years on the Council, was hardly so fit to continue a Member as if he had never left this country.

MR. ELLICE wished to know whether his noble Friend intended that the Governor General of India, the Governors of the Presidencies, and the Members of Council in India should be appointed absolutely by the Crown.

LORD JOHN RUSSELL said, he proposed that the Governor General of India and the Governors of the two Presidencies should be appointed by the Crown. With regard to the Members of the Council, he could not say which was the best course to pursue until the questions to which he had adverted were settled.

LORD STANLEY said, that if the word "more" were inserted in the Resolution, he should propose that it be followed by the words "than fifteen Members." There were one or two points of the noble Lord's address to which he wished to advert; but he thought that there was some disadvantage in discussing the various questions of nomination and election, the tenure of office, and patronage, upon a simple Resolution as to the number of the Council to be created, because the debate could only end by affirming the number of members, leaving all the other points unsettled, and to be discussed again when they should be specifically raised; but he was ready to admit that it was not easy to consider what ought to be the number of the Council, without considering at the

same time what was to be the nature of its duties. He agreed with the noble Lord, that the Council would only be valuable in so far as it contained members of high character, a considerable proportion of whom had obtained experience in India. He also agreed with him that men of that class and position would not join any body in which they filled a merely subordinate position, after having filled, it might be, very important offices in India. The noble Lord proposed that the Council should be divided into four Committees, each having a secretary; but that was rather a matter of departmental detail which could not be well decided in that House. The noble Lord said, that in all probability in future years the business of the Indian Government would be more and more performed in India. That was, however, a difficult question to settle, and he should not like to speak confidently upon it. If there were to be an effective supervision on the part of the authorities at home over Indian matters, the habit of constant supervision must be kept up, and that could not be done without extending it to matters of minute detail. Any one acquainted with the business of a department even less extensive and less important than that of the Indian Government must be aware that a change in routine was always a matter of some inconvenience, and that a sudden change was almost inconsistent with the performance of public business. However they might look forward, some being more and some less sanguine, to a reduction in the amount of business in the Indian Department in future years, they had no right to speculate upon it, and they had not to make provision for it now. But if, ten or twenty years hence, it was found that, in consequence of the new arrangement, the amount of business was less, it would be open to Parliament to reconsider the question, and to diminish the number of Councillors and the establishment with due regard to the amount of work to be done. The noble Lord rather threw out the suggestion than raised the question upon which the House was to express an opinion, that all the members of the Council should have the title of Privy Councillors. He (Lord Stanley) quite agreed that, the Council being resolved on—and the House had already decided such a Council to be necessary—it would be important to confer upon them all the dignity which such a Council ought to possess; but the question, whether they should be Privy Councillors or not was entirely for the Crown. With regard to the much wider question, whether it was expedient that the Members of the Council should be at the same time Members of Parliament, he thought there were fair grounds of argument either way. He knew it might be contended that they ought not to exclude those who desired a position in both assemblies. But upon the whole, remembering especially what the noble Lord had said, in which he quite agreed, that the functions of the proposed Council were to be the functions of a Cabinet, and considering, also, that there was to be no exclusive Secret Committee, and that all the Members of the Council would have an equal right to be informed of what passed with regard to Indian affairs, there seemed to be valid arguments against admitting those gentlemen to seats in the House. Although he was ready to admit that no mere party quarrels would be likely or ought to lead to a want of harmony between the Minister of India and his Council, still they must bear in mind that not only English questions, but questions of Indian policy, would be frequently discussed in the House of Commons, and he did not see how the Indian Cabinet, to use the noble Lord's term, was to work if upon those questions, actuated by conscientious convictions, the secret and confidential advisers of the Minister were to condemn the course which, upon his responsibility, the Minister was prepared to take. It seemed to him that, considering the duties intended to be imposed on the Council, any man of delicate feelings, who had well weighed the responsibilities of both positions, would not desire also to act as a Member of Parliament, because either his official position must compel him to compromise his own convictions with regard to Indian policy when it was discussed, or else, in the faithful performance of his Parliamentary duties, he must argue against the Indian Minister with the advantage of that official knowledge of what was doing which he had acquired as the Minister's colleague. With regard to salaries, the proposition put forward by the Government in their Bill was that the salary of a Councillor should be £1,000 a year. The noble Lord did not think that enough, and proposed £1,500 a year. He agreed that the question of expense was not to be considered in comparison with the efficiency of the Council; but it ought to be borne in mind that those at least who had served in India would be in

possession of retiring pensions, which they would not forfeit by accepting office, and which must therefore be added to the salary they received. He thought that the Government fixed the moderate sum of £1,000 a year, not as an equivalent for the amount of work to be done, but rather as a compensation for the additional expense to which the Members of the Council would be put by an habitual residence in London. Upon the wide and difficult question of patronage, to which the noble Lord had alluded, he had touched briefly the other night, and therefore he would say little upon it now. He had never said that open competition was not the mode by which efficient officers could be obtained for the army. What he said was this—and he repeated it—that the experiment of open competition with regard to the civil service was a recent introduction. It was an experiment which he admitted had succeeded in the civil service, and, wishing it well from the first, he had supported it when it was opposed by many hon. Members. But, for reasons which he would give, he did not think it applied as conveniently to the military as it did to the civil service. He did not think it desirable to say that they would at once close the entrance to the Indian army to all persons who had not passed an open competitive examination. There were a large number of men in every country who combined with considerable activity and a great desire for honour and distinction faculties which, judged by a purely intellectual standard, were not of a high order. Those men felt that they would not succeed in a civil employment, that it was not their vocation ; and these men, feeling that in a purely intellectual profession their success was, to say the least, very uncertain, and desiring at the same time to obtain distinction, were just the very men who were willing to imperil, and, if need be, to sacrifice their lives in military service, that so, by courage and self-devotion, they might attain that honour which by mere talent they could not hope to secure. He was not advocating intellectual inferiority, nor implying, as some seemed to do, that it was naturally connected with superiority in any other respect ; he was only saying that there might be a very useful class of officers of that sort whom it was not desirable altogether to exclude. He did not intend to propose in detail any plan for the disposal of the patronage, but it had occurred to him that it might be dealt with in some such manner as this. The Government could have no objection to try the experiment of open competition with regard to some portion of the military appointments. If, for instance, the patronage were divided into a certain number of shares—as it was at present—if the share in the hands of the Minister were retained, and if the same proportion were transferred to the Council which the Directors now possessed, there would remain over and above, consequent on the difference of numbers between the Directors as they now were and the Council as it was intended to be, a number of admissions disposable, which might fairly be given by open competition. There was one observation of the noble Lord to which he would advert, because it showed the inherent difficulties of the subject. The noble Lord thought purely literary competion was not the means to obtain the most effective officers, and therefore he proposed competition of another description. Of what description the noble Lord did not distinctly say, but he supposed a competition in physical qualifications, which as regarded the army were as necessary as intellectual ones. Now there was the difficulty of dealing with the matter. With regard to the civil service, they might fairly make it a simple literary and intellectual test, and there would be no room for favouritism or partiality, because the examiner had no discretion—he was exercising a merely judicial function as to which of a large number of sets of answers to questions previously proposed was the best. But if they enlarged the duties of the examiner, or board of examiners, beyond that purely judicial function, they opened the door to all sorts of favouritism and partiality, or, what was almost as bad, suspicion of partiality, even if partiality did not exist; and by a sort of reaction, which was sure to follow, they would throw discredit on that which he should regret to see discredited—namely, the competitive system as applied to the civil service. He had no objection to see the experiment tried ; he had no objection to see a part of the admissions made competitive ; but he thought it would at least be premature to make it the only door of entrance. What the noble Lord had said with regard to the Council having to make laws for India would seem to clash rather with the duties of the Legislative Council in India. But as very considerable functions had been given by Parliament to that body, it was important that there should be no collision between the

two. With regard to the superiority of a long tenure of office over a short tenure, and the relative merits of nomination as compared with election, he looked on them as questions implying rather different means of obtaining one end—the independence and the known independence of the Council. But of all plans which had yet been proposed, that embodied in the Bill of the noble Lord the Member for Tiverton—nomination by the Crown, with a short tenure of office and the power of re-election—seemed of all the least likely to obtain this result. If that plan were adopted, the Members of the Council would be placed in a more subordinate position to the Minister than were those permanent civil servants in the public offices who were designated by the humble title of clerks. Although, theoretically, any one of those clerks might be removed at any time, yet, practically, their tenure not being terminable at a fixed period, no Minister did, or with a due regard to public opinion, could remove them, except for proved incompetence or misconduct. Every clerk in the public departments knew perfectly well that as long as he did his duty in a satisfactory manner he was as certain of his office as if it were held for life. But the position of a Councillor nominated for a short time was very different. Clearly the Minister could have no difficulty, and he would make no scruple in getting rid of a Councillor at the end of his term, because it would not be taking away from him anything of which he was in possession, but merely declining to confer upon him that to which he had no legal claim. Therefore by the plan of the noble Lord the Councillors would be in a position of much more immediate dependence on the Minister than any ordinary clerk. He could see but two methods which would secure independence in the members of the Council; one of which was contained in a subsequent Resolution, and by which a part of the Council was to be elected by a constituency to be named; the other to leave the nomination to the Crown, making it for a long term of years or during good behaviour. Either of these would obtain in a sufficient degree the object aimed at. Of course, a system of election would obtain that object more thoroughly, but the strong argument against it was the difficulty of finding a constituency of which the country would approve. It was not an insurmountable one, but still it did make very strongly against the elective principle. At the proper time he should submit the principle of election to the Committee, and if it did not meet with their sanction, the next best means of insuring the independence of the Council would undoubtedly be to adopt the proposition of the noble Lord the Member for the City of London, and declare that the Councillors should be nominated by the Crown, and should hold their offices during good behaviour. He had now gone through the main points of the noble Lord's address—he was not sure that in doing so he was strictly regular, but he thought, considering the nature of the question under discussion, that there should be no hesitation or delay in stating the views of the Government.

MR. VERNON SMITH said, he regretted the noble Lord had not touched upon the subject of the duties of the Council, which had a most important bearing on this Resolution, inasmuch as upon them in a great degree depended the question of numbers. The whole argument in favour of a large number was founded on the supposition that the Council was to be divided into committees, just as the Court of Directors was now. To that system he strongly objected. It was most cumbrous and inconvenient. The main reason why it had been proposed to dispense with the Court of Directors was that it was in many respects not so much a Council of advice as of antagonism. He used the word without any intention of reflecting upon them, for it was the natural tendency of what ought to be co-ordinate powers to spend their time in opposition to each other rather than to direct their efforts to concert of action. It was therefore important, in discussing this point, to know what it was these committees of Councillors were to do. Under the present system all the despatches which came to the India House passed through the hands of the clerks, the chairs, and the three committees; but the "Previous Communications" were arranged between the Chairs and the President of the Board of Control alone, and it was not till after that stage that the committees had the despatches laid before them. The committees consisted each of six Directors, four or five of their number being in most cases superfluous. No record was kept at the India House of the attendance of Directors; but if such a record could have been produced he thought it would show that the business was transacted to a great degree by the chairmen of the committees. A very

strong argument against such division into committees was that it tended to diminish responsibility. The best plan would be to make each member of the Council responsible for some particular department, and to require that each should present to the Board a Report of the transactions which occurred in his department. If that plan were adopted, there would be no necessity for a large number of Councillors. The whole of the despatches that came from and were sent to India went through the Board of Control; and although it was true that the initiative part was undertaken at the India House, yet the supervision took place at the Board of Control, and he contended, therefore, that the Board had as much business to discharge in connection with the receipt and forwarding of despatches as the whole administration of the India House. The truth was that the work at the latter place was performed almost entirely by secretaries and clerks, and that the committees were really not necessary. What could they have done without such men as Sir James Melvill, Mr. John Stuart Mill, and Mr. Kaye? He wished that the noble Lord would tell the House what was the business which he proposed to intrust to the Councillors; because if it were not more than sufficient to occupy six or eight men there could be no necessity for appointing twelve. As to their sitting in Parliament he differed from his noble Friend the Member for London, for he thought that if they were to do so the whole object of the Bill would be frustrated. They would immediately become partisans. They would either be all sitting on the side of the Government who had proposed them—in which case everybody would object to the Government gaining twelve additional supporters by such means; or they would sit opposite them, in which event great inconvenience would result, for there would be a perpetual wrangle between the President of the Board and his Councillors. With respect to a Secret Committee, he admitted that it was a difficult question to determine where the power should be lodged. His own feeling was in favour of reposing it entirely on the Secretary of State. If these twelve Councillors were to be consulted on questions of war and peace, treaties and negotiations, and were to be treated as an Indian Cabinet, he could see no end to the difficulties that would follow. There were questions of war and peace relating to States neighbouring to India in which European interests might be involved. Take as an illustration the celebrated case of the Affghan war, which had been so often discussed, and in which European interests were concerned. All those questions would of course go before the political Cabinet of the Queen; but were they also to go before the Cabinet of India? Was the Foreign Office to be open to the Cabinet of India as well as to the Cabinet of the Queen?—and, if not, how were they to give advice? The plan, if acted on, would lead to interminable difficulties; and he thought, therefore, that to make the Council a secret committee would be a most undesirable proceeding. As regarded the question of numbers, the same arguments against reduction had always been used. He remembered that in 1853 they were employed against reducing the numbers of Directors from twenty-four to eighteen; but eighteen had done the work just as well as the twenty-four, and he believed that twelve or eight would do quite as well as—if not better than—eighteen. He agreed with his noble Friend the Member for London that the salary of £1,000 a year was rather small; but he thought the noble Lord had underrated the patriotism of old Indians. Men, on their return from India, were so desirous of occupation, that many eminent persons would, he was satisfied, readily give their services at a less salary even than £1,000 a year. He remembered when "old Indians," as they were called, used to visit him at the Board of Control, that they always expressed their readiness to undertake office in connection with India, and the interview rarely ended without a request on their part to be placed on the Board of Directors. With regard to patronage, which would be a part of the remuneration in fact—though no doubt it was a species of remuneration to which there must be some objection—they had heard the Court of Directors eulogized for the excellent use they had made of it, and he had no doubt that the Council would deal equally well with the patronage intrusted to them. He was glad to hear the noble Lord the President of the Board of Control say he was inclined to pause before he opened up the whole of the military service to competition. At the same time, he rejoiced to hear what the noble Lord had said with regard to the competitive system in the Civil Service, because he had heard with great regret a statement made the other night by another noble

Lord, that the persons who had gone out to India in the Civil Service, since the introduction of the competitive position, were inferior in social system to those who went before them. He could only say that when he was at the India Board he saw nothing to bear out this reflection, for a finer or more gentlemanly class of men than those usually appointed to the Civil Service of India he had never seen. Many of them had been educated at the Universities. The competitive system had been productive of the best effects; but he admitted that, when they came to apply it to the military service, the matter assumed a very different aspect. He thought that the qualifications of cadets for the military services might be ascertained, not so much by competition as by inquiries at the localities in which they resided, and where a knowledge of their character and habits could be obtained. He had himself offered three cadetships to the school where he had been educated—Eton—and the Principal asked him what intellectual qualifications he should require. He replied that he should require good intellectual qualifications, but that physical qualifications were necessary, and he should prefer those who had been in the "Eleven" at cricket, or who had rowed in the boats. The Principal laughed a little at that remark, but he produced three as fine young men as could be imagined, and they were now doing the country good service. The right hon. Member for Carlisle (Sir J. Graham) had put a question as to the appointment of the Council by election, and he was glad to hear the noble Lord express an adverse opinion, for he did not think he would be able to find a properly qualified electoral body. As to the noble Lord's objection to the principle of nomination in the Bill of the late Government, and to the period for which the nomination was to last, he would only observe that to him it was matter of indifference whether the period was eight or ten years. All he contended for was, that the term should be long enough to secure independence and experience, but not too long to allow the members to grow rusty in the service. His noble Friend would no doubt agree with him that if the tenure of office was during good behaviour, a member might occasionally sit a little longer than was desirable; and it would be a difficult and a delicate thing for any Minister to intimate to such gentleman that he should retire. He thought it desirable that the term should be fixed. As to the number of the Council, he entreated the noble Lord to consider well, before he made the Council what might turn out to be too numerous. They did not want a little Parliament, but a Council of advice for the President of the Board of Control. If there were enough to allow for the representation of the various interests of India, he thought that the Minister would derive great assistance from them; but if they were too numerous, great evil would result. He thought that the Council should be eight, or certainly not more than twelve.

MR. T. BARING: The question, as he understood it, was a proposition that the number of the Council should be not more than fifteen; and, if so, the original words would nearly have met the case, by providing that the Council should be not more than eighteen, nor less than twelve. The right hon. Gentleman (Mr. Vernon Smith) seemed to think that the Members of Council ought to act only as Heads of Departments, and not as Committees; but how would that system work in practice? Take the question of finance and revenue. If one man only was to manage that department, instead of a Committee, how could it be expected that he should be acquainted with the different systems that prevailed in the different Presidencies? To manage the department well it was absolutely necessary to obtain information from various sources; but this could not be done if the numbers of the Council were so limited that they could only act as heads of Departments, and not as Committees. The same observation would apply to the other departments of the service. The extent of our Indian dominions was so large, the variety of interests so wide, and the differences and peculiarities of the inhabitants so great, that to put one man who was conversant of the affairs of one Presidency or Territory to manage the affairs of another would be attended with the greatest possible disadvantage. His right hon. Friend said that there was a vast quantity of uninteresting matter brought before the existing Committees, and thought it would be better to do away with the system, and he referred to Sir James Melvill and Mr. John Stuart Mill: but how did they obtain their information but from the mass of details which came before them? Though there might be a question whether the amount of details might not be diminished, yet he should be sorry if any Council ceased to obtain a constant supply of records of facts as to India, for

he believed it was the only way to ascertain the conduct of its administration in India—if at any time they ceased to claim those constant Reports they would find the officials in India very ready to refrain from what caused them great trouble; and if they did not have those Reports they could not ascertain how the principles of government were carried into effect. He did not hear from the noble Lord the Member for London, nor from the noble Lord the President of the Board of Control, whether the intention was that this Council should have frequent periodical and continuous sittings, and whether it was intended that the President should constantly attend the meetings of the Council. He must, for himself say, that as far as he had been able to form an opinion, he believed that the best Government, if there was to be a change, would be to adopt the same system in England as was adopted in India—that the Minister for the Affairs of India should be "the President in Council," just as the Governor General of India was President of the Council at Calcutta; and that the matter in question should be voted first by a majority, but still leaving the President in Council the power to overthrow that majority, even though they were unanimous against him, and to act on his own opinion, provided he recorded his reasons for so overruling the Council. There was no magic in any particular number of the members, and he was not sure that if they had only twelve members, that they would be all efficient men. If they transacted their business in Committees, and had three Committees, they would reduce the number of the members of the Committees to a very low amount, such as would not allow for the ordinary casualties, such as sickness. The present course, he believed, was for the Chairman of the Committee to explain the Report of the Committee to the Directors, and then, if any further information was wanted, it was asked for. It was, in fact, a regular Council. Much stress had been laid upon the delay which had taken place on the part of the East India Company—that cumbrous machinery, as it had been termed—in answering despatches from India; but the truth was, that in cases of urgency despatches were answered by them in a fortnight, by the next mail. If cases not requiring immediate attention were not immediately attended to, that was nothing more than occurred in the Foreign Office. There was promptitude where promptitude was necessary. He spoke with the greatest diffidence on the subject; but, after listening with the greatest deference to what fell from the two noble Lords, he confessed that he should very much regret if there was a constant communication of every proceeding in India to the home Government, for he believed that that was a great check on the Government there. With regard to the question of salary, he did not think that the difference of a few thousand pounds a year would be any serious obstacle in the way of adopting a larger number of Councillors. Any honour—in the shape of being made Privy Councillors, for instance—would, he thought, be very desirable; but if it was thought that would attract gentlemen from India to become Councillors more than a seat in Parliament would, he very much doubted the correctness of that assumption. Whether the salary of each Councillor should be £1,000 or £1,500 was not, perhaps, very important; but he would say that the people of this country would rather pay a large salary for efficient services than a smaller one for inefficient services. It was, however, very desirable that the Councillors should receive sufficient salaries to place them, he would not say beyond temptation, but beyond the pressure of limited means. He did not feel competent to give an opinion as to Members of the Council being in Parliament, but it would be a useful means of obtaining information by questioning those Members, and it would be well to have some check upon the Minister through the Council, and they might secure that by enabling the Members to make in Parliament such statements as they might deem requisite in the discharge of their duties. The object must be to make an independent as well as an efficient Council. As to choice of Councillors by election, he doubted whether it would work. He believed that if they were nominated for a period of years or for life, it would be more likely than any other mode to insure an independent Council. There was another question brought before the Committee, one of very great difficulty—he alluded to the question of patronage. There were two kinds of patronage—nomination in England and afterwards promotion in India. They might be able, perhaps, to prevent, by open competition, any charge of favouritism, in the first instance; but they did not exclude, by open competition, the favour of the Minister

being sought for promotion afterwards. There would be applications from friends of the Minister, from his supporters in that House, and from constituents of supporters, asking him, not perhaps for preference, but to give a fair chance to a particular young man, and if he had merits to promote him. Similar influence would be used with Governors in India, and he did not know how it was to be guarded against. It might be said that the Court of Directors had done the same, but nobody had any permanent control over them. They had not yet heard from the Government what were to be the duties of the Council; they had not heard whether they were to act as a constant Council sitting regularly with the President in Council; nor whether they were to be divided into Committees, or to be merely the heads of Departments. If they wished to have every province in some degree represented in Council, he did not think eighteen Members would be too many.

THE CHAIRMAN said, it might be convenient to put the Question in form: it was, that the word "more" be inserted in the terms of the Resolution.

LORD STANLEY wished to explain. The Resolution had been accidentally left in a very incomplete state on a former evening, and it was now proposed to insert the word "more." When that Amendment had been agreed to, he would propose to insert the words "than fifteen," and the question of number would then be fairly before the Committee.

Question, "That the word 'more' be there inserted," put, and *agreed to.*

LORD STANLEY said, he would now propose to insert the words "than fifteen," and in so doing he would merely say that the really necessary number could only be ascertained by the practical working of the system. He would ask power to make the number as large as fifteen; but if it should appear hereafter that that number was not necessary, he did not wish to pledge the Committee to the appointment of so many.

Amendment proposed, to leave out the word "twelve," and insert the word "fifteen."

LORD JOHN RUSSELL said, he would adhere to his number of twelve.

MR. CUMMING BRUCE thought even the number of fifteen would not adequately discharge the duties that would devolve upon the Council. He was decidedly of opinion that the number should be eighteen. One great use of the Council would be its check on the Minister himself in the performance of his functions. If it were possible for the noble Lord who was President of the Board of Control permanently to hold that office, he should be disposed to place every confidence in such a Minister, knowing that the natural quality of his mind would always prompt him to reject everything in the nature of jobbery; but occasions might arise when it would be desirable to interpose a barrier against jobbery, and the machinations of such a prince of intriguers as Ali Moorad of Scinde. Not only did that black sheep deceive the great General who was the conqueror of Scinde, but he hoodwinked and humbugged a still more able man—namely, Lord Ellenborough; he was also able to humbug the late President of the Board of Control—so much that he was disposed to overrule the decision at which both the Court of Directors in Leadenhall Street and the local Government in India arrived with regard to him. That such things might not happen again, he (Mr. C. Bruce) wished to have a Council sufficiently numerous, and sufficiently intelligent to act as an efficient check upon such intriguers. While respecting the great talents and high character of the noble Lord (Lord Stanley) he could not forego that opportunity of saying how, from the bottom of his heart, he regretted the retirement from the office of President of the Board of Control of Lord Ellenborough, who, from his experience, his knowledge, and his large statesmanlike views, was more competent to fill it efficiently than, perhaps, any other man. Believing all that, he still had the greatest confidence in his successor, knowing, as he did, not only his great abilities, but that he possessed that independence of character which might be said to be hereditary in his family. But he entreated the noble Lord (Lord Stanley) not to be led away too rapidly to a conclusion on the matter under consideration. It was impossible they could have an efficient Council with the limited numbers he proposed. We had got six great divisions of territory in India, and he thought there ought to be not less than six different Committees formed of members of the proposed Council, one for each division of territory, if the business was to be done efficiently. He should be willing to take eighteen as the number of the Council, and to leave three members of the Council as a Committee for each of the six divisions of territory. Again, he would have in every one of those Committees one

[*Third Resolution.*

man at least who was well acquainted with the particular department of India with which the Committee was charged. If those Committees were so formed, every question coming home for consideration from India would be so thoroughly investigated and sifted as to insure a satisfactory decision. He would give the Indian Minister a power of choosing at his own discretion any two or three members of the Council, and conferring upon them powers similar to those enjoyed by the Secret Committee, with the exception that the ultimate power in every matter connected with the administration of Indian affairs should be vested in the President; who, in cases where he dissented from the Council, should record his reason for such dissent. The Council ought, in his opinion, to be sufficiently numerous to admit of being divided into six Committees, consisting each of three members. The Council, be it remembered, would have to act as a Court of Appeal for the whole of India. On a previous occasion the right hon. Gentleman the Member for Kidderminster (Mr. Lowe) had spoken of the Court of Directors as all humbug; but the fact was, that the contentment and loyalty of the great mass of the people depended more upon a just administration of the affairs of every-day life than they did upon matters of peace and war or diplomacy; and, with all respect for the local Government in India, he must say, that in many instances individual cases of hardship had only been redressed upon appeal to the Court of Directors; and, with all respect for our countrymen holding high office in India, he must say that, knowing how they were removed from the moral influences which surrounded every one in this country, he should be sorry to see them relieved from a sense of responsibility created by the constant overhauling of their proceedings by the authorities at home. He held in his hand a book written by a gentleman who was in the civil service of India and a Member of that House, in which he described many cases of most atrocious injustice committed on the Natives which had come under his notice. Many years back an order had been issued by the Government of Madras giving encouragement to Natives in public situations to look for advancement and encouragement if they faithfully performed their duty; but he knew of a case where a Native officer, who had been in the service for twenty years, was accused of crime and convicted upon false evidence. It was afterwards made manifest that he was innocent; but yet he would have been ruined but for his appeal to the Court of Directors, who ordered him to be restored to his former position. That was not an isolated case, for there were many of a similar character, with the details of which he would not weary the House; and, for his own part, he thought that if he were to go to India and make inquiries on the spot, he should find that every one of the causes which had been assigned for the mutiny, and which were now made the pretext for altering the Government of India, should be laid at the door of Cannon Row, rather than of Leadenhall Street, and that the place of execution should be the former and not the latter. As to the number of members of which the Council should be composed, he thought that a large number would give security for the independence of the Council in a political point of view. The Committee must bear in mind what had been the origin of the two Bills that had already been before them upon this subject. When the news of the Indian mutiny reached this country, an excited state of feeling arose, of which the noble Lord the Member for Tiverton availed himself to propose the Court of Directors as a sufficient sacrifice for our mistakes in that country. The Court of Directors had not been the cause of the mutiny, but they had a large amount of patronage, and it might have occurred to the noble Lord that the possession of that patronage would insure the existence of a "strong Government." The present Government, if they had been allowed to consult their own feelings, would not have introduced any Bill at all, but they yielded to the distinctly expressed opinion of the House, and introduced a measure which was certainly not open to the imputation of a desire to obtain patronage. It was absolutely necessary that there should be no tampering with that difficulty, and, therefore, it was the duty of the Committee to prevent, as far as possible, any interference with the political freedom of the Council to be appointed. He should be glad if the Council could be made to a certain extent elective; but as to the number he did hope the House would not rashly decide upon fixing so small a number as fifteen, but that, as there would be a *locus penitentiæ* when the Bill itself came before them, the noble Lord would at least consent to eighteen members. He offered these remarks from no desire to embarrass

the Government, which he desired to see continue in office, as he believed it would, for they had effected as much in three months as the noble Lord the Member for Tiverton had done in three years. He had been asked when the present Government entered upon office what duration he would assign to them; to which he replied five years; but seeing what had occurred during the brief period of their administration, the admirable manner in which our foreign affairs had been regulated, the fair and faith-keeping Budget that had been produced, he was now inclined to attribute to the Government an existence of at least ten years. If it were open to him he should certainly wish to move that the number of the Council be eighteen.

SIR EDWARD COLEBROOKE said, that the House, before deciding on the number of the Council, should determine the nature of its functions, and as to how far they were to assimilate with those of the present Court of Directors; whether its members were to be strictly limited to the duties attaching to the office, or whether they were to be permitted to engage in other business; but the point to which he attached the greatest importance was, whether the members of the Council were to have seats in that House. He leaned strongly to the view that the members of the Council should be eligible to sit in Parliament. One of the greatest difficulties which the new Council would have to struggle with would be the want of connection with the House of Commons. The present Court of Directors had been greatly benefited by being aided by the trading ability and experience of London, as well as by the advantage of a connection with that House. It was said that if the members of the Council were allowed to sit in Parliament, they would necessarily become partisans. But experience had proved the contrary. The members of the Court of Directors who had had seats in that House for many years past had certainly not been amenable to the reproach of partisanship. They had shown themselves a real and impartial Council on Indian questions, whether they gave their advice to the Minister of the day or to the House of Commons. It was said, further, that a seat in Parliament would interfere with their other functions. Even if that were true he would give them all up for the seat in Parliament; but he did not see how their functions would necessarily be interfered with. It had been said by the late Mr. James Mill, that if all the secret despatches which had ever been sent out to India had been put into the fire before they left this country, the state of our Indiam empire would have very little differed from what we saw it. There was much force in this assertion, which was meant to imply that which was no doubt very true—namely, that India was governed in practice more according to the judgment of successive viceroys than in direct conformity with instructions from home. There was not much danger, then, in the proposed Council having too powerful a voice in the determination of Indian questions. An important consideration in deciding on the number of the Council, was whether they were to be appointed by nomination or election; and that when they were chosen there was no absolute certainty of all being capable of discharging their high functions. Another consideration was, whether these Councillors should consist entirely of old Indians, or whether there should be an infusion of the English element in the body. In the present Court of Directors there were a certain number of gentlemen who, though they had never had the advantage of an Indian experience, had yet proved valuable accessions to the Directorate. He was decidedly of opinion that it was of the highest importance that there should be an infusion of the English element in the new Council. For these and for other reasons it was desirable that the number of councillors should not be fewer than that proposed by the present Government. The Court of Directors had no doubt been sometimes found a most convenient screen for a Minister, and had been used by him in order to keep Indian questions out of that House. It had, however, acted on the whole as a real and substantial check on the Government, although the President of the Board of Control under the late Government had described it as an obstructive body. Any Council, however constituted, must operate to a certain degree in diminishing the responsibility of the Minister; and it would depend very much on the future decisions of the House in connection with these Resolutions, and more particularly on the functions to be intrusted to the proposed Councillors, whether the Council would act as a screen or as a wholesome check. Believing this to be a vital question, unless the House was prepared to make the Council a real check upon the Minister he should be prepared to agree with the hon. and

learned Member for Sheffield (Mr. Roebuck) —rather to have a single responsible Minister without a Council, than to have a Council which should be a shadow and a sham. For these reasons he should vote for the Council being constituted of the larger number.

SIR CHARLES WOOD said, he quite concurred with his noble Friend who opened the discussion, in thinking that the most important point involved in the subject which the Committee was engaged in discussing was the constitution of the new Council for India. They were all agreed that there ought to be a responsible Minister who should have the power of overruling the opinions of his assistants; the great question was how the Council forming his assistants should be constituted. Now the principle elements for consideration in the formation of that Council were, what should be its numbers, what the mode of its appointment, and what the tenure of office in the case of its members, and what were the functions they should be called upon to perform. They were now engaged in considering the first of those elements; but they could not discuss it properly without some reference to the others. No one could doubt that the question, what were the functions these Councillors would have to perform, for instance, was closely connected with the question how many there should be of them. Now he perfectly concurred with his hon. Friend the Member for Huntingdon (Mr. T. Baring) in thinking that one of the main functions of the Government at home would consist in reviewing the proceedings of the Government in India. An opinion seemed to be entertained in certain quarters that the work to be done in this country might be much diminished; and some of the details which were sent from that country for consideration in this were, no doubt, of a trifling character and might well be dispensed with for the future; but taking into account the increasing interest in Indian affairs which was exhibited by the House of Commons, he could not arrive at the conclusion that there could henceforward be any diminution in the amount of information upon Indian subjects which would be demanded at home. That there should be a review of the proceedings which took place in India he deemed to be of essential importance; for, while he quite concurred in the view that the Executive of that country should exercise its functions mainly in India, he thought it was extremely expedient that such a check should be put upon its action as the review to which he referred would afford. In the country itself no such check could prevail, inasmuch as there was no native public opinion, and inasmuch also as that of the English inhabitants of India was not as recent events had proved, always directed to the best ends; and therefore, they could no more trust to public opinion there for a check, than they could have trusted to the check of the West India planters upon the West Indian Government in the days of slavery. They must, therefore, seek that check at home, and he did not believe that check would be a sinecure. But beyond the object to which he had alluded, of exercising a revision of the details of the proceedings in India—a revision which he might observe he had found to be most useful in the case of the revenue and the judicial departments in that country when he had the honour to be at the head of the Board of Control—one of the chief functions of the proposed Council would be to afford advice to the responsible Minister for India in the execution of his duties. Now, he entirely agreed with the noble Lord the President of the Board of Control in his opinion, that it was hardly possible for the House of Commons to prescribe with advantage the mode in which the business of the Council should be carried on; whether for instance, by means of small committees, or by placing one person at the head of a particular department. That was a question which could, he thought, be satisfactorily determined only by experience. He had himself no objection to the committee system, which he believed had worked well in the Court of Directors; but from his own experience, and especially while at the Board of Admiralty, he would prefer a system where an individual was placed at the head of a particular department, with power to transact the ordinary business of the department, bringing every question of importance before the whole Council. So far as the introduction of an English element into the Council was concerned, no better men, he should contend, could with that view be selected than such men as Sir J. Melvill and Mr. Mill. His own opinion, however, was that the Members of the Council should be composed altogether of persons possessing some Indian experience. Other two questions had been raised, whether the members ought to be engaged in other busi-

ness, and whether they ought to sit in Parliament. He was unfavourable to both. Without going at any length into the question of election, which would come before them on a subsequent occasion, he might state his opinion that the proper person to appoint them was the Indian Minister himself, who both knew what was the kind of men he wanted, and who had a greater interest in obtaining those men than any constituency could have. These considerations having been duly weighed, would assist them to come to an opinion as to the number required. For his part he thought twelve was the utmost that could be required; he thought a still smaller number would be sufficient. It was true the Court of Directors was a larger body, but the most of them were engaged in other avocations, and therefore a smaller Council could easily do all the business which was now performed by that Court. The same objections as were now urged against having a small Council were advanced when, in 1853, he reduced the number of Directors from 24 to 18. They had not been sustained by experience; on the contrary, he was told only the other day by one of the oldest Members of the Court, that the reduction of the number of Directors had materially contributed to its efficiency. He might appeal to the experience of every Gentleman present, whether they did not find that whenever a large Committee was appointed the business practically fell into the hands of one or two, and whenever this House appointed a Committee that was to do work they appointed one of eight or at the most seven members. If, indeed, they were to adhere to the original scheme of the Government, and have a Member representing every several presidency and every several department of the Indian service, they would require a large Council; but the noble Lord said nothing of that scheme, which he was glad of, as he thought that scheme a remarkably bad one; it would have crippled the free choice of the Minister, and was likely to act very injuriously on the public service. The preparation of despatches now executed at the India House would be performed by the able men engaged in the department, and he could therefore see no reason for having more than twelve Members of the Council. Nay, if they were now fixing the number of the Council, without any reference to that of the Court of Directors, he did not believe that any one would propose so large a number. The fear that the Council would not be independent he regarded as a mere bugbear. He should be ashamed to think, much more to say, that half a dozen, or a dozen English gentlemen would be so contemptible as to sacrifice their opinions on great questions affecting the government of India to a desire to be reappointed to their seats in the Council. And let the House remember who these Councillors were to be. They would be men who had held high offices in India, had acted as ambassadors at Native Courts, and had ruled provinces with pro-consular power, — men who, having spent the greater portion of their lives in India, took a deep interest in Indian affairs and very little in those of England: and was it likely that they would sacrifice the welfare of the Government of which they felt themselves a part rather than give an independent opinion to a Minister? Some persons said that in order that they might be independent they ought to be appointed for life; but he appealed to the right hon. Gentleman opposite (Sir J. Pakington) whether he did not receive perfectly independent opinions from the Members of the Board of Admiralty, who were removable at the pleasure of the Crown. The noble Lord (Lord Stanley) said, that to confer their offices upon them only during good behaviour, as proposed by his noble Friend (Viscount Palmerston) would place them in a less permanent position than clerks in the public offices. He did not see the force of this comparison; but he could assure the noble Lord that inconvenience frequently arose from the difficulty of removing a man who had become unfit for his office. There should not, however, be too long a term of office, or there would be felt a want of new blood. It was essential, that we should be able to introduce into the Council from time to time persons of recent experience in India. He did not believe there would be any difficulty in finding good, able, independent men of Indian experience willing to take their places in the Council and to devote their whole time to the discharge of their duties. His own opinion was that a smaller number than twelve might be appointed. Did the House intend that the Minister for Indian affairs should be responsible to the Crown and the country, or was the Council to act as his screen? He thought the Minister should be responsible. If we were to have a little Parliament, in which long speeches were to be made, it would be far

better to make no change at all, because at present the Board of Control was not hampered by protracted discussions, and when he (Sir C. Wood) was at the Board of Control and wanted any information he sent for those of the Directors whom he thought most competent to give it, and he always received valuable assistance from them. He thought, therefore, that Parliament should look to the responsible Minister of the Crown, and give him all the assistance necessary; but they should not hamper him with a Council so large that it would be an hindrance instead of an assistance to him. He was strongly of opinion that the Members of the Council, being nominees of the Crown, should not be allowed to sit in Parliament.

MR. BRIGHT said, he had not risen earlier because he felt unwilling to prolong a debate which appeared to him not to be quite to the point. The Resolution before the Committee had reference to the question whether the Council should consist of twelve or fifteen members. His hon. and learned Friend the Member for Sheffield (Mr. Roebuck) was for no Council at all, and he (Mr. Bright) was inclined to agree with him; but the majority of the House appeared to be of a different opinion. The noble Lord the Member for Tiverton proposed a Council of eight; and when he introduced his Bill, he (Mr. Bright) was glad that he had not proposed a larger number, as he considered eight quite sufficient to do the business. He was sorry the noble Lord had not asked the Committee that night to limit the number to eight, as he believed he would have carried such a Motion. Some years ago there was a Council of twenty-four, which had been reduced by the late Government to eighteen, which, it was said, would lead to an improved manner of doing the business. He confessed he had a wholesome dislike to anything like an approximation to the old state of things. He wanted, if possible, to get further away from eighteen, and still further away from twenty-four. He took it for granted that in future there would be more business done in India and less at home. ["No, no!"] Well, all he could say was, that if there was not more business done in India, and less at home, and the business at home confined to deciding upon great measures, and giving a veto or an assent, as the case might be, he could see no prospect of getting out of the difficulties in which we were now placed with reference to India. The noble Lord the Member for London had proposed twelve as a compromise between the proposition of the late and the present Government; and the President of the Board of Control had proposed another average. It was not of much consequence, after all, whether the number was eight, ten, or twelve; but he believed that a smaller number would do the business better, while at the same time there would be a saving of expense to the country. He feared there was too great an inclination in the House to cling to the former system, which every one was willing to admit had ended in a total failure. There was, he had no doubt, by far too much business transacted in this country. The hon. Gentleman the Member for Leominster (Mr. Willoughby) had spoken of the thousands of pages of collections which he had read. Every one knew that that hon. Gentleman had written more despatches than any man living, but had any one ever read those despatches? He should vote for the smallest number which was proposed. If the noble Lord the Member for Tiverton proposed eight he should support him, and if he did not, he would vote for twelve, as proposed by the noble Lord the Member for the City of London. If this question had been decided an hour or two ago, they would have got through that evening all the other Resolutions, and then the Bill, in which some changes would probably be made by the Government, could have been introduced. But if they spent the whole evening in discussing whether the number should be twelve or fifteen, they would hardly get the Bill passed before the time when it was necessary to pay attention to grouse shooting in Scotland.

VISCOUNT PALMERSTON: I am happy to find that at last the hon. Gentleman who has just sat down and myself agree in opinion. It so happens that upon this subject I find my opinions more in accordance with his than perhaps with the opinions of any one else. If it were not that circumstances seem to require that the Minister for India should be assisted by persons of local experience, I should concur with the hon. Gentleman that the best arrangement would be to have simply a Minister with secretaries in the usual manner: but this is not an ordinary time. I quite agree in what he has stated, that the Committee should not, in determining the constitution of the Council, be led into an involuntary and unconscious adherence to the system which now exists. On the contrary, I

think, as he has just said, that we ought to go as far from it as we can. I still adhere to the opinion that eight is quite sufficient; but as the general feeling of the Committee is at least doubtful upon that point, I am quite prepared to concur in the proposal of the noble Lord the Member for the City of London that twelve should be the *maximum*. That would leave open the question whether a smaller number would be sufficient, which could be decided when the Bill which is to be introduced comes before a Committee of the Whole House. I abstain from delaying the Committee by going into the various other topics which have been discussed—I only wish to press this on the Committee, that the Council to be appointed is only a Council to advise, not a Council to overrule and govern the Minister. We have all agreed that the home Government of India shall be managed by a Minister who shall be responsible to Parliament. Now, no Minister can be responsible to Parliament unless he is the master of his business; and if you surround him by a Council which you permit to overrule and thwart him, he ceases to be responsible; and when Parliament calls him to account, he will say—"Oh, my Council, which is independent, entertains different views, and I have been obliged to yield to its opinion." The Council ought to be independent to this extent:—Every member should give his opinion on any question which arises, freely, honestly, and sincerely, according to the best of his judgment; but I am quite convinced that it would be a great mistake to think that any men, whether they be Councillors, Lords of the Admiralty, or clerks of Departments, will ever imagine that they recommend themselves to their chief by giving unsound advice against their own opinions, simply for the purpose of ingratiating themselves with him. I can only say that, in all my experience as the head of a Department, I have always deemed that subordinate officer the best who gave his advice independently—according to his own opinion—whether he agreed with my opinion or not. You do not value a man because he agrees with you, but because he helps you; and if I find a man has led me into error, by suppressing his own opinion in order to agree with mine, I say that he is not the man I want—that the man I value is he who gave me advice against my own opinion—advice which, if I had followed, I should not have found myself in the difficulty I am. The advice of a toad-eater is of no value. I therefore say that the business of the members of the Council will be to give honest and sincere advice to their principal. For this purpose I think eight would be sufficient; but I will vote for the proposition of the noble Lord the Member for London, as I do not think that proposition will preclude the House from reducing the number when the Bill comes before them.

SIR HENRY WILLOUGHBY said, that the question before the Committee merely related to the number of the Council; but, he asked, why should they fetter themselves now as to the number of the Council, when a Bill would be hereafter introduced? The original Resolution declared that the Council might consist of twelve or eighteen members, and that was a common sense way of settling the question; for, as no one knew yet what the Council was to do, it was illogical to decide upon the precise number of members. He should like to know whether the members of the Council would have the power of recording their opinions, and whether the revenues of India were to be handed over to the President with all the checks now existing by law removed. Was the Council to be any check on the Minister, or was he to be without control? If the Councillors were merely to pronounce an opinion which was to have no influence or weight, they would not get men whose advice was worth anything to accept the office. He also wanted to know whether the Government gave up the elective principle altogether. He had clung to the hope that a portion of the Council might be elected, and he believed that a constituency might be found for the purpose; but, at all events, let not the House work in the dark, but let the matter be explained. Under all the circumstances, he thought it would be better at this stage of their proceedings to say that the Council should not be less than twelve or more than eighteen, which was the proposition of Her Majesty's Government. He hoped the House would not fetter itself by a dogmatical adhesion to a given number.

MR. ELLICE (Coventry) wanted to know what they were to decide about? The whole work would have to be done again when they got into the Bill. He doubted the wisdom, from the first, of proceeding by Resolution—this Resolution being the keystone of the arch upon which the whole fabric was to rest. Hitherto it

appeared to him as if they had been engaged in something like a Dutch auction. The noble Lord the Member for Tiverton, who originally proposed that the Council should consist of eight, had now agreed to accept twelve. The noble Lord the Member for London had done him the honour to discuss this subject with him, and had to his knowledge had two or three opinions upon it. He admitted that the speech of the right hon. Gentleman opposite (the Chancellor of the Exchequer), in introducing his Bill, was one of the most instructive speeches he ever heard ; but his Bill was a lamentable conclusion to so good a speech ; but, *de mortuis nil nisi bonum ;* and he might say the Bill of the right hon. Gentleman did not seem to obtain the approval of any party in the House. They had a speech from his noble Friend the Member for Durham (Lord A. Vane-Tempest). He (Mr. Ellice), when his noble Friend rose, had attempted to speak too, but could not obtain a hearing ; and now as he knew that hon. Members were anxious to draw the discussion to a close, he would confine his observations to a few words. The question now before the Committee was, what were to be the attributes of the new Council, what its constitution, what the duties it was to perform ? Upon these heads the noble Lords the Members for London, Tiverton, and King's Lynn all seemed to differ, and differ materially. If they were to carry on the Government in India it would lead to all sorts of abuses —two or three little oligarchies, which would lead to all sorts and kinds of favouritism ; they must have an active home review and vigilant observation of the Government in India, or that Government would fail. Do not let us have a sham, a mere screen for responsibility. If they were to have a Council, it must be a court of inquiry—a court of appeal. This would not be in any manner like the administration of our Colonies, as the noble Lord the Member for London had attempted to liken it. The Council, too, would have to deal with finance to the extent of £5,000,000 or £6,000,000—how the money was to be raised. Was a Secretary of State for India to conduct such immense transactions ? These were some of the occupations which must engage the Council here. Stores and transports also were to engage their attention. Why, all this formed a business for a Government of itself, and not for a Department. In these observations he did not mean to express any wish to resuscitate the East India Company, the machinery of which was the most anomalous that could be conceived, and led to perpetual confusion and complications. But then came the question as to the number of the Council. He had voted first for the Motion of the noble Lord the Member for South Durham, and subsequently for that of the right hon. Gentleman the Member for the University of Oxford, under the opinion that they would do well to see how, having transferred the Government of India to the Crown, the united administration would work before they definitely settled the number of the Council. If, after a year's experience, the President of the Board of Control were to come down and tell them that a council of eight was sufficient, he should have his (Mr. Ellice's) vote for the eight ; but his reason for now preferring a larger number was, that it was admitted by all, except the hon. Member for Birmingham (Mr. Bright), that the present machinery worked well ; and, therefore, he could not see why it should be reduced to twelve until they had some experience that a larger number was too many. Again, the business of the India House was every day increasing, and probably they owed much of their present difficulties to the recent additions made to the Indian empire. They should, then, consider that it was not only the old but also the new domains of the East India Company that they had to govern with this new machinery, and which would require all the ability of their most able men. That was another reason why they should begin with a larger number. Again, as he did not look on the members of the Council as mere clerks, but as a House of Commons sitting upon the affairs of India, he could not expect them to be at all times present ; and therefore if twelve are enough to do the work, there ought to be a few others, so that they might mutually take that amount of recreation which every gentleman required. His right hon. Friend the Member for Halifax (Sir C. Wood) said that a Council of twelve would be enough to do the work, but Sir James Melvill, who had fifty years' experience of the Government of India, had stated that they had gone as far as they could go in the way of reduction in the present machinery. The noble Lord the Member for Tiverton told them that whatever machinery they were now to erect for the Government of India should be as dissimilar as possible to the present. That

was not very grateful on his part, considering the services the Company had rendered to the country. Now, he thought that, without at all meddling in the administration of India, the Minister of India would have enough to do in laying down the principles upon which the Government was to be administered. First, there was the great question of religion, and to what extent and in what manner missions should be extended; next came the great question of education; their relations with the Native States, their diplomatic relations with other Indian Powers, and above all, the important question of the reformation of the army. These were subjects for the consideration of the Cabinet, and not for that of an administrative body. He should, therefore, advise the House to beware of all compromises on Indian subjects, and to take care that in abolishing the power of the East India Company they replaced it by such a system as would be a security not only to this country but to the Native population for their future good government.

THE CHANCELLOR OF THE EXCHEQUER: I hope the Committee will now be prepared to vote on the Resolution before them, and to show that they are in earnest by carrying it. The point which they have to decide is as to the number of which they think, upon the whole, it is most desirable the Council should consist. In drawing the Resolution upon the table we were of opinion, from what had passed in former debates, that the general feeling of the Committee was, that they were not by this vote pledged to a specific and final number for the Council, but that there was a certain margin left by the Resolution. That is the reason why the Resolution appears in this shape. The consequence of the manner in which the Committee have proceeded upon this Resolution is, that there is some little deficiency in it. I am of opinion that this Resolution ought to have included a *minimum*, whatever the numbers of the Council might be. If, therefore, our Amendment is carried, that the Council shall consist of "not more than fifteen," I shall propose the addition of the words "and not less than twelve." Whereas, if the Amendment of the noble Lord is carried, that the Council shall consist of "not more than twelve," I shall move the addition of the words, "and not less than eight." I am aware that a vote upon a Resolution does not bind the House when the Bill shall come before it, but still there is a general feeling that our future legislation will be guided and influenced by the opinion of the Committee upon the Resolutions. We are now asked, "What have this Council to do?" No one has asked this question oftener, and reiterated it more frequently than the right hon. Member for Coventry (Mr. Ellice), and no one has more repeatedly replied to his own inquiry, or entered more diffusely into calculations of the labour that this Council will have to accomplish. Sir, what they will have to do is generally to perform those duties which are now performed by the Court of Directors. They will be a Council who will have to review our Indian administration, and who will virtually, if not theoretically, have to initiate measures, and to present the result of their researches and judgment before the Minister of State, who, it is reasonable to presume, will be guided in most instances by their labours and counsels. And although the Minister of State will sign the despatches and documents instead of the Court of Directors, the Council will be found an active, if not a formally responsible body in the administration of the affairs of India. It will be found a real Council, as I hope it will be found a prudent and prudential Council. I have no intention to enter into the general subject which has been opened somewhat unexpectedly to-night, and I will therefore address myself to the mere question before the House. The noble Lord (Lord John Russell) quite unexpectedly entered into all the branches of the subject, but he was fully met by my noble Colleague the President of the Board of Control (Lord Stanley), and the discussion might very well have ended there. But one or two questions have been pointedly addressed to me by hon. Members, to which I wish for a moment to advert. I have been asked by the hon. Baronet the Member for Evesham (Sir H. Willoughby) in what position will the new Minister of India be in reference to the finances of India? My answer to that is, that whether the Minister of India be a President of the Board of Control, or a President of the Council, or a Secretary of State, as far as finance is concerned, he will exercise no other power than the President of the Board of Control now exercises. Then I am asked by the hon. Baronet whether the Government mean to adhere to the elective principle. If he will look to the Resolutions, he will find that he will have an early opportunity of express-

ing his opinion on that subject; and it appears to me that after what has passed, and considering that even the noble Lord the Member for London has at one time expressed an opinion favourable to the elective principle, we should be trifling with the House if we were to pass over that question. When the opportunity arises, my noble Friend the President of the Board of Control will state the views of the Government—what elements they think should form a constituency—and the House will have to decide whether they think, upon the whole, that those are means by which we may insure the independence of the Council, which is agreed on all sides to be so desirable. If we do not succeed in that proposition—if the House should be of opinion that the elective principle, so applied, is not calculated to produce that effect, then we shall endeavour to obtain the same result by other means; but, in my opinion, the proposition does offer means which are well adapted to accomplish the end in view. I trust that when the discussion comes on the House will completely consider the question, because nothing is more important in these discussions than that we should not lose sight of that invaluable quality in the Council—namely, independence. There was another question asked by the right hon. Gentleman the Member for Coventry (Mr. Ellice) amid the terrible and fearful warnings which he dealt around him—namely, what the Government intended to do about the organization of the Indian army? I do not think that the measure to which these Resolutions are to lead has any necessary reference to the organization of the Indian army. The organization, or rather reorganization of the Indian army, is unquestionably a subject of State policy, second to none in importance that can occupy the consideration of Cabinets, and must be examined by other means than are provided by this Bill. When the results are arrived at, no doubt measures will be taken adequate to the occasion. A few nights ago I announced that it was our intention to ask for a Royal Commission (consisting of those who are most competent to inquire into so grave and vast a subject) to examine into the whole question of the reorganization of our Indian army, and when the result of their labours has been submitted to the Government, the Government will come to a conclusion which no doubt the new Indian Administration in England will be most useful in carrying into effect; but we cannot leave a subject of that magnitude to the mere domestic Government of England or India, and that and other questions of the like importance must be dealt with by other means, and provided for by different machinery. I do not think it necessary to advert to any other point. It appears to me that this question has been amply and satisfactorily discussed. I think it is now understood in all its bearings. Every objection has been urged, and every point has been well considered, and we are now ripe for a decision. I have indicated the course which I shall feel it my duty to take if the Amendment of the noble Lord is carried, or if, on the other hand, the proposition of the Government be successful. I trust that, whatever may be the decision, the vote we are coming to will be the forerunner of a speedy settlement of those subjects of controversy which have so long engaged the attention of the Legislature.

Question put, "That the word 'twelve' stand part of the proposed Resolution."

The Committee *divided*:—Ayes 176; Noes 243: Majority 67.

Question, "That the word 'fifteen' be there inserted," put, and *agreed to*.

Amendment proposed, to leave out the words "nor more than eighteen."

Question, "That those words stand part of the proposed Resolution," put, and *negatived*.

LORD STANLEY then proposed the insertion of the words "and not less than twelve." As he had stated at an earlier period of the evening, the Government did not wish to be tied down to any specific number, but to allow a margin. There seemed a general feeling in the Committee that there ought to be a *minimum*, and that it should be twelve. He therefore proposed that that be the number.

VISCOUNT PALMERSTON said, he did not give up his opinion that these were merely preliminary proceedings, and would have to be gone over again on the Bill. He should, therefore, on the proper occasion again take the sense of the House on the question.

Amendment proposed, after the word "Members" to add "and not less than twelve."

Question, "That those words be there added," put, and *agreed to*.

On the Question, that the Resolution, as amended, be agreed to,

The Chancellor of the Exchequer

LORD JOHN RUSSELL proposed, to add at the end of the Resolution the words "and that the Members of the Council be appointed by the Crown."

THE CHANCELLOR OF THE EXCHEQUER thought it was generally understood that the object of proceeding by Resolution was that each point must be considered by itself. So grave a question as this ought not to be brought on at the tail of a Resolution. It would be better raised on the 6th Resolution.

LORD JOHN RUSSELL said, he had no objection to that course.

MR. CUMMING BRUCE had intended to propose that the Court of Directors be the first members of the Council; but after what had fallen from the Chancellor of the Exchequer, he would postpone it. At the same time, he had such confidence in the noble Lord at the head of the Board of Control that he should not be indisposed to withdraw it altogether.

MR. DUNLOP also postponed an Amendment of which he had given notice, relative to the powers of the Council, until a future occasion.

Original Question, as amended, put and *agreed to.*

3. *Resolved*—

That in order to assist such Minister of the Crown in the discharge of his duties it is expedient that a Council be appointed of not more than fifteen Members and not less than twelve—

LORD STANLEY, in proposing the fourth Resolution, said, that nothing was farther from the intention of the Government than to compose the Council exclusively of old Indians. They attached great importance to the mixture of the English with the Indian element; but, remembering that the special function of the Council was to supply that peculiar departmental knowledge of Indian affairs which Englishmen in ordinary cases could not be supposed to possess, he apprehended that no great objection would be taken to a Resolution which pointed to the selection of a principal part of the members from a class who, it was obvious, must in the main be the best acquainted with India. The terms of the Resolution left an ample margin for the appointment of others who were unconnected with the service in India.

Motion made and Question proposed,—

"That in order to secure the greatest amount of knowledge and experience in the management of the affairs of India it is advisable that the principal portion of the Members of the Council shall have served in India for a term of years to be limited by Statute."

MR. GREGSON moved the insertion of the words "or resided" after the word "served" in the Resolution, so that persons who had lived in India in a merely civil capacity might be appointed members of the Council.

Amendment proposed, after the word "served" to insert the words "or resided."

LORD STANLEY had no objection to that Amendment.

MR. LIDDELL said, before they passed the Resolution he should like to have a pledge that the persons to be appointed on the Council should have served in the Indian Department. He had not confidence in all Governments that they would not appoint persons on the Council for party purposes.

Question, "That those words be there inserted," put, and *agreed to.*

Original Question, as amended, put, and *agreed to.*

4. *Resolved*—

That in order to secure the greatest amount of knowledge and experience in the management of the affairs of India it is advisable that the principal portion of the Members of the Council shall have served or resided in India for a term of years to be limited by Statute.

THE CHANCELLOR OF THE EXCHEQUER said, as the next Resolution was perhaps the most important of any, and as the Government was anxious that they should have the advantage of a continuous debate upon it, he would now move that the Chairman report progress. He had intended to propose that they should have a morning sitting on Monday; but as some hon. Gentlemen who wished to be present could not attend, he proposed that they should meet at the usual hour on Monday.

LORD JOHN RUSSELL gave notice, that in the next Resolution he should propose, after the word "that" to insert the words "the members of the Council be nominated by Her Majesty."

SIR JOHN SHELLEY observed, that the London Corporation Bill was fixed specially for Thursday morning.

MR. WALPOLE said, that Bill was certainly fixed for Thursday morning, but it was important, since they had advanced so far with these Resolutions, that they should endeavour to proceed continuously with them, and for that reason they would not go on with the Corporation Bill on

Thursday, but he would endeavour to fix another day for it.

House *resumed.*

Committee report progress; to sit again on *Monday* next.

CHELSEA BRIGDE ACT AMENDMENT BILL.—SECOND READING

Order for Second Reading read.

LORD JOHN MANNERS moved the second reading of the Chelsea Bridge Act Amendment Bill. He said the House would remember that in 1846 the Exchequer Loan Commissioners were authorized to advance certain sums for the erection of a bridge at Chelsea, and the laying out of a park at Battersea, and the embankment of the Thames at that spot. The Commissioners had advanced £120,000 for the latter object, and £80,000 for the bridge. The cost of the bridge and the interest up to the day of its being opened, was £97,000. Considerable dissatisfaction had been felt by the inhabitants of Chelsea at the imposition of a toll on all foot passengers over the bridge. The late Government proposed a Bill to abolish the tolls, and it was referred to a Select Committee, who reported against it. The present Bill was a compromise. He proposed that when the capital sum of £80,000, together with the interest at 4 per cent to the day at which the bridge was opened, amounting to £97,000, was paid off, the foot-toll should be abolished. The other tolls would then, he hoped, be sufficient to keep the bridge in repair. With regard to the other sum, he did not find that there was any engagement that it should be repaid, and he did not propose to make any provision with regard to it. Indeed it would be totally impossible that the tolls should repay both these sums. The interest on the £80,000 was £3,200 a year, and the total estimate of the tolls was only £6,000 a year, and therefore both charges could not be repaid out of the tolls. The House would naturally say, "What hope is there of ever paying off the £80,000?" So far as they had experience, there was reason to believe that could be done. The bridge had been open ten weeks, and the tolls had averaged £130 a week, though he did not suppose it would be so much in the winter months; and when they added to that the sum which the Commissioners calculated on receiving from the sale of certain portions of land which they were authorized to sell he thought, there was a reasonable prospect that in a term of years the sum he had mentioned would be paid off.

Motion made and question proposed, "That the Bill be now read a second time."

MR. BLACKBURN said, he had not had the advantage of having heard one word that fell from the noble Lord, and he begged to say that very few communications that passed above the gangway were heard below it. As far as he had heard the proposition he objected to it as an attempt to break the bargain that had been made on the building of the bridge. He contended that the parties who had borrowed the money ought to pay it back. A Select Committee on the Bill brought in by the right hon. Baronet (Sir B. Hall) last year, reported that the toll should be continued on the bridge; but the proposition of the noble Lord was like putting in the small end of the wedge, the object being to break through the bargain that had been made. Then there had been another large sum advanced for which no provision was made. He thought every district ought to provide itself with bridges and pay for them. He moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

SIR BENJAMIN HALL was understood to say that his proposition was to take off the foot toll, which was calculated to produce £4,000 a year, and the noble Lord's proposition was to forego the interest, which was £3,200 or £4,000 a year.

LORD JOHN MANNERS explained that the Exchequer Loan Commissioners advanced £80,000 for the bridge, and charged 4 per cent interest, which up to the opening of the bridge raised the sum due to £97,000. In addition £120,000 was voted at four different times for the purpose of the embankment and the streets, but he could not find there was any engagement to repay that sum.

MR. ALCOCK deprecated the proposition of the noble Lord because it gave no hope whatever of the bridge becoming free within any reasonable time, certainly not within 60 or 70 years. He did not think the House should vote one penny for any local object, and he did not think there

was any necessity for doing so in this case, as he believed that the land which the Commissioners held, and which belonged to the nation, would, if sold, pay all that was borrowed for the bridge and the park. The total expenditure was about £350,000. Now he asserted, as a fact, that by the sale of land that sum might be made up. The late Commissioner sold some of the worst land for £3,000 an acre, and as there were about 100 acres, there could be no difficulty in making up such a sum as would enable the noble Lord to do away with these tolls. The Chief Commissioner was not justified in putting a toll on the people if he could sell this land. The noble Lord put as great a tax on the poor people who passed over this bridge as the Chancellor of the Exchequer did on the cheques of the rich. The noble Lord ought to tell the House that he would free this bridge, and make it the beginning of freeing the other bridges of London. That would tell as much in favour of the present Government as a triumph in foreign diplomacy. By keeping a toll on this bridge a monopoly was given to Lord Westminster, Lord Cadogan, and other proprietors on the Middlesex side, for no one would build grand mansions on the Surrey side with a toll on this bridge. The noble Lord acted as a dictator in this matter, but he (Mr. Alcock) should not permit him to do so. He should move in Committee that the toll be abolished.

MR. P. O'BRIEN, as a member of the Committee, reminded the House that the question really was, whether the general public were to pay for this great metropolitan improvement and convenience. He thought that there could be but one answer. The bridge should be paid for by those who used it, by means of the toll. Faith had not been kept with the public in this matter. Why should Chelsea Bridge be made free more than Waterloo Bridge?

SIR JOHN SHELLEY said, that this Bill could not be said to have been brought forward at the instigation of the metropolitan Members. He had done his best to have the foot toll taken off the bridge; and he believed that the 134 acres on the other side of the river would be improved so as to make up for the loss of the toll. This toll was not put on by the noble Lord, as his hon. Friend seemed to suppose—but by Act of Parliament; and although the Bill rather disappointed him in not going so far in the way of relief to the public as he could desire, yet it probably went farther than some of the noble Lord's friends wished. He could have wished that the toll should be immediately taken off; but it was a mistake to suppose that Battersea Park stood in the same position as the other parks. Battersea Park was intended not only as a place of recreation for the people, but to remove a great public nuisance. Having made the park, it was found advisable to build the bridge, because the majority of the people who would use the park lived on the north side of the river. The park was not now used by the working classes on Sunday, but by the higher classes. A large sum of money had been already spent on the park, and the question was whether, as practical men, they would allow the whole thing to be a failure and a bankruptcy without hope of repayment. He hoped to see the toll taken off, and he should support the second reading in the hope of going further in Committee.

MR. SIDNEY HERBERT said, this was simply a question of contract with the Exchequer Loan Commissioners. They had advanced the money, and they were to receive 4 per cent. for it; but the Bill said that, after having capitalized the arrears of interest, and increasing the principal by that capitalization from £80,000 to nearly £100,000, from that day forward not one farthing interest was to be paid on that sum. Besides, he did not know what security there was for the Exchequer Loan Commissioners getting back that money.

MR. JOHN LOCKE denied that the question was a miserable one of pounds, shillings, and pence. The bridge and park had been established by public money for public purposes, and there was a stipulation that it should be repaid by the proceeds of the toll. The question was, whether the purpose was useful and ought to be carried out. He had been down there on a Sunday himself, and he had observed, that instead of crossing the bridge to the park, the working classes, their wives, and children, were compelled by the toll to remain on the esplanade by the banks of the river, which, as everybody knew, could not be conducive to their health. By taking off the toll, not simply on the foot passengers, but on horses and carriages, there was no doubt whatever that the value of the property on each side of the water would be greatly improved; and he thought that in consequence the Government were fully justified in not parting with the land at present. It ought to be the endeavour of

this House to make London as handsome a city as Paris, or any other city on the Continent. This was the first bridge the Government had ever attempted to erect over the Thames for the accommodation of the public; and as a step in the right direction he should vote in support of the Bill.

Mr. SPOONER moved the adjournment of the debate.

VISCOUNT PALMERSTON hoped the House would come to a decision upon the question. The only fault he found with the Bill was that it postponed to an almost indefinite period the time when the working classes would have the enjoyment, not of the bridge, but of the park. It had been said that the question was one involving good faith with the public. Now if the money had been borrowed from some foreign country to which the faith of England had been pledged, there might be some force in the argument; but the debt had been incurred by ourselves, and we were free to remit the toll if we thought proper. The matter was one which affected the health and comfort of a great labouring population. On one side of the river there was a park which had been formed for the recreation and the benefit of the health of the people; on the other side were the people wandering about like shades on the banks of the Styx, unable probably to find the obolus to fee some Charon to ferry them over. They and their wives and children were tantalized with the sight of a park which they could not reach. He really hoped the good feeling of the House would lead them to free the bridge from the foot-toll at least. He disliked the Bill because it postponed the benefit so long; but he would take it if it was all the Government would grant. The carriage and horse tolls were preserved; and if the park proved as attractive as hon. Gentlemen believed, they would, no doubt, prove very productive. Even if they did not, and some sacrifice of public money was required, he hoped they would have a sympathy with the large working population, and free the bridge from the foot toll.

SIR HENRY WILLOUGHBY said, he had objected to the construction of the bridge when it was first proposed, because he foresaw what had since happened, that the moment the bridge was built there would be an agitation to remove the toll. The noble Lord who pleaded so eloquently the cause of the working classes of the metropolis, forgot that the expense of it came out of the pockets of all the working classes of the kingdom. There was no reason why Middlesex and Surrey should not pay for their bridges as every other county did. Much was said about the value of the land, but then the Government was entitled to that on account of the money spent in the construction of the park as well as the bridge. He thought the Bill a poor one, opposed to public principle, and he would vote against it.

MR. JACKSON said, he was on the Committee last year, and felt obliged to vote against the Resolution to make the bridge toll free. He did not see any relief in this measure; it was a partial one, and only relieved from the interest. He thought it was a matter for a compromise. If the two counties would guarantee that the bridge should in future be maintained and repaired, let the Government generously take off the toll. Every other county paid for its bridges, and they ought to consider whether they should not make the two metropolitan counties throw open all the bridges over the Thames. He calculated it would only require a rate of one penny in the pound. This was particular legislation on a subject which ought to be dealt with as a whole.

MR. AYRTON thought, that as a Commission had been appointed to inquire into the subject of metropolitan tolls, it would be better to defer further proceedings until the Commission had reported. It had been said that Chelsea Bridge was for the benefit of the poor; but he thought of all the bridges of the metropolis it least deserved that description. It was only a holiday affair, while there were other bridges which poor persons had to cross to get to their work, and for which they had to pay toll. He did not consider that the bridge was designed for the advantage of the poor man, but rather for the benefit of a few wealthy people whose property it improved.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member for Newcastle-under-Lyme (Mr. Jackson) had raised a new point, which was well worthy of consideration. It would, therefore, be better at that late hour to agree to the adjournment of the debate.

Motion made and Question put, "That the debate be now adjourned."

The House *divided*:—Ayes, 139; Noes 51: Majority 88.

THE CHANCELLOR OF THE EXCHEQUER thought they might come to some

agreement among themselves that, after Twelve o'clock, when any order of the day was likely to lead to a discussion, it should not be proceeded with. That would, in his opinion, conduce to the general convenience.

Debate *adjourned* till *Monday* next.

House adjourned at a quarter after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, June 14, 1858.

MINUTES.] PUBLIC BILLS.—3ª Chancery Amendment.

ROYAL ASSENT.—Franchise Prisons; Non-Parochial Registers; Stamp Duty on Passports; Chelsea Hospital (Purchase of Lands); Metropolitan Board of Works (Victoria Park Approach); Portumna Bridge (Ireland).

BANKRUPTCY AND INSOLVENCY LAWS.

THE LORD CHANCELLOR, having presented a petition, signed by upwards of 3,000 bankers and tradesmen of the metropolis, in favour of an Amendment of the Laws of Bankruptcy and Insolvency, said, that upon accepting office Her Majesty's Government turned their attention with the greatest possible anxiety to the state of these laws, with the view of introducing some measure for their improvement. As their Lordships were aware, it was a subject of very great difficulty and complexity to deal with; but he trusted that in the course of a very few days he should be able to present a Bill which would embody in its provisions all the principal Amendments that were generally required by the commercial world, and which in other respects their Lordships would consider to be a very great improvement of the existing laws.

LORD BROUGHAM said, he was gratified to hear that his noble and learned Friend on the woolsack had turned his attention to this important subject. He might, however, inform his noble and learned Friend that a measure on the same subject had been prepared under the superintendence of the Chambers of Commerce of the principal commercial and trading towns in the kingdom, and would very shortly be presented to the House of Commons by a noble Friend (Lord John Russell). The Chambers of Commerce, the real representatives of the mercantile community, were decided on the necessity of maintaining the office of official assignee, and of remunerating that officer in a proper manner. This was the declared opinion of all the delegates from the various commercial bodies who had met at the Social Science Congress last October, and had since discussed the provisions of the Bill about to come before the other House.

LORD CAMPBELL expressed his regret that the measure referred to by the noble and learned Lord (Lord Brougham) had not been introduced into that House, in order that it and the Bill promised by the Government might be referred together to the same Select Committee.

THE JEWS' BILL.—THE OATHS SUBSTITUTION BILL.

OBSERVATIONS.

THE EARL OF CLANCARTY gave notice that, when the Bills relative to the admission of the Jews to Parliament again came before their Lordships, he should move that their further consideration should be deferred for six months.

THE EARL OF MALMESBURY was sorry to state, that at the present moment his noble Friend, Lord Derby, was unable to attend the House in consequence of illness, and he was very much afraid that he should be prevented doing so for the rest of the week. If both the noble Lords who had charge of these Bills were present, he would have asked them on that account to postpone their Bills as the more convenient course to be pursued under the circumstances.

THE EARL OF LUCAN intimated that he had no objection to comply with the request of the noble Earl, so far as his Bill was concerned.

LORD REDESDALE, having drawn attention to an irregularity in point of form in the Oaths Substitution Bill, said that although he was opposed to the admission of Jews to seats in Parliament, he did not consider that he was called upon to oppose the settlement of the question by a compromise. The House was aware that the Bill which had come up from the House of Commons still remained with their Lordships, and had yet to be sent back to the other House. Now, although their Lordships could not touch the Bill, so far as any matter connected with the two clauses they had rejected was concerned, it was in the power of the House of Commons to alter those clauses in such a manner as might give

this House the opportunity of determining the question of compromise; and it appeared to him that, instead of raising the question upon a new Bill, it would be far better that the proposition for a compromise should come from the other House in the first instance, and that, in the next place, this should be done with as little fighting as possible upon the points at issue. If, then, there were a disposition on the part of the House of Commons to accede to a compromise upon the principle on which alone a compromise could be effected, so that one House might admit the Jew, but the other should not, any such proposition as that should come from the House of Commons to their Lordships, and not go from this House to that.

LORD BROUGHAM wished it was possible to deal with the question in the manner pointed out by the noble Lord; for there were many advantages to be gained by compromising a question which could never result from fighting it out. By the law of Parliament as it now stood, without taking an oath, and without taking his seat, any Jew, any Roman Catholic, any Unitarian, any man, might serve upon any Committee of the House of Commons, however important the subject of its inquiries. That was undeniably the law of Parliament; and, seeing the anomalous position in which the House of Commons was placed—seeing that without taking an oath nine-tenths of the most important functions of a Member of that House might be validly performed without the possibility of a collision with this House or the Courts of law — for it was perfectly clear to any one who read the words of the clause of the Act of Parliament, which not only enacted the penalty of £500 for the act of sitting and voting in the House, but subjected the party to the heaviest disqualifications amounting to the loss of all civil rights —that no Court of law would ever hold that a clause such as that could be construed otherwise than most rigorously and strictly as applying only to persons who voted in the House; and in that belief he held the position of the House of Commons to be most anomalous — he thought it would be a graceful act on the part of the House of Commons to remove that anomaly. Let that House, then, declare, which it could do by its own authority, that no person should serve on a Committee who had not taken his seat; and he was of opinion that with the exception of the Commons so acting, their Lordships would be well advised in waiving the objections upon which they now took their stand to the clauses which admitted Jews to seats in the other House of Parliament.

LORD CAMPBELL thought, that in the absence of the Earl of Derby the present discussion had better not be carried further. He believed him to be sincerely desirous of a compromise, and that the question should be settled as speedily as possible.

DIVORCE AND MATRIMONIAL CAUSES ACT AMENDMENT BILL.

RECOMMITMENT.

House in Committee (on recommitment) (according to Order).

LORD REDESDALE wished to draw their Lordships' attention to the fact that legislation was in this instance partial—that the Act did not extend to Ireland. If the principle of the Bill was to prevail in England, he could see no good reason why it should not be extended to Ireland. Words might be introduced into the Bill which would give parties in Ireland an opportunity of availing themselves of the provisions of this Bill.

THE EARL OF WICKLOW said, that when he put a question to the late Lord Chancellor whether it was his intention to introduce a similar Bill for Ireland, the noble and learned Lord answered that it was; and he had therefore heard, with infinite astonishment, the noble and learned Lord now on the woolsack state that it was not his intention to introduce any such Bill for Ireland, because it would be attended with so much expense. He certainly thought that that was not a reason which should be alleged in a case of this kind; for, objectionable as he deemed the law as now established in England, he considered it infinitely more objectionable that the law of the two countries, in a matter of such importance, should not be assimilated. He trusted that the noble and learned Lord would now announce that it was the intention of the Government to assimilate the laws of England and Ireland, or give a substantial reason why not.

THE LORD CHANCELLOR said, it was perfectly true that he did, when the question was put by a noble and learned Friend (Lord Lyndhurst), say that the expense would be sufficient to justify the Government in not bringing forward such a measure; but the noble Earl would do him

the justice to recollect that some time afterwards a similar question was put to him by a noble and learned Lord, and he answered that question by saying it was not intended to introduce such a measure; and he recollected the Lord Chief Justice expressing his regret that they had no such intention. Now, in the first place, he did not think it desirable until the Divorce Court had been more tried, and they had had more experience of its effects, to introduce a similar measure for Ireland. He was not answerable for what the late Lord Chancellor might have promised. If his noble and learned Friend desired that it should be extended to Ireland he might bring in a Bill now; but certainly he did not envy any one the task who undertook to introduce a Bill on such a subject in reference to the sister country. He was not disposed to recommend the Government to embark in any such undertaking with the information they had at present. He believed there was no strong desire for it in that country; and, on the contrary, that there was some apprehension in some quarters that it would be extended to Ireland. At all events, he had no intention to introduce a Bill to extend the Divorce Courts to Ireland.

LORD CRANWORTH said, it was perfectly true that the question was put to him when he was Lord Chancellor, and he replied—not that he should propose to extend the measure to Ireland, because he was perfectly aware that there were circumstances which might render a measure desirable for England which was not desirable for Ireland—but he told the noble Lord that he would bring in a Bill to assimilate the law of the two countries, so far as the social state of the two countries rendered it possible or desirable; and undoubtedly he should have fulfilled that pledge had he remained in office. But when he ceased to hold office, it appeared to him that the introduction of a Bill affecting the social state of the country was a matter that no man not connected with the Government ought to be called upon to undertake. It was necessary to obtain information, and a variety of details which it was impossible for any one not connected with the Government to get. Therefore, although it had been his intention, in concurrence with his colleagues, had he continued to hold the Great Seal, to fulfil that promise, when he left office he thought himself absolved. Having said that, he could only say that if, in accordance with the suggestion of the noble Lord, they so altered the Bill as to enable persons in Ireland seeking divorce *a vinculo* to come to the Court in England, instead of resorting to Parliament, he saw no objection to it.

THE EARL OF DONOUGHMORE deprecated extending the measure to Ireland, and said he hoped that, at all events, their Lordships would not agree to the proposition of the Chairman of Committees (Lord Redesdale).

LORD CAMPBELL thought that a difference as to local peculiarities would prevent the same Bill being extended to both countries, although he was of opinion that in each country the same principle should apply. With regard to Ireland, it was monstrous to say that Irishmen should be obliged to come over the water to sue in a Court established in England. All Scotch subjects of Her Majesty had an easy mode of redress on this subject in the Court of Session; all the English subjects of Her Majesty also had an easy and inexpensive remedy of suing for divorce *â mensâ et thoro*, and he thought that it was but right that a similar privilege should be extended to Her Majesty's subjects in Ireland.

Amendments made.

The Report thereof to be received on *Thursday* next.

ORGANIZATION OF THE MILITIA.

QUESTION.

THE DUKE OF BUCCLEUCH inquired, whether any Steps are in contemplation, or have been taken, to refer to a Commission or a Committee of either House of Parliament the present Establishment and Organization of the Permanent Staff of Regiments of Militia, with the view to render the Staff more effective both when the Regiments are disembodied or called out for Training? Also, whether it was intended to call out for training this year all or any of the regiments of militia which had not been recently embodied; and if it was intended to do so, how were these regiments to be quartered—in barracks, billets, or otherwise? Their Lordships might not be aware that the permanent staff now consisted of an adjutant and sergeants on reduced pay. The number of sergeants was too small for the instruction and command of the regiment when out; and the difficulty of obtaining good non-commissioned officers for the newly-raised battalions of the line sufficiently showed how difficult it must be to

obtain additional non-commissioned officers from the line when a militia regiment was called out. Then their pay was so small when their regiments were disembodied, that the non-commissioned officers who had no pension could not subsist without working at some trade ; and the result of this was that they had no time to attend to their military duty, and to undergo a proper course of instruction and exercise in the Minie rifle, and therefore when called out they were not so efficient as they ought to be. Another obstacle to the men in the militia regiments obtaining the requisite knowledge of the Minie rifle was that the weapons served out to them for drill and exercise were frequently nothing but the old flint-lock muskets converted into percussion locks. Then the adjutants of militia regiments were required to live at head quarters and had an allowance for lodging money of 10*s.* a week ; but this was frequently inadequate. In the case of the regiment he commanded, the adjutant, he knew, was not able to obtain a house at a less rent than £50 or £60 a year. It might be said that the position of adjutants afforded a very comfortable retirement for officers of a certain rank in the line : but he thought they should look entirely to the efficiency of the officers who were appointed to such an important post. He understood that it was the intention of the Government to issue a Commission to inquire into the constitution of the militia staff, and other matters connected with its organization, and he would not, therefore, enter further into those topics than to express a hope that if any militia regiments were called out during the present autumn a sufficient number of non-commissioned officers would be attached to them to secure the efficient training of the men. As to the second question which he had put, he wished to remark that, with the exception of the regiments recently embodied, none had been called out since 1856. Now, if the force was to be kept in an efficient state, it must be called out periodically ; not merely for muster, but for real training and instruction. With respect to the quartering of the regiments to be called out—whether in billets or in barracks—he would only allude to the case of Scotland. He did not believe that there was at present an unoccupied barrack in that country ; and although there was at Berwick-upon-Tweed a barrack amply sufficient to accommodate a regiment, and in a healthy situation, it was unfit to be occupied on account of its condition, which was such it was not considered safe to raise the flooring to inspect the joists, lest the whole place should tumble down. Great complaints had been made of the billeting system in Scotland, and the result of that had been to abandon the old system, under which soldiers were billeted on the inhabitants generally, and to quarter them now only on the publicans. A consequence of that and of the limited number of public-houses or hotels (as distinguished from mere whiskey shops, upon which the men could not in general be billeted), was that there was great difficulty in billeting the militia in small towns, and that there was severe pressure upon the hotel and tavern keepers, upon one of whom in Edinburgh he knew as many as fifty or sixty men had been quartered. He knew that a large number of men might be billeted in Edinburgh or Glasgow, or other of the large towns; but he trusted that it would never be attempted to billet a regiment of militia in Glasgow or Edinburgh, for he believed that the effect would be most demoralising, and that if they marched in 600 or 700 men in the evening, they would not be able to muster more than sixty or seventy at parade next morning.

THE DUKE OF CLEVELAND thought it ought to be clearly defined what the real object in calling out the militia was. It had been asserted by some that the only object of the militia was to form a nucleus for the regular army. He did not mean to say that it might not be necessary at times to take into the line a certain number of men from the militia, but he condemned the plan of sending down recruiting sergeants from the Horse Guards, who kept the men in a constant state of intoxication, and destroyed the discipline of the regiment. A regiment, to be efficient, must be efficiently disciplined, and at present the time devoted to training was far too short. Twenty-eight days were as little as they could be called out for ; but of those twenty-eight days, at present ten were wasted in marching there and back, four Sundays, &c. ; and, in fact, there were only thirteen clear days for training, which was insufficient. It would be better, in his opinion, to have fifty-six days every other year. As to what had been said by the noble Duke about 10*s.* a week being insufficient for the rent of an adjutant's house, he begged to differ from the noble Duke, for he thought a very good house

could be got in the country for £26 a year.

VISCOUNT HARDINGE, in answer to the question put by the noble Duke (the Duke of Buccleuch), begged to state that Her Majesty had been pleased to grant a Commission to inquire into the subject to which he had referred. The instructions to that Commission had not yet been framed, but he might state generally that its object would be to inquire into the establishment and organization of the permanent staff of regiments of militia, with the view of rendering the staff more efficient for military purposes; and when he said military purposes, he included in the words the question whether the militia might not be effectually used for recruiting the line. The Inspector of Militia had recently made his regular tour of inspection, and had reported most favourably of the general condition of the permanent militia staff, which since September had furnished 8,000 men to the line. He might state that the question relative to the pay of non-commissioned officers, and nearly all the other matters referred to by the noble Duke, would come under the consideration of the Commission that was to be appointed, With regard to training, he had to inform the noble Duke that in autumn a certain proportion of the regiments that had not been previously on duty would be called out for training purposes. As to the third question, relating to billeting, he could assure the noble Duke that his right hon. and gallant Friend the Secretary for War, had paid the closest attention to that subject; and his noble Friend was aware that it was at the present moment under the consideration of a Committee of the other House. In England a proportion of the regiments would be put in barracks, and another provided for by billets; but it was impossible to say what the proportions would be. In Ireland there were a number of small barracks, which would be available for the accommodation of the men, and therefore the same necessity for billeting would not be required there. With regard to Scotland, he was obliged to the noble Duke for the suggestions he had thrown out, and he could assure him that they would meet with the utmost attention from his gallant Friend the Minister for War. He was not at present in a position to say exactly how the troops would be quartered when they were called out, but he would repeat that all the suggestions the noble Duke had thrown out would receive the most marked attention.

EARL GREY was glad to hear that a Commission was to be appointed, but hoped that the scope of its inquiries would be more extended than seemed to be indicated in the statement of the Under Secretary for the War Department. They ought first to determine what was the object of the militia—whether it was to be a mere recruiting ground for the army, or an efficient reserved force for a case of emergency. Unless we made our minds up to one or other of these objects, we should fail in both. When the militia was first formed, we were told that it was not to be permanently embodied even in time of war, except there was an apprehension of invasion. Directly we were engaged in the Russian war, however, although there never was a time when this country was more free from the risk of invasion, a large portion of the force was embodied. That force came in contact with the line in recruiting, for both forces drew their recruits from the same class. And the result was that we kept 65,000 militia men permanently embodied, who, with the exception of a few regiments in the Mediterranean, were perfectly useless except as furnishing a supply of recruits to the line. More than this, the House ought to consider how far this system was likely to be an economical and advantageous one. It was a very common practice for the militia to desert and to absent themselves, and the utmost care of the adjutants could not enable them to deal with the evil; and there was no means under the present system of checking it. In many cases men had enlisted into five or six different regiments; and he had even heard of one man who had enlisted in as many as a dozen. It appeared by the returns up to June, 1856, when the system had been in operation two years, that no fewer than 39,500 out of 193,500, had been struck off the regiments for desertion or absence without leave, and that was one-fifth, or one man in five of those to whom a bounty had been paid. He was told on good authority that if the return were continued up to the present time, it would be found that the proportion was much larger, and that at this moment they had actually given bounty for upwards of 100,000 who had not done duty, and who were struck off the rolls of their regiments for desertion. While they were carrying on this system with reference to the militia, how did re-

cruiting go on in the meantime in the regular army? They might talk as much as they liked about the militia, but it was to the militia in war that the regular army had to trust to for a prompt increase in, and a speedy supply of, the exigencies that happened in its ranks. From an instructive return that had been laid before the House, it would be found that when the war in Russia began there was a deficiency in the army below the Estimate voted by Parliament of 28,800, including the Artillery and Sappers and Miners, and also the Colonial Corps; and the entire of the army under this head was 151,000. During the whole war they never brought the force up to anything like the number that was voted by Parliament. He found that during the year 1855 the ordinary deficiency was somewhere about 48,000, and at one time not less than 55,000, below the number voted by Parliament; and in April, 1856, at the termination of the war, it was still 44,800 short of its proper complement, the total amount of the army at the time being 188,300. So that during this war, with all the expense that was incurred and all the stimulating that took place in recruiting, this was the state of things—after allowing for the wear and tear of war, they were only able to increase the army by 37,000, and the total force, including the colonial corps, to 188,350. Looking at the amount of armed force this country maintained during the great French war, and the immense subsequent increase in the population, was it not surprising that in a war of two years' duration they should only add to the strength of the army by the contemptible amount of 37,000? These were facts which he thought required very careful consideration; and he hoped that, if the Commission were appointed, its inquiries would not be limited to the mere consideration of what was the organization of the permanent staff of the militia, but that it would go somewhat further, and consider well the arrangements that were now in force, both in keeping up the militia and in adding to the army in time of war. His firm belief was, that if proper arrangements were adopted they might increase the advantages of the regular soldier, and provide a reserve force in connection with the regular army, which in time of war would enable them immediately and promptly to increase their regular force in a manner that would meet the exigencies of the case. If they carried out the militia system as it was originally intended to be—if they maintained it, as in his opinion it ought to be, as a strictly local force, not to be permanently embodied even during war, but composed of persons who could not afford to leave their homes permanently, but who were willing to come out for a short period and defend their country and their homes, and not competing with the regular army, they would thereby reduce the expense of the militia, and thus enable them to provide the means of a permanent augmentation of the regular army, commensurate with the requirements of the country in the event of a war unfortunately taking place. What he wished to insist on was, that the question of the militia could not fairly be considered apart from the great question of the mode of recruiting our regular army. The two were only branches of one great subject that ought to be considered together, and the attention of Government could not too promptly be turned to the question how, at an economical outlay, to provide efficiently a competent reserve force for the public service, on which they could rely in the emergency of war.

Earl Grey

THE MARQUESS OF CLANRICARDE wished to draw the attention of the Secretary for War to the state of the law with regard to the Irish militia, which was wholly inapplicable to the existing state of things. It prevented the holding of courts of inquiry and courts martial, and it was almost impossible to maintain discipline. He hoped that this subject would form one branch of inquiry by the Commission. With regard to the calling out of the militia, he agreed that under the present system it caused an excessive and unnecessary waste of money, and there was no doubt that men enlisted several times in different regiments. He agreed with the noble Duke (the Duke of Cleveland) that it would be better not to call out the regiments often for short periods of training, but to call them out less frequently for longer periods of exercise—for such a time as would go far to make soldiers of them. The Irish regiments were called out for twenty-one days' training, which was a perfect farce, and amounted only to calling the muster-roll. With regard to the question of billeting, the point was, when the Irish regiments of militia were called out where were they to go? Practically there were no barracks that would hold an entire regiment. From returns he found that not

much less than a million of money had been laid out on Aldershot, and a considerable expenditure had been made at the Curragh in Ireland; but at the same time the barracks in Ireland were in a very unsatisfactory condition. He wished to point out the necessity of having some better barrack accommodation in the south-west of Ireland, where, if we were engaged in a serious European war, it would be absolutely necessary to have a large force of troops. He doubted whether it would be advisable to call out the Irish militia at all, until after an inquiry had been made into the organization of the staff.

THE DUKE OF CAMBRIDGE said, that after what they had heard from his noble Friend (Viscount Hardinge), it was evident that the best thing that could be done would be to issue a Commission on the subject under their consideration. By this means they would be enabled to avail themselves of very important suggestions which had been made from various quarters. He thought he was justified in saying that the inquiry was to be very full in its nature—so he understood from the answer of his noble Friend—and, therefore, he did not intend to trouble their Lordships with any lengthened observations upon this topic. If he felt called upon to descend into particulars, he should have to enter very much into detail to answer all the questions and observations that had been made; but there were one or two matters to which he wished to advert. It had been urged, and in his opinion not unnaturally, that the militia were very inconveniently circumstanced with reference to the period at which volunteers were called upon to enter the army; but he might inform their Lordships, that in accordance with a regulation which had been laid down by the late Government, it was ordered that no officer or non-commissioned officer of the line should be sent down to any regiments for volunteering purposes until the time had arrived when those men who had volunteered were actually to be made over to the line. Now, he had no reason to think that that rule had not been acted upon, while he was ready to admit that some of those irregularities of which complaint was made might previously have existed. In the opinion that no volunteers for the line ought to be sought from the militia, he, for one, could not concur. Without entering into any details as to the object for which the latter force should be raised, he should contend that it might very advantageously be made available for that purpose, while it might by the exercise of a strict surveillance on the part of the proper authorities be maintained in so complete a state as to be rendered adequate to all the purposes of national defence. In reference to the complaint which was made, to the effect that great difficulty was experienced in obtaining the services of qualified non-commissioned officers for the militia from the line, he could only say, that owing to the sudden demand for the services of our troops which had been created by the outbreak in India, it had been found necessary to place a check upon the system. It would, indeed, be impossible to dispense with the services of those non-commissioned officers, if not only the ordinary regimental duties, but the mere routine duties of the barrack-yard, were to be carried out with efficiency. It had, therefore, been deemed essential, in order that the line might be kept upon a proper footing, that the services of those men should be retained. With respect to the question of billeting the troops belonging to the militia, he had no hesitation in stating that if it were possible to lodge them in barracks, that would, in his opinion, be the proper course to adopt. In order to effect that object, however, it was obvious that our present barrack accommodation must be largely increased, while it was equally evident that, even in the event of the country being disposed to make the outlay necessary for that purpose, a considerable number of years must elapse before the new barracks would be completed. The emergency, however, was of a pressing nature, and he was prepared to admit that one of the most important points for the consideration of the proposed Commission was, where the militia force was to be located when called out. So far as the military authorities were concerned, they would, of course, be found prepared to place at the disposal of the militia regiments any accommodation, whether in England, Scotland, or Ireland, which they might happen to have at command. There was, however, but a very small amount of such accommodation vacant; he was, therefore, afraid that but very little could in that respect be effected. As regarded the calling out the militia for embodiment during the late war, he apprehended they were embodied for the simple reason that we had no regular troops whatever in the country. At the present time a great portion of the army was in India, and in order to make up the deficiency a certain number of militia regiments had been em-

bodied. As the subject of recruiting in the army had been touched upon in the course of the discussion, he might take that opportunity of informing their Lordships that nothing could be more satisfactory than was the progress which recruiting was making at the present moment. Even now, when labour in the fields was naturally in considerable demand, the ranks of the regular army continued to receive large additions to their numbers, and he could assure their Lordships that if they were only aware of the details connected with the subject, they would be astonished at the good feeling which was daily evinced by the inhabitants of all parts of the kingdom in coming forward at the call of their country. As, however, there was a Commission to be appointed whose province it would be to investigate in detail the various matters which had been brought under their Lordships' notice, he should not upon that occasion trespass upon the time of the House by adverting to them at greater length.

Lord LYTTELTON was of opinion that the principle of constituting the militia force the feeder of the regular army, and making that one of its main functions, was one which called upon the colonels of regiments to perform a duty upon the discharge of which it was not consistent with human nature that they could enter with any degree of heartiness. A colonel naturally took pride in his regiment, and did not like to see the best men draughted away from it, thus subjecting him to a task somewhat like that of Penelope's web, of going over and over again the same process in order to place his regiment upon an efficient footing. The object of the militia ought to be to enable us on an emergency to send the whole of the regular army abroad, while it should act as a reserve force at home. He believed the reason why recruits were not readily obtained for the regular army was that the men who enlisted were not treated well or paid sufficiently. Our military system was self-condemned already by the mere fact that soldiers could not be obtained without a bounty. Why should such a vicious practice be necessary? Ample military spirit existed throughout the country, and he believed that recruits might be readily obtained if their condition was properly raised. It was clear that we still got the worst part of the population to enlist in the regular army, and the greater part of them were only induced to enlist by a system of intoxication and imposture. After a short time those that could do so obtained their discharge, while an undue proportion deserted. The proper system, he apprehended, would be to give the soldier the advantage of the bounty at the end of his period of service instead of at the beginning, and to introduce some plan of saving and of accumulation which would give him an interest in conducting himself well and continuing in the service. As regarded the militia, it was certain that they were not in a satisfactory condition at present. Many militiamen belonged to several regiments at once; and he had been informed, on good authority, that if the whole militia were now to be called out forty per cent would be missing. He could not but hope that this subject would be fully considered, and that the Government would not be content until they had a good defensive reserve force to maintain at home in case the regular army was called out on foreign service.

The Duke of NEWCASTLE said, that he wished to say a few words upon two points among the various suggestions which had been thrown out in the course of the discussion; but before noticing them he would press on the Under Secretary for War the advisability of laying on the table the instructions to the Commission as soon as they were issued. Upon the extent and the terms of those instructions would much depend the value of the results of such a Commission. With reference to the subject of whether the militia was to be considered as a reserve force or as a feeder to the regular army, he thought that no Report of any Commission was likely to prevent the recurrence by Government to the latter system on an emergency; but it might perhaps guide them to a knowlege of that which it was important to ascertain—namely, how the system had really operated, and whether it had added to the effective force of the army, or whether it was only an expenditure of an additional bounty, and in fact really interfered with the recruiting of the army. The noble Earl (Earl Grey) had referred to the origin of the system in the last war, and the illustrtrious Duke (the Duke of Cambridge) had truly said that the embodiment of the militia during the war arose out of the necessity of sending a large number of regiments of the regular army on active service, and which rendered the militia requisite for the purposes of garrison duty. But he (the Duke of Newcastle) thought that the system had been carried on too long and too far. He looked

on it that at the beginning of a war the militia force was an effective means of speedily recruiting the army. In the beginning of a war it was a question of bounty, if it should be necessary to get 30,000 or 40,000 men from the militia; for not only will recruits not come in as fast as is required, but you had to make soldiers of them after they were recruited, while the militia supplied trained men. This system, however, might be carried too far, and he believed it did not result in getting men for the army as easily and speedily as might be expected. Under our present system, in case of war, unless you have second battalions of all our regiments at home, you must have regiments of militia embodied to garrison the different ports and stations at home; but he believed that was the extent to which the embodiment of the militia should be carried, at least after a short time has elapsed after the beginning of a war. It was, in his opinion, a mistake to maintain a militia force not for the purpose of defence at home, but for the purpose of supplying the army with recruits. It was a system which was enormously expensive and extremely demoralising; and at the same time it did not accomplish the end desired. He knew, however, that some persons were of a different opinion, and he was certain that the proposed Commission would only do a portion of its duty if it did not inquire how far this system of recruiting was to be carried. With regard to the question of barracks, the illustrious Duke had said that if militia regiments were embodied it was necessary that they should be billeted, because there were at present no barracks to accommodate them, and it was not possible to erect a sufficient number of barracks for the purpose. He (the Duke of Newcastle) was anxious to say a few words on the subject of barracks. He could state from experience, as formerly Secretary for War, that there was no regular system with regard to barracks in existence. For years every successive Secretary for War and Commander in Chief had gone on upon a hand-to-mouth system, selling valuable sites here, purchasing unsuitable land there, pulling down one day, building up another, and wasting enormous sums of money. He thought that some steps ought to be taken, without any loss of time, to provide barrack accommodation throughout the country upon a fixed and organized system; and he hoped that in the preparation of such barracks due regard would be paid to the sanitary arrangements. At all events, some rule ought to be established on this subject which should be rigidly adhered to. He had felt the importance of the matter so deeply that, notwithstanding the enormous pressure of business in the military departments during the late war, he had pressed it most strongly upon the attention of the late Commander in Chief, and he (the Duke of Newcastle) was devoting his careful consideration to it at the time he left office. That pressure no longer existed, and he hoped the attention of the Government would be directed to the subject, with a view to the introduction of some settled and permanent system. He hoped their Lordships would shortly have before them the instructions issued to the Commission, and then they would have the opportunity, if those instructions were not sufficiently extensive in their character, of pronouncing an opinion upon them.

VISCOUNT MELVILLE, who was very imperfectly heard, was understood to say that the barracks in Scotland were generally very unsuitable for the accommodation of troops, and that, although some £6,000 or £7,000 had been voted by Parliament for the repairs of those barracks, that amount was not one-tenth of what would be requisite to place them in a fit state for occupation. The noble Lord was understood to suggest that once a year a certain number of men should be draughted from the militia regiments into the line, observing that under such a system the strength and efficiency of the militia regiments would doubtless remain unimpaired, while the regular army might obtain a valuable accession of trained soldiers.

House adjourned at half past Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 14, 1858.

MINUTES.] PUBLIC BILLS.—1° Juries (Ireland) (No. 2).
2° Peace Preservation (Ireland) Act Continuance; Copyhold Acts Amendment; Joint Stock Companies Acts Amendment.

PRESBYTERIAN AND ROMAN CATHOLIC CHAPLAINS FOR THE ARMY.

QUESTION.

MR. HUME said, he would beg to ask the Secretary for War if the Government contemplate the appointment of Presbyterian Military Chaplains in the chief garrison towns of the United Kingdom?

GENERAL PEEL said, it was the intention of the Government to appoint additional Presbyterian and Roman Catholic Assistant Chaplains, in order to put the Roman Catholic and Presbyterian soldiers, in proportion to their numbers, on an equal footing in this respect with the rest of the army. They would be stationed wherever their services were most required, and of course they would be liable to be removed whenever the different distribution of the troops should render it necessary. At present, where there were no chaplains, the soldiers attended service at the place of worship of the denomination to which they belonged. Hitherto these services had been paid for on different scales, but for the future it was intended that they should all be paid for on the same footing. Before sitting down, he would answer a question put on Friday last by the hon. and gallant Member for Salisbury (General Buckley) in reference to a deficiency in the supply of water to the troops at Chatham, and to the overcrowding of the barracks there. He had just received a Report from the Commandant of Chatham, which stated :—

"The troops, being supplied with water from the dockyard, have generally had abundance, although it has occasionally been considered necessary to be saving of it for a day or so, owing to the forcing machinery getting out of order—and this happened to be the case on Wednesday; in consequence of which I ordered that the cocks in the ablution rooms of the barracks should be watched and the water saved from waste, instead of being allowed to run all day at the discretion of the recruits. In the course of the day that inconvenience was remedied, and there is now plenty of water for everything. The garrison is very strong, but the accommodation was never more easy, none of the barrack rooms having their complement of men in them. A large number have been many weeks under canvas, and the troops are healthy."

THE AUSTRALIAN MAILS.—QUESTION.

MR. H. BERKELEY said, he wished to ask the Secretary to the Treasury whether any application has been made by the present Contractors for performing the Mail Service between this country and the Australian Colonies to obtain any remission of the existing penalties, or any modification as to the size of the vessels employed; the extension of the term of the said Contract; or any other alteration in the conditions thereof?

MR. G. A. HAMILTON said, the Treasury had some time since been in communication with the European and Australian Steam Packet Company, in consequence of strong representations made to them by a deputation from Australia, headed by Sir Charles Nicholson, the object of which was to recommend the Government to allow the amalgamation of that Company with the Royal Mail Steam Packet Company, and for an extension of the contract. That amalgamation had since been broken off. The Directors of the European and Australian Steam Packet Company then opened further communications with the Treasury, combining to some extent these objects, with a further extension of the service. But having lately seen the resolutions which the shareholders adopted at a general meeting for the dissolution and winding up of the Company, he had felt it his duty to suspend all further communications on this subject.

MR. DIVETT said, he hoped the hon. Gentleman would tell the House whether any arrangements were in contemplation to secure a regular communication with Australia.

MR. G. A. HAMILTON said, the circumstances in which the Company were placed, in consequence of the resolutions of the shareholders, rendered it necessary for the Government to proceed with caution; but he could assure the hon. Gentleman that the Government had considered, and were prepared to take, the necessary steps that communication with Australia should not be interrupted.

THE CONFESSIONAL IN BELGRAVIA.

QUESTION.

MR. BUTLER said, he had a question to put to the right hon. Gentleman the Chancellor of the Exchequer, of which he had not been able to give him notice. He wished to know what steps the Government intend taking to remove the feelings of surprise and disgust which have been excited, not only in the neighbourhood of the parish of St. Barnabas, but also throughout the length and breadth of the land, by the disclosure of the practices of the Rev. Mr. Poole at the confessional. Was the right hon. Gentleman aware that yesterday another clergyman of St. Barnabas had declared that—

"Whoever endeavoured to hinder the ecclesiastical system as established in the district was guilty of the sin of murder. The church of St. Barnabas more than ever demanded their support, as it was not merely the church of a district, but in some sense the church of the whole country, for from it went forth an influence which permeated the land. The friends of God's holy Catholic truth looked on St. Barnabas as their centre and model."

He wished to know whether the Govern-

ment are in communication with the proper ecclesiastical authorities, in order to punish all who are taking a part in this abominable wickedness?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the inquiries of the hon. Gentleman—of which he has given me no notice—refer to a great variety of particulars, some of which he admits only happened yesterday. Upon reflection, therefore, I think he will find it more convenient, and more in accordance with the Rules of the House, to put on the paper a notice of the questions he wishes to ask, which will then be answered in due course.

MR. BUTLER said he would repeat the question to-morrow.

THE PACIFICATION OF OUDE.

QUESTION.

SIR ERSKINE PERRY said, he would beg to ask the President of the Board of Control whether, having had an opportunity of reperusing Mr. Montgomery's Despatch, he is ready to lay it on the table? A Despatch from Rohilcund has just appeared in the papers, and he wished to know whether the noble Lord will have any objection to lay that on the table?

LORD STANLEY said, that, after the question had been put to him by the hon. and learned Gentleman on Friday night, he had thought it right to apply to the Earl of Ellenborough, to whom the letter was addressed, to allow him to see it again. It was now in his hands, and with regard to the enclosures to which the hon. and learned Gentleman had referred on Friday night, Viscount Canning, in speaking of them, used these words:—

"No official Reports of much interest have been received from Lucknow for ten days; I therefore send you Mr. Montgomery's last two private letters, that you may see how things are going on with the talookdars and landowners."

As Viscount Canning expressly referred to these documents as being private letters, and as they had reached the Board of Control in a private form, it would be altogether contrary to precedent and very inconvenient to lay them before the House in an official form. Viscount Canning in one paragraph of his letter said:—

"The progress made in bringing them (the landowners) in, and coming to a settlement with them, is very satisfactory."

And Mr. Montgomery, in a passage of his letter of the 22nd of April, said:—

"Every hour appearances improve, and a very large proportion of landholders have tendered their allegiance by letter, and many personally. Suitable replies are sent to each, and I generally call upon them to send their vakeel, or near relative, if the state of the country prevents their personal attendance."

These two extracts, he apprehended, conveyed the information which the hon. and learned Gentleman required as to the progress of affairs in Oude.

ROMISH PROCESSIONS IN TUAM.

QUESTION.

SIR WILLIAM VERNER said, he wished to ask the Attorney General for Ireland whether the Government has received any account of a procession in the streets of Tuam, which procession was composed of priests and others of the Church of Rome in their ecclesiastical costume, and carrying the Host, and whether such procession was conformable to law? It was represented in the newspapers that the Roman Catholic Bishop, Dr. M'Hale, appeared in the streets surmounted by a canopy borne by four priests, followed by trains of nuns and young ladies, and a great multitude of persons. He wanted, therefore, to know whether such processions were according to law, and, if not, what steps the Government meant to take to prevent the recurrence of these outrages?

MR. WHITESIDE said, that such a procession as his hon. and gallant Friend described to have taken place would not be conformable to law; but the application of the law to a case depended upon the existence of the fact. He had seen a report describing what had occurred at Tuam, but it did not state that any procession had taken place in the streets. He hoped that no such procession either had been or would be attempted, and that the good sense of the persons referred to would prevent such a violation of the law.

GOVERNMENT OF INDIA.

COMMITTEE.—FIFTH RESOLUTION.

Order for Committee read.

House in Committee.

LORD STANLEY said, it now became his duty to move the fifth Resolution, which was as follows:—

"That, with a view to the efficiency and independence of the Council, it is expedient that it should be partly nominated and partly elected."

The Committee had the other evening decided without a division, that the Minister for India should have the assistance of a Council. In coming to

that decision the Committee undoubtedly intended that that Council should be not merely nominal but real, and that its Members should be assistants to the Minister and not a mere screen or pretence. But if the Council were to be a reality, it must possess substantial independence, and not only that, but it must be known to have that character. How far, then, would it be possible for a Council formed upon the principle of nomination, as proposed by the Bill of the noble Lord the Member for Tiverton, to possess that attribute of independence? The principle of nomination, as he understood it, might be applied under three several modifications. It was possible to nominate for life, or, what was practically the same thing, during good behaviour, as proposed by the noble Lord the Member for London; it was possible to nominate for a long term of years without the power of re-election; or it was possible, as proposed in the Bill of the noble Lord the Member for Tiverton, to nominate for a comparatively short term, the Government having the power of nominating the same persons a second time. With regard to the first of these propositions—nomination for life, or during good behaviour—there could be no doubt that it did to a great extent, secure that independence which was desired. Upon that score, therefore, he found no fault with the proposition in question. It placed a member of the Council relatively to the Government that appointed him, and to all succeeding Governments, very much in the position that was occupied by a Judge upon the bench. But the objection which, in his view, applied forcibly to the system was, that out of a Council of twelve or fifteen Members nominated for life there would always be a certain proportion who, from mental or physical infirmities, would be incapable of performing their duty in a satisfactory manner. He might be told that that did not necessarily follow, because it was an objection which, if it applied at all, would be applicable to the Judges, and that the efficiency of the Judges never was impugned. He must point out, however, that there was a material distinction between the nature of the duties which devolved upon the Judges and upon the Members of the proposed Council. A Judge was brought constantly and prominently before the eye of the public. He must be able to go circuit. He must be able to attend eight or nine hours a day, and often for many days together, in a court of justice. He must during that time give his undivided attention to close reasoning upon difficult and complicated subjects. He must deliver his judgments orally, and in the presence of one of the most vigilant, critical, and intellectual audiences before which any person could appear—the members of the Bar of England. All these were circumstances arising out of the prominent position which a Judge occupied, which made it almost certain that, in the event of his becoming physically or mentally disabled for the duties of his post, his infirmities would become the subject of public notice and general comment. Popular opinion and the advice, perhaps, of friends would be brought to bear upon him; and even he himself—although in such cases the sufferer was usually the last to perceive his own infirmities—would find that he could not for a long period discharge the judicial duties in a wholly incompetent and unsatisfactory manner without attracting public attention, and becoming painfully conscious of his own defects. That check against the continuance in the judicial office of a man who had become incapable, was one which would not, and could not, exist in the case of an Indian Councillor. His duty was performed in private, and so long as he could attend a meeting in a private room, — so long as he could look over papers and go through the form of transacting business,—so long, however much his faculty for labour might be impaired or his judgment weakened, he would be able to go through the semblance of discharging the duties allotted to him, and he would not become conscious that the time had come when he should be replaced by a younger and an abler man. He thought, therefore, that under the system of life nominations—desirable in some respects as it undoubtedly was—two grave objections would arise. In the first place, they would be obliged to place upon the Council a greater number of members than need otherwise be nominated, in order to make allowance for two or three who might be past their work; and, in the next place, if the Council were divided, as it ought to be, into committees, it was likely that important posts in one or more of those committees might be filled by men who were incapacitated from duty to the exclusion of those who would be more capable. These were the objections which he entertained to the principle of nomination for life. As to

the next modification of the principle—namely, nomination for a long fixed term, but without the power of re-election, it appeared to him to be inexpedient in practice on account of the different manner in which a rule of that kind would operate on persons of different ages. If they nominated for a long fixed term—say for twelve years—a man of forty, he would be excluded from the further performance of his duties at an age when for all deliberative purposes his intellect would be in its maturity. On the other hand, if they appointed a man who had gone through a long course of laborious public duty, or who was of weak health and of advanced age, for an equally lengthened period, it was probable that he would be incapacitated for duty before he closed his term. He would, nevertheless, feel himself bound in honour to continue in the performance of his functions so long as his term of office endured. They would, therefore, under that system of nomination for a long term, without re-election, incur the double inconvenience of shutting out from the service of the public men who were in the fullest vigour of their faculties, and of retaining in the public service men who were incapable. Moreover, an appointment for a long fixed term would not afford the same guarantee for the independence of the Councillors as an appointment for life, inasmuch as, while a man appointed for life has nothing more to look for in the way of promotion; a man, it might be not further advanced in years, who might hold an office of that kind for ten or twelve years, would, though incapable of re-nomination, look forward to be rewarded for his subservience to the Minister by an appointment in some other capacity. He now came to the third manner in which the principle of nomination might be applied—namely, nomination for short terms, with a power of renomination, being that recommended by the noble Lord the Member for Tiverton. That mode of nomination had been so frequently discussed that he would simply repeat what he had said before in that House,—that, practically, the office of a Councillor would be a position of far greater dependence upon the Minister than that of a clerk in any of the public offices, because though, theoretically, a clerk might be removed by any Minister, yet, practically, he well knew that so long as he could perform his duties and was guilty of no misconduct, he held his office for life; whereas a Councillor knew that his term of office would shortly expire, and that his reappointment would depend entirely upon the favour of the Minister. However little considerations of that kind might affect men of high honour and public spirit in the way of rendering them subservient, yet such men might be injuriously affected in another respect; because any man in such a position, however much inclined to support the policy of the Minister, would naturally feel that if that policy were unpopular, he was exposing himself to the risk of misconstruction, and that he would be charged with supporting it against his conscience for the sake of obtaining his nomination a second time. It should also be borne in mind that men of eminent abilities and distinguished position would not be willing to accept office on those conditions. Those were the three methods of nomination; and if the Committee were to fall back upon any of them, he did not hesitate to say that the first, on the whole, appeared to him to be that which presented the fewest inconveniences. But before they consented to accept any one of them, he thought the Committee ought deliberately to consider whether no other means were available for the appointment of at least a portion of the Council. If the Committee were inclined to enter into that consideration, it would probably not be forgotten that in proposing the principle of election as a substitute for that of nomination with regard to a part of the Council, they made no innovation on the actual practice, but were merely building upon existing foundations and using instruments already at hand. He believed it was agreed on all hands that if a satisfactory constituency could be found, that method of appointment would be the most satisfactory of all. No doubt the difficulty was in the attempt to find such a constituency. And here he wished to state distinctly that in proposing to the Committee what was called the elective principle, he did not at all confound it with the principle of representation. They must, he thought, fairly admit that anything in the nature of a representation of Indian interests in this country was utterly impracticable. If the representative principle, as such, were ever to be introduced into the Government of India, it must be introduced in India itself, not here. He did not propose the principle of election on the ground of representation—he put it forward simply as an alternative means, which they would do well to

consider; as a means by which men of eminence and independence might be induced to enter the Council. The only question on which he need enter was that respecting the nature of the constituency to be adopted. He presumed that if any such constituency were to be formed, the Committee would be inclined in the first place to accept that which already existed—namely, the Court of Proprietors. To that Court might be added a large number of persons who were interested, indirectly no doubt, but still interested, in the general prosperity of India—he meant those who were concerned in industrial enterprises connected with India. He found that the number of proprietors entitled to vote was between 1,600 and 1,700. The holders of India stock and shares amounted to about 2,600. In addition to these, as supplying the third element for the proposed constituency, he would suggest that the retired officers in the various branches of the civil and military services in India, and who were now residing in this country after more than ten years' service in India—amounting in round numbers to between 2,600 and 2,700—should vote in the election of part of the Council. A small number of the officers of the civil and military services home on furlough, after more than ten years' service, might by parity of rights fairly claim to vote. Adding the whole of these classes together, the constituency would, he believed, amount to between 7,000 and 8,000 votes. So far as numbers went, he thought no fault could be found with such a constituency. He need say nothing as to the intelligence of such a constituency, because the Committee was in possession of information sufficient to enable it to form its own judgment; but this at least he would say, that such a constituency would embody a large amount of personal interest in Indian affairs, and of knowledge of Indian administration, and what might be regarded as of not less importance—an entire freedom from political bias. If the elective principle were to be adopted, that was the constituency which he should suggest to the Committee.

Motion made and Question proposed,—

"That with a view to the efficiency and independence of the Council, it is expedient that it should be partly nominated and partly elected."

LORD JOHN RUSSELL said, the noble Lord had made a very fair statement to the Committee on this important subject, but which did not require any very lengthened argument. They had, on the one hand, this suggestion of the noble Lord, and on the other hand they had the proposition of the appointment of the Council by the Crown—a mode of appointment which the Government themselves adopted for part of the Council. It was the regular and constitutional mode of appointment in this monarchy that when appointments to the Executive were made they should be made by the Crown on the recommendation of the responsible Minister of the Crown. When appointments of this kind were made, whether of Judges or other executive officers, everybody knew from whom the appointment emanated, and by whom advice was given to the Crown. If an incompetent person was appointed, the Prime Minister or the head of the department from whom the appointment issued was responsible. There was therefore a constitutional security of responsibility when an unfit appointment was made. By the Act of 1853 a certain number of appointments to the East India Board were given to the Crown. Five appointments were made under that Act, and no one that he was aware of, found fault with the selection made by the responsible Minister of the Crown. At all events, the late President of the Board of Control, although opposed to the Government by whom they were made, had not found fault with the selection, nor had the colleagues of those gentlemen at the India Board. He did not know that it had ever been said that the appointments of Judges, the heads of the revenue and customs departments had been unduly made; and for this reason, that the Minister of the Crown felt that a heavy responsibility rested on him if an improper selection had been made. And if there was less probability, as the noble Lord thought, of a Judge continuing beyond his years in office, because he exercised his functions in the face of the public, there was the more danger if a Judge who did so continue should preside, for instance, at a criminal trial. The noble Lord pointed out some of the objections to nomination. Objections might of course be made to any mode of appointment, but in all these things they must only balance convenience and inconvenience. He did not think that nomination during good behaviour, or for a longer or shorter term of years, which was the mode of nomination at first chosen by the present Government themselves with regard to ten out of the eighteen members of the Council, would be open to such incon-

venience and so injurious as the mode now proposed by the Government. It was one thing to keep up the old machinery when the old machinery existed, and he could understand persons maintaining that there was danger in changing a form of government which had been long established, and which, however anomalous in its character, had in many respects worked well. That would be an argument which he could well understand against any change at all; but, as it had been determined that a change should be made, he ventured to think that that change should be complete, and that it was injurious to attempt to dovetail the old system with the new. It was proposed by the Government that the Proprietors of India stock should have a voice in the election. Now, there was a consistency and identity of interests in the old system, when the East India Proprietors were traders, and flourished as trade prospered, and decayed as trade decayed. At that time there was some reason why the Proprietors should have the power of choosing the Directors. But when, in 1833, this system ceased, and the Proprietors of East India stock had their dividends secured to them in such a manner that the prosperity or failure of the Indian trade hardly affected their position, the position of the East Indian Proprietors became very different. They had a 3 per cent stock in this country, the value of which depended very much on the prosperity of the country, but no man would say that the Proprietors of the 3 per cent stock should elect a certain number of the Cabinet of this country. There would be quite as much incongruity and absurdity in making the Proprietors of East India stock elect a part of the Indian Council. The holders of railway stock appeared to him as little fitted to be electors of the Council as the Proprietors of East India stock. They never were known to have taken any part in the government of India; they were guaranteed the money they had advanced, they had no direct interest in the government of India, and whatever interest they had might be supposed to lie in the direction of imposing greater burdens so as to secure good dividends to themselves. With regard to the retired commissioned officers resident in this country, some of that class might take an interest in the affairs of India, but the greater part of them, though they had been resident in India, or served in India, did not possess much information beyond the particular district in which they resided, and that as to any general judgment of the affairs of India they need have none whatever. The noble Lord ought also to recollect that of the 1,600 or 1,700 Proprietors of East India stock, 400 were ladies. He had no great objection to the introduction of that feature, but it was a novel principle to introduce into the government of India. The House had already decided that the system of governing India should be changed, and he should consider it a bad augury for good government in the future if they took those who had been heretofore the nominators of the government of India as the future constituency of India. The Committee should consider the evil which would follow from the proposition. The Directors would have the same share of patronage that they heretofore had. Persons of very great weight very much objected to the mode of paying the Directors by patronage. Lord W. Bentinck, Lord Macaulay, and Mr. Trevelyan, persons of great Indian experience, protested against their being paid by patronage; and he saw by the papers of that day that Sir J. Lawrence was of opinion that all appointments in India, whether civil or military, should be made by competitive examination. He (Lord J. Russell) came to the conclusion that, if the noble Lord succeeded in his proposition of naming ten out of the fifteen, or eight or six, out of the members of the Council by means of this representative body, he would be giving rise to a system of corruption which would be very injurious to the future interest of India. The Chancellor of the Exchequer said that this body was so numerous and so separate that canvassing would not take place; but there would be means found out of circulating letters and engaging the votes of the constituency; and there was danger that the patronage of the members would be distributed amongst the constituency that elected them. For his own part, he would have the Council nominated by the Crown, and the patronage in the hands of a Minister of the Crown, who would be responsible to Parliament for his disposal of it. Whether the members of the Council should be appointed during good behaviour or for a long or short period of years, he was satisfied that the mode of appointment ought not to be by election, and he should therefore move that it was expedient that the Council be nominated by the Crown.

Amendment proposed,—

To leave out from the first word "That" to the

[*Fifth Resolution.*

end of the Question, in order to add the words "it is expedient that the Members of the Council be appointed by her Majesty."

SIR JAMES GRAHAM: Sir, I should be sorry to stand between the hon. and learned Gentleman (Sir ERSKINE PERRY who had risen at the same time), and the Committee, but I can assure him I shall not long occupy their attention. The noble Lord has expressed his opinion that it is desirable not to prolong discussion, and that the question before us lies within a narrow compass. I have hitherto shown the sincerity with which I entertain the same desire by abstaining from intimating any opinion on this question, but as I am now called upon to vote, I wish shortly to state my views on the matter. Three times I have consistently and deliberately voted—first with the hon. Member for Huntingdon (Mr. T. Baring), next with the noble Lord the Member for South Durham (Lord H. Vane), and then with my right hon. Friend the Member for Oxford (Mr. Gladstone)—affirming that the moment is most inopportune for changing the present system. My noble Friend has just reminded us that the decision of the House has been taken more than once on this subject. But notwithstanding that decision, I must still pause before consenting to the change now proposed, both with reference to the time at which it is proposed, and to its extent. Though I do not wish to re-argue a question which a majority has decided, still I must remember that authorities of the greatest weight, both with respect to the proposed change and the moment for making it, are opposed to the step you are now about to take. First of all, the Earl of Ellenborough, the Governor General selected by Sir R. Peel, and not particularly attached to the Court of Directors, did declare on a former occasion, prior to his taking office, that the change at that time was inexpedient. I have not the means of knowing wha thet Marquess of Dalhousie's opinion is on the subject, but I believe confidently that it is opposed to this change. But whatever may be the opinion of the Earl of Ellenborough or the Marquess of Dalhousie, I entertain a very decided opinion that on such a question the deliberate opinion of Mr. Mountstuart Elphinstone is one most entitled to our careful consideration, and I have reason to know, that he also objects to this change. With reference to the past, I shall say no more. With respect to the present, I do not wish to take a gloomy view of affairs in India; but I cannot forget that the mutiny is not yet quelled. I am afraid that in the Upper Provinces our military operations are only commencing, and that there are in those Provinces as many men in arms against us as at the beginning of the campaign. I have been struck with some remarkable expressions in the correspondence of the Bombay and Bengal newspapers, and in the letters of *The Times* correspondent. Somewhat graphic, they correctly describe the success of our arms. First, our progress is compared to a vessel which, in gliding through the sea, cuts the waters indeed, but the waves close in again behind her, leaving not a trace of her passage remaining. Another metaphor used in the same correspondence likens the progress of our arms to a blast of wind passing over the standing corn. The effect is transient and evanescent, the nodding grain raising its head again the moment the force under which it bent is past away. We know, too, that, though we have taken an immense number of the enemy's guns, he still shows no lack of ammunition and no lack of arms—plainly proving that there has been for a long time a concealment of guns and of *materiel* of war going on, the hoarded store being brought forth on this occasion to meet the emergency of settled hostilities against the British rule. The counsels of rashness and of fear are the most dangerous counsels by which a nation can be guided. To unship her rudder in a gale of wind is the greatest disaster that could befall the storm-beaten vessel; it is an experiment which is never tried designedly. When the horses run away, the first impulse of some is to seize the reins from the hands of the coachman. But that is not presence of mind—it is the dictate of fear, of rashness, and imprudence. Whenever a State totters to its fall—whenever an empire shakes, you will always find those who are the least able to build up and to save, are most swift to pull down and destroy. Still I admit, as matters now stand, the decision of the majority must be accepted. The question then occurs, what do you desire? Is it your object to constitute a Council which is more likely to give confidence and efficiency to the Executive than that which now exists? The hon. Member for Birmingham (Mr. Bright) appears to be the axis on which the political globe of the House revolves at this

moment. If that is so, I think the noble Lord opposite (the Member for Tiverton) and myself may be said to be the antipodes, because when the noble Lord is in league with the hon. Member for Birmingham, I am unfortunately opposed to him, but when the noble Lord differs from the hon. Member I am generally his supporter. On this occasion the hon. Member for Birmingham has been most frank with regard to his intentions. He says he desires to constitute a Council as unlike the Court of Directors as possible; and the noble Lord on Friday night declared that he cordially supported him in that view. First of all, let me remark that up to this time the Court of Directors have had no accuser here. It is an Oriental custom sometimes to drown one's victim in milk, and sometimes to smother him in a feather bed. And here the Court of Directors, being without an accuser, are smothered with compliments. Like the victim of old about to be sacrificed, the same hands which deck its head with flowers and with garlands are employed to lay it low and to destroy it. So far from wishing to make the new Council as unlike the Court of Directors as possible, my desire is, since there is to be a change, to reduce that change to a *minimum* and to make the Council as like the Court of Directors as possible. Without meaning to offer any empty compliment, I think that of all men in this House there is not one whose authority on this question is more entitled to consideration than the right hon. Member for Halifax (Sir C. Wood). I was associated with that right hon. Gentleman in Lord Aberdeen's Government when, as President of the Board of Control, he prepared a measure on this subject. I also had the honour to be associated with Lord Glenelg in a Committee of the Cabinet, under Earl Grey's Government in 1833, when we had the assistance of Lord Macaulay and Sir J. Mackintosh in framing a measure for the government of India. In that very year the commercial character of the East India Company ceased; and yet the Committee of the Cabinet came to the unanimous conclusion, which was adopted by the Government of Earl Grey, that it was inexpedient to change the Government of India, or to take the political power from the Court of Directors. All the arguments about the Court of Proprietors having ceased to be a trading body were then considered and disposed of. I understand the right hon. Gentleman the Member for Halifax was of opinion that a Council nominated by the Crown was indispensable to control the Government of India. The right hon. Gentleman also said—I hope he will not withdraw it—that a better Council than the Court of Directors it was impossible to have. True, the right hon. Member for Radnor (Sir G. C. Lewis) and the noble Lord the Member for Tiverton differ from the right hon. Gentleman, and have declared the machinery of the Court to be cumbrous, inefficient, and productive of delay. But where is the proof of that? I believe that the Report of the Transport Committee will show that the delay and the errors which have arisen with respect to that service, did not arise with the Court. The right hon. Gentleman (Sir G. C. Lewis) brought a mechanical illustration to his aid, and said that no machinery was stronger than its weakest part. Now, without offence to the right hon. Member for Northampton (Mr. Vernon Smith), I believe it yet remains to be ascertained which was the weakest part of the Government of India. Was the weakest part in Cannon Row or in Leadenhall Street? I am not prepared to say that the weakest part of the machine was in Leadenhall Street. But, coming back to the point immediately under our consideration, I say that, compelled to make a change under circumstances so doubtful and so alarming, I am desirous that that change should be the smallest that is consistent with the decision to which the House has already come. We have resolved that the government of India shall be transferred to the Crown; we have resolved that there shall be a Council; and now the question presents itself, how shall that Council be constituted? Now, so far from thinking it desirable that the change, whatever it may be, should bear the semblance of being part of a great and enlarged design, I believe it would be a recommendation of the change that it should be small, and that it should be no complete reversal of that which exists. A great and extensive change would operate, as I fear, most unfavourably on the minds of the Natives of India. Let it be that, as yet, the disturbances in that country have arisen from a military mutiny; but if, unhappily, the necessary severity which must be employed in the punishment of that mutiny should operate unfavourably on the native mind of India, it would be a most unfortunate circumstance that they should believe there has been a great change in the government of their country, as administer-

ed in England, such as might lead to a reversal of the policy which has hitherto been pursued under our rule. The East India Company, whatever may be the faults with which it is charged, is imbued with a knowledge of the social habits of India—is imbued with sympathies with the Natives—is imbued with a kindly feeling towards their prejudices, and even with a tolerant spirit towards their religion; and if the Native mind in India should be brought to believe that a great change has taken place in the Government here, amounting to a reversal of our past policy, my fear is, that what is now but a military mutiny may very easily be converted into a struggle of races, and into a conflict between blacks and whites, and that the alienation of an entire people may lead to the loss of a great empire. I contend that it is quite possible to make a considerable change, and yet one which, to use the expression of the noble Lord—an expression employed by him not so much in the way of recommendation as of assent—I contend that it is quite possible to build on old foundations, and yet attain all the results which you desire to accomplish. I am almost afraid to state in detail the view which I am disposed to take of this subject, but I think it right to lay it fairly before the Committee. I am inclined to think that, upon the whole, it would be well that the Council should consist of between twelve and fifteen members, according to the proposal which the Committee has already adopted. I believe that the members of the Council should be nominated in the Bill. I believe that they should hold office during good behaviour. I also think that a large portion of the existing Court of Directors should be the persons at present selected and nominated to compose the Council. I am further of opinion that they should have assigned to them an ample retiring allowance in the shape of a pension, and that, in consequence of the advanced age at which many of them would probably receive their appointments, they should be entitled to that allowance after a comparatively limited period of service, say eight or ten years. It appears to me that their salaries ought to be ample—to amount to at least £1,500 a year; and I cannot help thinking, in opposition to the opinion of my noble Friend (Lord J. Russell), that they ought not to be allowed to sit in Parliament. I believe that a Secret Committee ought to be appointed in the Council, if you wish to ensure both promptitude and efficiency. I do not see how you can dispense with a Secret Committee. I am persuaded that without the assistance which such a body would give to the President of the Council, it would be impossible for him to discharge the business of his office as promptly as the same business is now performed by the President of the Board of Control. My noble Friend (Lord J. Russell) is of opinion that all the members of the Council should be Privy Councillors, but I think it will be sufficient if that dignity is confined to the three members of the Secret Committee. But my experience of the working of the existing system, under which the members of the Court of Directors are eligible to seats in Parliament, does not lead me to think it would be desirable that the same principle should be adopted in the case of the proposed new Councillors, and that the possibility should thus arise of their being brought into antagonism in this House with their official chief. With respect to the question of patronage, it is to be observed, that the appointments of the Governor General, of the Governors of the Presidencies, and of the Commander in Chief, will be vested in the Crown, while the appointments to seats in Council in India are to be given to the Presidents of the respective Councils. It must be remembered that a very large portion of the difficulty of the patronage question has already been solved. The whole of the first civil appointments are now by regulation made matter of open and public competition; and it seems to me that that principle ought certainly to be extended to the first commissions in the Artillery and in the Engineers. As regards the remainder of the patronage, I must say that I do not see the least objection to allowing the nominations to remain with the Minister of the day and his Council, in very much the same proportion as that which now exists among those who conduct the home Government of India, the nominees being of course subject to an examination for the purpose of ascertaining that they are qualified to fill the offices to which they are appointed. I may be wrong, but I have a strong opinion that a plan such as that I have just sketched would work well. It would be that *minimum* of change which I think really desirable, while it would, I believe, effect all the great objects which we are anxious to secure. Entertaining these views, I have now to decide what shall be my vote on the special Motion under the consideration of the Com-

mittee. The principle of election enters into the constitution of the present Court of Directors; I have already stated that I should recommend that a very large portion of the members of that Court should be taken as the new Councillors to be nominated in the Bill, and to that extent there would be, in the first instance, an admixture of the principle of election and of nomination in the formation of the Council. But I am bound to say, that I am not prepared to carry the principle of election any further. I shall be ready to vote for the present Resolution as it now stands in the sense in which I have explained it. But I shall not be able to vote for the seventh Resolution in its present form. I do not wish to perpetuate the principle of election as it at present exists. From communications which I have held with persons of the highest authority, such, for instance, as the late Lord William Bentinck and the late Viscount Hardinge, I have reason to believe that the system of canvassing which has prevailed under the existing mode of electing Directors has been so disagreeable to the tastes and feelings of many high-minded men who would be peculiarly well qualified to fill that office, that they declined to take the steps necessary for ensuring their nomination. I fear that an extension of the constituency would greatly aggravate that evil. I am afraid it would aggravate it in such a degree that first-rate men coming from India would not undergo the increased difficulties of a canvass at a time when the dignity of the office was lowered. I do not wish to say anything harsh with respect to canvassing; but facts have come under my knowledge in reference to the pressure put upon candidates for the directorship of the Hon. East India Company in reference to their patronage, which leads me to think that persons seeking that office must either be ready to undergo a painful sacrifice of their own feelings and of the interests of their friends, or must enter into engagements in some instances not consistent with purity of administration. With regard to the mode of filling up vacancies in the Council, I have to state that I hold very decided opinions upon that point. I believe you ought not to carry the principle of nomination by the Crown into full and absolute effect. After careful consideration I adopt the opinion of my noble Friend Earl Grey upon that subject; and I think that the best course you could take would be, that as vacancies occur, the President and the Council should agree on three names to be submitted to the Crown for selection; that those names should be laid before the two Houses of Parliament for a fixed period—say a month—and that no nomination should be complete until it had received the concurrence of both Houses. That scheme would combine the principle of election and nomination; and in that sense I am prepared to vote for this Resolution; but I must add, that if you do not establish an effective Council, exercising a control over the Indian Minister, I shall be driven in hopeless despair to the opposite alternative and to the creation of a Minister who shall alone be responsible for the Government of India, with subordinates of the highest character and station amply paid. It cannot be denied — however anomalous it may appear— that the actual Government of India has hitherto been mainly conducted in all its great features and most important outlines—subject, of course, to the occasional control of the Minister of the day—by gentlemen who were never in India. I believe that virtually Sir James Melvill, Mr. Philip Melvill, the late and the present Mr. Mill, Mr. Kaye, and Mr. Dickinson, are the men who in the main have worked the labouring oar in this great concern, and have been most successful in conducting the Government of India. I am by no means certain that it would not be better to have a single responsible Minister, receiving the assistance of able secretaries and clerks, than to establish a Council which shall exercise no moral control. I do not want to see a sham and inefficient Council, the Members of which shall be dependent on the power of the Government of the day, and who, like young ravens, will be opening their mouths to be fed by the Minister of the day when the time for their re-appointment comes round. But rather than be driven to the *maximum* of change I am desirous of trying the *minimum* of change, in the first instance, at all events. By proceeding in piecemeal fashion you may feel your way, and you may from time to time introduce such further alterations in your administrative system as good policy and experience may require. I say that the Court of Directors, with its experience of India, with its knowledge of the subject with which it has had to deal, would be, as I think, the best medium for introducing hereafter ulterior changes with the least risk of alienat-

[*Fifth Resolution.*

ing public opinion in India, and with the most regard to the feelings, the prejudices, and the interests of the Natives of that country; I believe this would be the best plan you could, under present circumstances, adopt. We have arrived at a period when we cannot safely halt between two opinions. You must either make the smallest change which circumstances require, or you must go the whole length of creating a Minister with agents removable at the pleasure of the Crown, not lightly removable, but on the same footing as the Under Secretaries. I am ashamed to have troubled the Committee at such length. My excuse for having done so is that I have not troubled them before. I will now only repeat that I shall, with the view I have described, vote for this Resolution; but that I cannot give the seventh Resolution my support.

SIR GEORGE LEWIS said, all the discussions upon these Resolutions had necessarily given to these debates a desultory character, inasmuch as upon each proceeding there had been brought again and again under discussion the same thing; the debates had reverted to the question of the general policy of the change which the House was invited to undertake. His right hon. Friend had just discussed the expediency of making any change at all, but he (Sir G. C. Lewis) would not revive that question. His right hon. Friend had also referred to the opinion which he expressed on a former occasion, that the existing constitution of the East India Company was cumbrous and inefficient, but that opinion did not apply particularly to the constitution of the Court of Directors. The objection which he made was to the operation of the Board of Control upon the Court of Directors. Mr. Pitt created an independent body to operate upon the Court of Directors, the very essence of the Board of Control being that it was not brought into individual communication with the members of the Court of Directors, and never corresponded with the Governor General or other authorities in India. It seemed to him that that constitution was essentially vicious, and that it was desirable the President of the Board of Control should correspond directly with the Governor General, and if necessary with the other Governors in India, and should be brought into personal communication with the Council by which he was to be assisted. The question which the Committee had now to consider was what should be the mode of appointment of the Council which they had agreed to associate with the Indian Minister. He adhered to the opinion that great advantages might be expected to accrue from the existence of a consultative Council. Hon. Gentlemen who had taken a part in colonial discussions would be aware that the nomination of a Council to aid the Colonial Minister had often been suggested, and had only failed on account of the heterogeneous nature of our Colonies, which rendered it impossible to combine their representatives in a common course of action. No person ventured to say, however, that if it had been possible to create a consultative Council to assist the Colonial Minister, the subject ought not to have been taken into serious consideration. Now, in the case of India the constitution of a homogeneous Council was practicable, because persons who had served in different parts of the Indian peninsula could sit together as members of one body, and could combine to aid any Minister with their advice. As to the question immediately before them, he would follow the argument of the noble Lord (Lord Stanley), who had stated it very clearly and fairly. He had divided it into two parts—the mode of appointing the nominated and the elected portions of the Council. The question they had to decide was, whether the Council should consist entirely of members to be nominated by the Crown, or whether it should be composed partly of members so nominated and partly of members to be elected by a constituency. The Government proposed that a portion of the Council should be nominated by the Crown, and a portion elected by a constituency. The Resolution was,—

"That the members of the elected portion of the Council shall be chosen by a constituency composed of persons who have previously held military commissions or civil appointments in India, in Her Majesty's service or in that of the Government of India, or who may possess a direct interest, to an amount to be specified, in some property charged or secured on the revenues or territories of India."

His noble Friend the Member for the City proposed, on the other hand, that all the members of the Council should be nominated by the Crown for life, but holding their offices only during good behaviour. The proposition of the late Government was, that the members of Council should be appointed by the Crown, that their term of service should be eight years, that during that time they should hold their

offices only during good behaviour, and that at the end of the specified period they should go out unless re-appointed by the Crown. The object of fixing a term was, that as there was no power to award a superannuation, the members would otherwise hold an office after they became unfit for service. The noble Lord (Lord Stanley) had now suggested that the Councillors should be appointed for life, and hold office during good behaviour. He had no objection to that principle, provided the Government had power to make a superannuation allowance when members of the Council became unfit to perform their duties. Deafness had been deemed a sufficient reason for the retirement of Judges, but it had been found very difficult, even with the security of publicity in the discharge of the duties of the office, to induce Judges to retire who had sustained the loss of more important organs. The principle of election, however, was that on which their vote would now turn. The noble had, with great candour, admitted that the principle of representation was altogether inapplicable to such a Council. He merely recommended the plan as a mode of solving a difficulty. The Committee must, therefore, recollect that all the popular argument in favour of an elective Council entirely failed. Taxation and representation ought always to go together. In this case the taxpayers were the people of India; but the proposed constituency would be the tax-eaters, the retired servants of the Company, and the Proprietors of India Stock receiving dividends guaranteed on the revenues of India. There was therefore no popular principle involved in this proposal; it was merely suggested as a mode of solving the difficulty. There were at present about 1,600 Proprietors of East India Stock, of whom one-quarter were ladies. No doubt they were the present constituents of the Directors, but when they were laying the foundation of a new and permanent system it ought not to be the mere continuation of a defective principle. The only principle on which it could be proposed to give them the power of election was, that they had a direct interest in the proper management of the revenues of India. East India Stock, however, was now nothing but an imaginary quantity, the capital of six millions was long since expended, and the Proprietors were nothing more than creditors of India having a charge on the revenues; they were merely guaranteed creditors, and their interest in the good government of India was the most remote that could possibly be. If they were to have votes there was no reason why they should not extend a similar right to all creditors of the Indian Government, all persons holding any portion of the Indian debt. A very large portion of the Indian debt was now held in India—297 millions of rupees by Europeans and 164 millions by Natives, or £29,000,000 and £16,000,000; and if the principle of the Resolution then before the House were approved, there was no ground why these creditors should be excluded from the new constituency. There was another important point which they must bear in mind in reference to this question—that was, the present position of the holders of East India Stock. As the law now stood, if after August 1854 the Company shall be deprived of the possession and government of India, the Proprietors are entitled to demand within twelve months that the stock shall be redeemed at the rate of £200 for each £100 capital; after April 1874, the Government were entitled to redeem it on the same terms. If the Proprietors were to make the demand there would not be the slightest difficulty in complying with it, and the transaction would be advantageous to the public. The time must come when it would be for the advantage of either the Government or Proprietors that it should be paid off. Both contingencies were provided for, and therefore the Proprietors must, under the existing law, soon cease to be; and thus, at the very moment they were about to die a natural death, it was proposed to make them the foundation of a new sytem. Well, then, the noble Lord proposed the addition of members of railway companies, and other public works executed in India, to the Proprietors of India Stock; in other words, he proposed to create an elective body consisting of some seven or eight thousand persons, scattered over the face of England, of Europe, and of India. He (Sir G. C. Lewis) was at a loss to conceive what advantages were to arise from the creation, for the first time, of a constituency so heterogeneous, so unprecedented, and apparently without any of the conditions which an elective body ought to present; and he thought the Committee must see that the simplest system, and that which would secure the greatest responsibility to Parliament, was that of having the whole Council nominated by the Crown. The noble Lord (Lord Stanley), however, said that the constituency which he proposed would combine two qualifications—know-

ledge of Indian administration and freedom from political bias. The shareholders of the Great Western Railway, of the Great *Leviathan*, or of any joint-stock bank, would equally possess the qualification of freedom from political bias; and so also perhaps would the first thousand names in the *Court Guide*. As to knowledge, he would askthe noble Lord whether a shareholder in an Indian railway necessarily possessed any knowledge of Indian affairs?

LORD STANLEY explained that he had never said so. When he spoke of knowledge of Indian affairs he alluded to the retired civil and military officers who would form a large portion of the constituency. He spoke of the shareholders merely as having a material interest in India; he said nothing about their knowledge.

SIR GEORGE LEWIS said, he was bound to take the noble Lord's denial, but still he thought that the Resolution as to the elected portion of the proposed Council would prove a failure. He had no objection to the insertion of words in the Resolution making those who had held the office of Directors eligible to the new Council, but he did not understand that the right hon. Baronet the Member for Carlisle, in advocating the transformation of the present Court into the Council, meant to perpetuate the system of election by which a certain proportion of that body were now appointed. To set the principles of nomination and election at work side by side in the new system would be in some sort to perpetuate the double Government, and he hoped the Committee would decide in favour of the simple system of entire nomination by the Crown.

SIR ERSKINE PERRY said, he agreed with the right hon. Baronet the Member for Carlisle (Sir James Graham) in the reasons which he had so forcibly urged against the principle of election, as it was proposed to be applied to the future Government of India; but he regretted to observe that the right hon. Baronet's vote was not to coincide with the opinions he expressed, for he was about to vote that the Council should be partly nominative and partly elective. He must also observe that he dissented from many of the opinions the right hon. Baronet had expressed on other points. He had stated that he desired to effect the smallest possible change, and had thus put himself into opposition with both the late and the present Government, both of whom had endeavoured to introduce a large and comprehensive measure. The right hon. Baronet had also openly expressed his desire to resuscitate the Court of Directors in another form, only diminished by three in number. Now to such a proposition he (Sir E. Perry) must express his most determined opposition. No one questioned the personal ability of the Directors; but no one could deny that the present cumbrous system was most intolerable. In the question before the House, the constitution of a Council formed the leading feature, but to consider this, the functions of the future Council formed a most important element; and, therefore, he (Sir E. Perry) on the very day when the Bill of the Government was introduced, asked the Chancellor of the Exchequer what the functions of the proposed Council were to be? The answer given was one which he must say did not show a very intimate knowledge of the subject, for it amounted to this—that they were to do everything. That was a very general expression, and did not convey any definite idea to the House. Even the noble Lord (Lord Stanley) the present President of the Board of Control, whom he was very glad to see in that place, had not given any specific information on the subject. He presumed their functions were to be very much those of the present Board of Directors. Now the House had been, he thought, misled over and over again in the course of these discussions, as to the supposed importance of the functions exercised by the Court of Directors. It was supposed that the Court of Directors were the real governing bodies; but the fact was that the great leading minds that presided at the India House were not the Directors, but their very able Secretaries Mr. John Stuart Mill and Sir James Melvill; and if the Government should act upon the idea of forming a Council of fifteen members, in the way suggested by the right hon. Baronet, the Secretaries assigned to the different departments would be the actual advisers of the Minister. But in fact neither the Court of Directors nor their Secretaries were the real governing body — the real governing body was in India, and they had it on the authority of Mr. Mill himself before the Indian Committee, that there were few acts of the Government of India which it was possible for the authorities here to set aside when they were once done. The power and independence of the Court of Directors had been lauded to a fulsome extent; but he would ask, had they ever, during the

course of the present century, exhibited those qualities in opposition to the Minister of the day? They had indeed recalled Lord Ellenborough, which he admitted was a wise, honest, and independent act: but that was a solitary instance; and as to the policy of annexation, which more than any other had caused the present outbreak, they had never been seen to offer opposition either to the Board of Control or to the authorities in India. With regard to the elective portion of the Council, did the House know what was the course of proceeding for obtaining a seat in the Indian directorate? Persons canvassed sometimes for ten or eleven years for that honour, and spent a large sum of money. Did the noble Lord suppose that when the office was that of Councillor instead of Director, with the chance of a seat in the Privy Council, that the motives would be weaker to obtain a seat in it? It was singular enough that he could get no one to tell him what it was proposed should be the functions discharged by the Councillors. But although no information was vouchsafed upon that point, there were some functions of vast importance which it was evident they might and ought hereafter to exercise. There were great principles connected with the administration of justice, which they would have to consider, the admission of Natives to positions of honour and emolument, as a means of engaging the sympathies and interests of the educated and influential classes with Government, the constitution of the civil service and the position of independent British settlers whom it was so desirable to attract to that country. Another most important function that a Council might fulfill would be to sit as a tribunal to which the Native Princes of India could appeal, when they conceived themselves injured. All these matters needed an independent Council free from all class prejudices. But if such were to be a portion of the functions of the new Council, the Court of Directors would be of all persons the worst for that purpose, and yet it was evident that the new Council as proposed by the right hon. Baronet (Sir J. Graham) would be almost identical with the old Court of Directors, and would be governed by all the same opinions in favour of an exclusive civil service, and by all the same views of traditional policy which have hitherto prevailed. Then with regard to numbers, such a Council ought to be composed of the most distinguished, able, and impartial men whom Her Majesty could select. On casting his eye over the men who were fit to compose that Council, he could not find more than six or eight individuals competent by qualification and force of character to have weight in their relations with the Minister, and it therefore seemed to him that fifteen would be far too large. He had come to the deliberate conclusion that delay in legislating for India would be a most fatal step, notwithstanding what had been said by the right hon. Baronet. He thought that both the noble Lord the Member for Tiverton and the right hon. Gentleman the Chancellor of the Exchequer had encouraged the arguments for delay by trumpetting forth the great praise which they had given to the Court of Directors. For men naturally asked if the East India Company rule so wisely, why make any alteration? But the people of England had come to a widely different conclusion. They believed that the Company's Government had completely broken down, and that they were so wholly unacquainted with what was going on in India that even their ablest servants were heard in this House persisting against all evidence that the anarchy and rebellion in India were a mere military mutiny. The popular voice therefore demanded an introduction of the Queen's Government as the only way to remedy the great evils which now afflicted the Indian empire. In the discussions which had been raised upon Indian subjects he had noticed that it had been too often assumed that the Natives were so weak a race that they must necessary fall under the rule of a stronger power; and sometimes they were spoken of as though they were only fit to be helots and beasts of burden. It was time that the people of England should be undeceived on that point, as well as upon the more dangerous doctrine put forward by a certain class of religionists in this country, who were for treating India in respect to missionary efforts as if it were a small island in the South Seas. In any future system of government for India it would be important above all things to impress the Natives with the fact, that we intended to carry into operation in India all those principles of religious toleration which we enjoyed in this country. He professed himself sanguine as to the future of India, provided we governed it on principles of civil and religious liberty; but if the doctrines of those zealots whose petitions were accumulating on our table praying for the State's interference to promote Christianity were carried out, combined

[*Fifth Resolution.*

with the modern doctrines of annexation, resumption, and roving commissions of inquiry into every man's title to his land, India was not safe a day. He implored the House, therefore, while framing a new system, to adhere to those principles which had rendered the names of Elphinstone and Metcalfe venerated both by the Hindoo and Mussulman population, and while introducing changes, never to forget that we were dealing with an intelligent race of ancient civilization, equally alive to their own interests, equally attached to their own customs, institutions, and religion as ourselves.

MR. SIDNEY HERBERT said, when he voted the other night for the larger number of the Council which was proposed he did so on the presumption that the Council would be divided into Committees, doing much the same work that was now performed by the Court of Directors. It appeared to him that if they did not do that, they would be useless as a Council. He did not believe that men who were not engaged in the work of practical administration themselves, would be competent to advise the Secretary of State in an administration the responsibility of which fell upon him. But now came the question, how the Council was to be constituted? They had before them the plan of the noble Lord the Member for Tiverton, by which the Council was to be nominated by the Crown for fixed periods; they had also the plan of the noble Lord who sat near him (Lord J. Russell), by which the Council was to be nominated by the Crown, and to serve during good behaviour —an arrangement which was, in his opinion, far less objectionable than the preceding one; and lastly, they had the plan of the noble Lord opposite (Lord Stanley), who preferred that the Council should be partly elective and partly nominative. Now, in speaking of election, he must say he was very much struck with the extreme fairness of the statement made by the noble Lord the President of the Board of Control. It was one of the most remarkable qualities of the speeches of that noble Lord that he did not seek to cover anything, but laid bare all the difficulties which occurred to his own mind —and this made him (Mr. S. Herbert) attach the more importance to what he said. Thus with regard to the principle of election, he admitted with characteristic candour, that it involved practical difficulties, while he spoke of its advantages. He had cautioned the Committee against confounding election and representation, with regard to his proposition. It was true that they were perfectly different things, and the remarks of the noble Lord showed that election without representation was possible. He recollected a story which was told very humorously by the Chancellor of the Exchequer in a work which he published some years ago on the British constitution. The right hon. Gentleman described an English traveller who went to the then Pasha of Eypt to explain to him the nature of the English Government, and that the House of Commons was elected on certain principles. On a subsequent interview the Pasha said, "I have been thinking over what you said, and I am determined to adopt the same system in Egypt." The traveller, quite startled, exclaimed, "Where are you to find the population fit to elect the members who are to constitute this Parliament?" "Oh," said the Pasha, "I foresee no difficulty; I am determined to elect the Members myself." And the Pasha thereupon presented a list of such men in Egypt as he thought most competent from their knowledge of commerce and agriculture, and by their education and position, to form the Parliament of Egypt. That was representation without election. Now, in this country election was regarded as a means to an end. So far from its being a good in itself, in it they put up with everything that was bad in order to secure representation; it was attended with corruption, extravagance, animosities, and hatred, but they bore all these because by election they secured representation. But if they adopted the proposition before the Committee, he feared that they would have all the evils of election without the advantages of representation. They knew the amount of canvassing, and he might say the amount of corruption, practised now to get a seat at the Board of Directors, and it was most advisable to do away with it in respect to the new Indian Council. What was wanted was a Council which would not only be independent, but so strong in its independence that it would not be suspected; and the objection he felt to the plan of the noble Lord the Member for Tiverton was, that under it a Councillor would always be liable to the suspicion of a want of independence. He thought the plan which met in the greatest degree the difficulties of the case was that of the right hon. Baronet the Member for Carlisle. He thought there would be a great safeguard in the selection of three names by

the President of the Council for the nomination by the Crown whenever a vacancy occurred, and that an additional security would be afforded by the placing of the names on the table of that House a month before the nomination was to take place. But now came the question how they were to get at the plan of his right hon. Friend. He hoped his right hon. Friend, or what he should prefer, the Government would place on the notice paper Resolutions showing how it was proposed that the plan should be carried out; for he confessed it appeared to him that, so far from the adoption of the Resolution before the Committee being a step towards that, it would be a step in the contrary direction. The Resolutions of the Government must be read according to this interpretation. The meaning was that a portion of that Council should be nominated and others elected, whilst his right hon. Friend seemed to desire that all of them should be nominated by a process which in the first instance was partly nominative and partly elective. He confessed he saw his way while voting for the Resolution in the sense of the noble Lord (Lord Stanley), but he could not exactly comprehend the kind of constituency which his right hon. Friend intended should elect the Council he proposed. He would therefore support the proposition of his noble Friend the Member for London hoping that the Government would adopt the other suggestion submitted to it that evening, which he thought would have the effect of solving many of the difficulties with which the question generally was now involved.

MR. WILLOUGHBY said, it was with the most unaffected diffidence he addressed the Committee upon the important question before them, after they had heard so many able and eloquent addresses from the most distinguished Members of the House. The objections raised by the hon. and learned Member for Devonport (Sir E. Perry) in one part of his speech, were, he (Mr. Willoughby) thought, most satisfactorily answered by the great authorities which he quoted in another portion of his address. At no time since this country became connected with India, have the interests of India, as contradistinguished from those of England, been in such peril as upon the present occasion. Those interests, it is true, when properly considered, are identical, but in practice they frequently clash. On all former occasions, legislation for India has been preceded by full and impartial inquiry before Select Committees, in which all interests were represented. On all previous occasions, moreover, Parliament has been divided into two great parties—the one attacking and the other defending the interests of India, and the rights and privileges of the Natives of India were carefully guarded and protected. Now, however, by an extraordinary complication of parties, all were united in the same object, and to have arrived at the same conclusion, that some change in the Government of India is absolutely necessary. He need scarcely say that upon the Council of India would mainly depend the good or bad government of the country. The person who filled the high office of Minister for the department of India might be the most able and competent man in the world, but there was no security for his permanent tenure of office, for if there were an adverse vote in that House, he would be compelled to go out with the rest of the Administration; in fact, he might remind the House that they had had three Presidents of the Board of Control within the last four months. The Council, therefore, upon which so much depended, should consist of persons of knowledge, experience, and independence. He did not mean by independence that they should overrule the Minister of State; but he meant that degree of independence that would enable them to apply all the knowledge they possessed to the proper performance of their duties, undeterred by the frowns and unseduced by the smiles of the Minister. Three modes had been suggested for the creation of this Council. Her Majesty's Government in the first instance proposed that the Council should be partly nominated and partly elected. The noble Lord the Member for London proposed that they should be wholly nominated, and hold office for life; and thirdly, the noble Lord the Member for Tiverton proposed that the Council should be wholly nominated, that they should be few in number, and that they should be appointed only for a brief term of years. There was a fourth proposition made to-night by the right hon. Baronet the Member for Carlisle, which, on the short consideration he had been able to give to it, appeared exceedingly plausible, and better than any of the other three; but, as it was not then formally before the Committee, it could not be properly discussed. Of the three proposals before the Committee, he confessed he preferred that of the noble Lord the President of the Board of Control to that of the noble Lord the Member for London; and he pre-

ferred the latter to the proposal of the noble Lord the Member for Tiverton. In addition, the hon. and learned Member for Sheffield (Mr. Roebuck) had made a suggestion that there should be no Council at all—a proposition which would reduce the government of India to what was formerly the system of administration for the Colonies, an event which he thought no one in his senses would wish to see. They should look across the Atlantic, and take warning. What is the use of history, but to teach us by past experience lessons of wisdom and prudence? Does our colonial history afford any encouragement to apply the principles of colonial government to India? Was not the government, or rather misgovernment of our Colonies, until very lately, a byword and reproach? Is Canada and its rebellions no warning? Is the Cape of Good Hope and its Caffre insurrections no warning? Is not Australia, even with its rich gold fields, no warning? For have we not there, by a faulty land system, sown the seeds of discord and dissension, and divided the people into two contending parties, with clashing interests. I admit matters have, of late years, much improved; but how has this improvement been effected? Why, as the late Secretary for the Colonies, the right hon. Member for Taunton, has informed you, by the discovery that the best mode of governing our Colonies was to cease to govern them, to leave them alone, and permit them to govern themselves. Unfortunately we cannot adopt this principle in India. Everything in India was expected from the Government, and what in other countries was performed by the people themselves must in India be performed by the Government, or be left undone. Although many complaints had been made of their leaving India without the advantage of municipal institutions, he could testify to the fact that strenuous efforts had been made in vain to introduce effective municipal institutions into Calcutta, Bombay, and other parts of India. The materials for self-government in India do not now exist, and cannot suddenly be created. On this subject I will take the liberty of citing an authority which will have great weight in this House, and more particularly I should think with Gentlemen who sit on the opposite benches. In the debates on the India Bill, in 1853, the late Mr. Joseph Hume thus expressed himself in opposition to any attempt to govern India as a colony:—

"Some hon. Members seemed to desire to place India on the same footing as our other colonies, but no one could have attended to the history of the last twenty years without observing that whilst in almost every one of our colonies there had been open rebellion in consequence of misgovernment and mismanagement, in India peace and order had been maintained. Was that accident, or was it the result of good management? For his part, he attributed it in no small degree to the care and attention of the Court of Directors, and he should be sorry indeed to see the colonial system of Government applied to India."—[*Hansard*, v. 5, p. 1345.]

He was glad to hear it stated that there was no intention to increase the powers possessed by the President of the India Board under the contemplated changes—that, in fact, that functionary would exercise the same powers then as he now possessed, and more particularly that his power over the purse is not to be greater than is now exercised by the President of the Board of Control. Leaving out of consideration the control now exercised by the Court of Directors over the revenues of India, amounting nearly to thirty millions per annum, a control which in some shape or another must continue to be exercised, the home expenditure last year amounted to £2,623,744 and what were the existing checks as to that expenditure? At present the Court of Directors could not authorize any expenditure without the sanction of the Board of Control, and all grants and gratuities beyond a certain amount, were submitted to the Court of Proprietors for confirmation. Another class of demands were those made by Her Majesty's Treasury and by the War Department. When the War took place in Affghanistan, the expense, amounting to about fifteen millions, was defrayed from the revenues of India, although that was undertaken by Her Majesty's Government chiefly for European objects, and India had also borne large expenses on account of the wars with China and with Persia. It is in such cases that Imperial interests so frequently clash with those of India, and the House will remember the discussions which occurred, regarding the expenses of the war in China, ending in a compromise effected by the Court of Directors and the payment by Her Majesty's Government of a considerable portion of the expenses of that war. The issue might have been different had the originating, prosecution, and decision of the claim depended on a Secretary of State, himself a Member of the cabinet, against whom the claim was preferred. He had already stated what he considered should be the qualifications of the Councillors. They should

be men of weight and interest in the country. On account of the quantity of work which they would have to perform, he should have preferred the original proposition of from twelve to eighteen members. The Government, however, appeared to have decided upon the number fifteen, and he would, therefore, accept it. He did not say that fifteen should be the permanent number, for by some improved arrangements, whereby the system of Government would be more simplified, a smaller number might at some future time be sufficient. He thought, however, it would be safer to adopt the larger number, inasmuch as it would be easier to reduce that number if required than to increase it. He thought that the council should be numerous on account of the great amount of work to be done; and he did not agree with the right hon. Member for Northampton (Mr. Vernon Smith) that the duties now performed by Committees should be intrusted to heads of departments, for it was quite impossible for any man to be aquainted with the laws and customs of all the Presidencies upon any particular point, such as the revenue, judicial, police systems; and it was very desirable that each Committee should, if possible, comprise one or more Members acquainted with each Presidency. For accidental circumstances, the Presidency of Madras was not now represented in the present Court of Directors, and difficulties often arose when they required information upon any subject connected with that Presidency, Although, however, he approved of the representative system prescribed by Lord Ellenborough's Bill, he thought it was carried too far. When a vacancy occurred—he did not think a first-rate man should be rejected merely because he had not served in a particular part of India, and that an inferior man should be preferred. It would be sufficient for the Government to keep the general object in view, and to select the person who, under all circumstances, was likely to prove the most efficient. He thought also that each Committee should be responsible for the working of their particular department, and that only important matters should be referred to the full Council. Each Committee should have access to the proceedings of the other Committees, and should have the power of consulting the President, whose decision, except in special cases provided for in the Act, he being responsible, would be final. It was very desirable that a Vice-President should be appointed, as it could not be expected that the President would always be able to attend the meetings of the Council, which he thought should be held periodically, once a week or oftener. It appeared to him to be unnecessary that Her Majesty's army should be specially represented in the Council, because there was no chance of their interests being ever neglected at the Horse Guards He preferred the title of President in Council to that of President and Council, but that was a matter of detail which could be cont sidered hereafter. An account of all annuities and pensions should be furnished annually to Parliament, as it was now to the proprietors. The members of the Council should be required to devote their whole time to the duties of their office, and be excluded from holding any other, except those of a purely honorary character. The question of salary was of secondary importance, With respect to the exclusion of members of the Council from Parliament, much might be said on both sides. On the one hand there was the danger of partizanship; on the other the advantage of that House having all the available knowledge and experience in connection with the Government of India. Their absence would be felt when Committees on Indian topics were appointed, and, on the whole, he (Mr. Willoughby) thought the proposed exclusion was unadvisable. Although difficulties might attend the carrying out of the elective principle, he believed it was the only mode by which the independence of the members of the Council could be secured. Those members who were to be elected should be chosen by men who had an interest in India. If they made it a condition that the constituency should be composed of persons who have served ten years and upwards in India, they would no doubt get a very strong constituency. As to what the right hon. Member for South Wilts (Mr. S. Herbert) had said, about votes being created for election purposes, by transferring stock, that could not be, for the stock must have been held for a year. The hon. Member for West Surrey (Mr. Drummond) had the other night read a vast number of extracts from a book thirty years old, written by Sir. F. Shore. One of the most pleasing features of the Indian service was independence of thought, and action, and writing, and the author of that book was himself, a civil servant of the Company. He himself had read it twenty-five years

ago, and he trusted with profit; but what he complained of was that the hon. Member led his hearers to suppose that the abuses noticed by the author were supported and countenanced by the Indian Government. That was not so. He would read to the Committee an extract from Mr. J. Mill's work on the History of India, premising that it was well known that that author was no friend of the Company and not very partial to the Directors. He said:

"To communicate the whole of the impression made upon a mind which has taken a survey of the Government of India by the East Inbia Company, more completely through the whole field of its action than was ever taken before, and which was not spared to bring forward into the same light the unfavourable and the favourable points; it may be necessary to statethat in regard to intention, I know no Government either in past or present times, that can be placed equally high with that of the East India Company—that I can hardly point out an occasion on which the schemes they have adopted, and even the particular measures they promised, were not by themselves considered as conducive to the welfare of the people whom they governed—that I know no Government which has on all occasions shown so much of a disposition to make sacrifices of its own interests to the interests of the people whom it governed, and which has in fact made so many and important sacrifices—that if the East India Company have been so little successful in ameliorating the practical operation of their Government, it has been owing chiefly to the disadvantage of their situation, distant a voyage of several months from the scene of action, and to that imperfect knowledge which was common to them with almost all their countrymen; but that they have never erred so much as when, distrusting their own knowledge, they have followed the directions of men whom they unhappily thought wiser than themselves—namely, practical statesmen and lawyers —and that lastly, in the highly important point of the servants or subordinate agents of Government there is nothing in the world to be compared with the East India Company, whose servants as a body have not only exhibited a portion of talent which forms a contrast with that of the ill-chosen instruments of other Governments, but have, except in some remarkable instances as that of the loan transactions with the Nawab of Arcot, maintained a virtue which under the temptations of their situation is worthy of the highest applause."—[*Mill's History of India.*]

As to the assertion that the correspondence between the authorities in India and the home Government was needlessly voluminous, he might refer to the authority of Captain Basil Hall, who gave it as his opinion that requiring the local authorities to send home a copy of all public documents acted as a most useful and as the only efficient check upon the administration of affairs in India. The hon. Member for Birmingham (Mr. Bright) had said on a previous occasion that the screw of the Government was perpetual, that they left nothing but a handful of rice to the Natives. Now as to the Bengal Presidency there was no country more lightly taxed under Lord Cornwallis' permanent settlements, and as regards Bombay, with which he was personally acquainted, he could say that for the last twenty years reduction of the assessment had been going on; and not only that, but leases for thirty years were given, coupled with the favourable condition that the tenant might throw up his land whilst the Government had not the option of raising his rent. This, however, is a large question upon which he (Mr. Willoughby) could not now fully enter. He should vote for the Resolution of the President of the Board of Control, unless the Government should entertain favourably the proposition of the right hon. Member for Carlisle (Sir J. Graham), which he preferred.

Mr. LIDDELL said, he had listened to the sagacious and statesmanlike speech of the right hon. Baronet the Member for Carlisle with the greatest attention. He did not think that the right hon. Gentleman the Member for Wilts had treated the proposition of the right hon. Baronet quite fairly, because when commenting upon it he left out of view an important portion of it, namely, that when vacancies occurred in future, the elective principle was to go on, by means of the body electing the successors of those whose seats were vacated. By that means they got rid of the cumbrous difficulty of creating a constituent body. The whole of the complicated scheme now proposed for the Government of India would centre in the Minister who must necessarily have the control over the machinery for that purpose. This would lead to an immense increase in the patronage at his disposal, and this circumstance afforded an additional reason why they should not sacrifice anything that acted as a moral check upon his exercise of that patronage. There was one subject, however, which had not been alluded to in the course of this discussion—they had not yet been told in what way the local councils of India were to be appointed. He hoped the noble President of the Board of Control would give some explanation on that point before the debate closed. In conclusion, he denied the assertion of Sir Erskine Perry that the double Government, as it at present existed, had broken down in any department of Government whatever.

Viscount GODERICH said, he was not

sure whether they were not fighting with a shadow, for it was not very clear whether the Government were inclined to press their own Resolution or whether they would not in the end adopt the suggestion made by the right hon. Member for Carlisle (Sir J. Graham.) He would, however, address himself to the Resolution as it now stood; and with regard to it he thought the House was in great danger of being led away by a specious term. They heard a great deal about the necessity of the Council being independent, and any one entering the House without a knowledge of their former deliberations would have thought that the independence insisted on meant a power to control the Minister or to suspend his independent action. He was quite sure that was not the opinion of Her Majesty's Ministers. Let the Committee consider what they had already done. They had already adopted a Resolution that the Government of India should be transferred to the Crown, and should be conducted by a responsible Minister. They had further determined that the Minister should be assisted by a Council. Surely, then, it was their duty to take care that in the construction of the proposed Council they did not lose sight of the complete responsibility of the Minister. For his own part he would have supported the Motion of the hon. and learned Member (Mr. Roebuck), that there should be no Council at all, if it had not been for the consideration that with our forms of Parliamentary government India would often be placed under the control of a Minister who had not a special or intimate knowledge of Indian affairs. He trusted, indeed, that no future Government would ever hesitate to appoint to the government of India one of the ablest and wisest of its Members; but it was too much to expect that that Minister, however able, would always be distinguished by special Indian information. He was, therefore, in favour of assisting him with a Council, so that, if he were afterwards called to account in Parliament for anything that went wrong, he might not be able to plead ignorance. But it would be altogether inconsistent with all they had done if that Council was to be placed in any other position than that of being enabled to offer advice which the Minister was to have the power of accepting or rejecting. If that were so, he did not think that the independence of the Council was a matter of so much importance as was represented, and the main thing to be attended to in its construction was, how to surround the Minister with persons who would give him the best and most reliable advice. Well, then, was a Council elected by such a constituency as that sketched out by the noble Lord, likely to be composed of the best men that could be obtained? Was this machinery likely to supply as good a Council as nomination? To get at the reply to that inquiry they must look to the composition and character of the constituency by whom the Council was to be elected. Election was no doubt a sounding name, and it might be supposed likely to attract hon. Members on this side of the House; but the noble Lord opposite had manfully given up the advantage to be derived from that course when he admitted that election did not generally imply representation, whatever the machinery to be employed for that purpose. When his noble Friend (Lord Stanley) proposed to give votes for members of council to the existing Court of Proprietors and to officers who had served in India, either in the civil or military departments, for a term of years, it appeared to him that his noble Friend was only going back again to the existing state of things, which had been generally condemned. He might quote his noble Friend against himself, for in 1857 his noble Friend declared he had never heard a single argument in favour of the retention of the Court of Proprietors, and that as a body they had no knowledge and no interest in Indian affairs. And yet it was to these persons and to others like them that he now proposed to entrust the election of a considerable portion of the Indian Council. At present, moreover, the Court of Proprietors had certain advantages which were denied to the proposed constituency. They were in the habit of meeting—they had papers on Indian subjects laid before them—they deliberated on Indian affairs, with the benefit of the advice and direction of the Directors. But all these advantages were to be denied to the new constituency, so that the new system would retain all the vices with none of the advantages of the old. In short all the best part of this machinery, was to be swept away, and the bare right of voting only retained, leaving open all the abuses arising out of canvassing a large and scattered body of Proprietors, amongst whom there was a considerable number of old ladies. In the next place, why should the shareholders in Indian railways form a portion of the constituency? It was

said the security of their dividends would give them an interest in the good government of the country, but he doubted whether that interest would always coincide with the interest of the Natives. Who would trust the election of Members of that House to the shareholders in the Great Northern and the London and North Western Railways? Then the retired civil and military servants of the East India Company were to have the right of voting. He did not wish to say a word in disparagement of the civil servants. They had produced some of the greatest statesmen who had done honour to this country, but they were an exclusive body. The nominative portion of the Council would be chosen from among them. They possessed already the power of administration in India itself, and he did not think it wise to increase their influence by making the retired military and civil servants of the East India Company and the Crown the constituency to elect the other portion of the Council. He doubted whether captains and subalterns who had served ten years in India would make a very good constituency, and he also wished to ask whether the privilege was to be extended to officers of the Queen's army who had served there for the same period. The noble Lord told them that he was inclined to abolish the Secret Committee, and to allow the functions usually discharged by that body to be performed by the Council at large. If that were so, the importance of a seat in the Council would be considerably enhanced; and he doubted how far it would be prudent to entrust the most delicate and the most secret questions connected with war and peace to the knowledge of men elected by such a constituency as this. In truth, the proposition rested on what he must call a confusion of ideas. It seemed to him that, according to the principles of the constitution, election had nothing to do with the Executive, though it was proposed here that election should appoint to a place in the Executive, and that place involving close and confidental relations with the Minister of the Crown. On the other hand, the principle of nomination had for some time been a practice without any complaints being made as to its results. He therefore could not but think that placing the nomination of the Councillors in the hands of the Minister would be far better than placing them at the disposal of this constituency. The Minister would nominate his officers, few in number—and he wished they had been fewer — in the face of the pnblic; and he had the strongest possible inducement to nominate the best men he could find. A Minister might not care about nominating an inefficient man to an office which was far removed from himself, but the case was different when the inefficient man was to be constantly at his elbow, to whom he must himself constantly turn for information. In such a case no Minister would be fool enough—let alone higher considerations—to appoint a weak and inefficient man. He doubted whether the best men coming home from India would put themselves to the trouble of an election. They had all heard of men canvassing for seven or ten years under the present system, but that would be as nothing compared with the labour of going through the proposed constituency, which was calculated to be composed of 7,000 electors, scattered over the whole of the United Kingdom, and even over foreign countries. But there was another question which had been lost sight of. What share was the home Government of India to take in Indian affairs? The noble Lord said they would still be called upon to go through an enormous mass of Indian papers. For his own part, he thought the only sound principle to act upon was to leave questions of detail to be settled in India itself; and his great fear of an independent Council was, that they would be intermeddling with the details of Indian questions, which ought to be left to the discretion of the government in India. Let the Government look out for the best man they could get for Governor General. Let them give him their whole confidence; if he lost it, do not abuse him, but recall him; but while he remained let them exercise over him only a general superintendence. On these grounds it was impossible for him to vote for the Resolution of his noble Friend, although he suspected the Committee could not be asked to divide upon it.

Mr. BAILLIE said, the argument of the noble Lord who had just addressed the Committee, if it had any weight, amounted to this — that the Government ought not to select for the Council any member of the Court of Directors, because they had been elected by a constituency totally unfit to be entrusted with the duty. The noble Lord and the right hon. Baronet the Member for Radnor (Sir G. Lewis) had discussed the question upon

the supposition that the constituency would be composed of men without interest in the good government of India. But he would like to know who could have a greater interest in the good government of a country than men who had invested their money in it, and who, if the country was badly governed and a rebellion were to ensue, ran the risk of loosing all that they had invested. The same observations applied to the civil and military officers who would have in addition all the interest in India that was derived from old recollections and associations. He maintained that it would be impossible to propose a constituency more fitted for the purpose than that which Her Majesty's Government had proposed. He complained that the hon. Member for Devonport (Sir E. Perry) had departed from the question before the House to abuse the Court of Directors, all the brains of which, he said, were to be found in their clerks and secretaries. That was mere personal abuse; and for his part he could only hope that the Council about to be established would prove as efficient servants as the Court of Directors had done. The noble Lord who had last spoke had raised the objection that able men returning from India would not go through the annoyances of a canvass. But he apprehended that the greater number of distinguished men returning from India would be selected by the Government, and that the constituencies were intended to elect what might be called the English element in the Council—men who, without having been necessarily in India, had yet paid great attention to Indian affairs, and such men, he apprehended, would be very useful in the Council. Then the noble Lord thought that the number of the councillors might with advantage be reduced, because he thought that much of the supervision of detail that had been gone through might be omitted. He (Mr. Baillie) maintained, on the other hand, that it would be impossible to secure good government in India unless the most accurate details were transmitted home and gone over by the Council. On no other conditions could the Indian Minister be fairly expected to be responsible for what was done in that country. Civilians were necessarily sent out to rule India with despotic powers, and there would be no security that those powers would not be abused unless they were obliged to give a full account in writing of everything which they did. An illustration of this occurred to himself very lately. A despatch lately arrived at the Board of Control giving a flourishing account of the condition of our new province of Pegu—the revenue was increasing, and so was the cultivation and exportation of rice, the staple produce of the country. But along with this there was mentioned an anecdote which he confessed filled him with horror. It appeared that part of the revenue was derived from a poll tax, imposed, no doubt, by the former Government. The collector mentioned in his despatch that a poor man being pressed for the payment of this poll tax, and being unable to pay, went and sold his children for a few rupees, with which he paid the Government tax. That incident was worth all the rest of the despatch, for it gave an insight into the real state of the country; and that insight they would not have had unless their agents there were obliged to send home for revision the most minute matters of detail. On these grounds, then, he thought the Resolution was entitled to the support of the House.

MR. VERNON SMITH said, that on this Resolution, as on the others, they had heard a great deal of extraneous matter, nor had the hon. Gentleman the Member for Devonport (Sir E. Perry) been the first to offend on that point, the example having been set him by the right hon. Baronet the Member for Carlisle (Sir J. Graham). The right hon. Baronet the Member for Carlisle ought, according to the principles which he laid down, to have come to an entirely different conclusion. He fully concurred in the observations which had been made as to the fairness with which the noble Lord the President of the Board of Control laid his opinions before the Committee; his speeches were entirely free from personalities; such, unhappily, was not the case with the right hon. Gentleman the Member for Carlisle. The real question at issue, however, in these discussions on the nominative and elective principles was to secure the most independent Council. Nevertheless, in striving to obtain an independent they must take care not to create an obstructive Council. He could not see that gentlemen who were nominated would be in any sense dependent on the Minister to that degree of baseness which some hon. Members seemed to expect. The only advantage which a Councillor could look for from the Minister was his reappointment at the end of his term, and it could not be supposed that if a great question of Indian policy should arise just as the end

of his term was approaching, any Councillor would for the sake of agreeing with the Minister, and so getting reappointed, give advice contrary to his knowledge and conscience. For some time past a portion of the Court of Directors had been nominated by the Crown, but no one ventured to say that the nominated members had been less independent than the elected Members. When this Indian question was brought on the expiration of the term of office of the hon. Member for Leominster was approaching, but for all that he both spoke and voted against the introduction of the Indian Bill of the late Government. The election by means of a constituency was universally condemned. It was stated by one Director of the East India Company, now a Member of that House, that his canvass for a seat in the direction lasted seven years, and cost £2,238. Sir H. Maddocks and Sir C. Metcalfe, both eminently qualified for a seat in the Direction, refused to canvass the present constituency. Sir C. Metcalfe told him that, anxious as he was for public employment, nothing could induce him to go through the humiliation of such a canvass. The next constituency that had been suggested was that of the railway shareholders. But the interest of the people of India was to have low railway fares, while the interest of the shareholders was to have high prices; and no one would presume to say that the railway shareholders, as a class, had any knowledge of India. The next and last suggestion was, that retired Indian servants should have votes in the election of the Council. But the objection to this proposal had been well described by the hon. Member for Leominster in his evidence as making the servants appoint the masters. These retired servants had no interest except in the receipt of their pension, and the House would do well to consider what would be likely to take place upon a canvass of either of the two last-named bodies of electors. When a gentleman presented himself for election, a railway shareholder might say, "We want an additional guarantee of one per cent. We have four, but we want five, and unless you promise to give us five per cent., I will vote against you." In the other event of the pensioners forming the constituency, as cases were continually arising about the pension fund and the increase or diminution of pensions, the electors might promise to vote for candidates if they would lend themselves to such or such a job. It was the impossibility of finding a constituency that led his noble Friend (Viscount Palmerston) to adopt the principle of nomination. He would, therefore, caution the committee not to resort to a vicious system of election for the purpose of escaping from the principle of nomination.

MR. CUMMING BRUCE said, that the noble Lord, the Member for London, had laid great stress on the responsibility of the Minister supporting the plan of nomination by the Crown, but he was greatly afraid that such a responsibility could not be evoked without giving rise to violent party feelings in that House on Indian questions. They had lately seen how the spirit of cabal and the doctrine of Ministerial responsibility had given rise to a debate which ended in the dismissal from office of one of the men best qualified to fill it. The same spirit had been shown by the manner in which two nights had also been occupied in discussing a post-prandial speech made by a County Member in addressing his constituents. Sir C. Metcalfe had recorded it as his opinion that the real danger in the government of India would be felt when party spirit in the House of Commons first acted directly on the affairs of India. He wished to see a Council which should give such confidence to Parliament and such assistance to the Minister as should prevent recourse being had to ulterior proceedings. They were called upon now to affirm the principle of election in the Council, but not to decide as to the details in the mode of election. He had no fear as to the proper government of India, so far as regarded the selection of proper members for the Council, while the noble Lord remained at the Board of Control, as he believed that he would exercise an unprejudiced and impartial judgment. But quieter times might induce the usual apathy upon all Indian questions, and if this country again suffered under the misfortune of a Whig Government, a Council might be nominated upon the principle of an irresponsible system of centralization, leading to jobbery and corruption. He thought it desirable, therefore, that there should be some check upon the Minister, and he might be brought under a moral responsibility to the Council, partly by election and partly by a permanent system. He would suggest to the noble Lord another source from which some useful members of the Council might be derived. India must be governed in India; but it was of the

greatest advantage to connect the home and local Governments of India. It had been suggested to him by an officer of great experience in the Indian service—and he begged to offer the suggestion to the noble Lord—that some, perhaps four, members of the Council, might be chosen by the Governorsof the four different Presidencies and possessions in India. He thought that such men would form a most useful element in the Council, and that it would not be difficult to obtain them, provided they were allowed to retain their rank and pensions. The retired Indian officers in this country would, in his opinion, form a useful body of electors for members of the Council. It was a mistake to suppose that the elective principle was opposed to the monarchical principle. He certainly never expected to hear it stated in a House which elected its own Speaker, and of which the Members were elected, that such a principle was opposed to the monarchical element. At present some of the members of the Court of Directors were elected, and no one could say the elective members did not act under a full sense of their duty. He could not, therefore, attach the slightest importance to that argument, and he thought that the elective principle would have the excellent practical effect of directing the public attention periodically to the affairs of India. A good deal had been said about the Court of Directors; but he felt satisfied that that body had had no share in any of those proceedings which had led to the recent mutiny in India; the blame, on the contrary, attached to the Board of Control. All the great authorities had declared that such annexations and confiscations as those of Scinde and of Oude had shaken the confidence of the people of India in the justness of our rule. Against that system of annexation the Court of Directors had constantly protested, but it had been forced upon them by the Board of Control, and he warned the Committee that unless it were stopped in time it would deprive us altogether of our Indian dominions. He hoped, indeed, that it had already received a sufficient check; for in that very despatch of the Earl of Ellenborough's which had excited so much notice, and in some quarters so much disapprobation, there was an indication that the Government at home were beginning to take a different view of the policy of annexation, and were about to return to right and sound principle of government. He desired to see an efficient, instructed, and independent Council. The plan of the noble Lord would not secure an efficient or instructed Council, and would be absolutely fatal to its independence. The plan of the Government was infinitely better than either the plan of the noble Lord the Member for London or the plan of the noble Lord the Member for Tiverton. The noble Lord the Member for London had been prolific of suggestions to the Government since they commenced legislating for India; but he trusted the noble Lord the President of the Board of Control would not accede to the suggestion which the noble Lord had made that night.

COLONEL SYKES said, that if anything could have reconciled him to the dangerous and impolitic transfer about to be made, it would have been the declaration of the Chancellor of the Exchequer the other night, that the duties of the Council would be substantially those now performed by the Court of Directors—that the Council would revise the Indian legislation, virtually initiate measures, control the finances, and, in short, be the responsible administrators of the affairs of India. If the right hon. Gentleman adhered to that declaration India might be safe—at least its finances would. There would be a check upon the Minister, as, without the consent of his Council, he could not order the disbursement of money. But would the Government give the Council the power of acting with the same independence as the Court of Directors had done in the case of the Oude bankers and their agents in this country? Those agents got hold of the then President of the Board of Control, who directed the Court to send instructions to India to cause the Vizier of Oude to pay a large sum of money; but his decision was resisted by the Court of Directors. The President of the Board of Control then applied for a mandamus to compel the Directors to obey; but they resolved to go to prison rather than lend themselves to an act of injustice and oppression, and the President of the Board of Control not daring to face public discussion and opinion, the mandamus was abandoned, and the Visier of Oude was saved from being plundered. The same thing might occur again with an irresponsible Minister; for a Minister was only responsible to that House when the Prime Minister happened not to have a majority. In case he had a majority, he always protected his colleague. To talk of Ministerial responsi-

bility, then, was a mockery and a delusion. For instance, the question of the justice of the deposition of the Rajah of Sattarah could never be brought to an issue in the House by the late Mr. Hume, though he tried it Session after Session. Of course, when the Government was in a minority, which was an anomaly, that could not go on, but which happened to exist at present, the opponents of the Ministry could compel the Government to throw overboard, Jonas-like, a colleague, as had recently been done; but this was an abnormal condition, and practically a Ministry could always protect a colleague against party assaults. With regard to the question before them—how the new Council of fifteen—he wished it had been eighteen—was to be elected, he would say a few words. Five of the present Court of Directors were nominated by the Crown, the other thirteen were elected by the Proprietors of East India Stock, a body which was vituperated and decried in a very extraordinary manner. They had been called old women because there happened to be some 200 females amongst the 1,700 holders of East India stock. A good many of these were young ladies, whom, as the holders of £1,000 worth of stock, worth from £2,300 to £2,700 sterling, many young gentlemen would be glad to become acquainted with. The other 1,500 electors were mostly persons connected by business or service with India, but some were country gentlemen, and would it be said that they were inferior to £10 householders who sent honourable Gentlemen to this House? They had for many years sent their representatives to the Court of Directors; and, judged by the character of the persons selected by them, could any person say that they failed in sending properly qualified men as their representatives? At this moment the Court of Directors consisted of six military men, six civil servants, three bankers, and two lawyers, one of whom they had had experience of in that House, and whose ability was unquestioned, and one naval man. There had been no failure on the part of the constituent body. It had fulfilled its trusts. Why, then, should it be thrown overboard? It had been objected that he himself had been seven years canvassing, and that he had spent £2,000. That was true, but that £2,000 was spent not in bringing electors or paying for their coming to the poll, but in the expenses of personal journeys and in the cost of clerks and committee rooms at two contested elections, and was spread over seven years He had been elected at last, and having been fortunate enough to gain the confidence of the proprietary body he had since been elected three times without any contest or expense at all. It had been insinuated that the holders of East India stock bartered their votes for patronage. Such a charge could only originate in the baseness of the minds of those who made it. During the whole of his canvass he had but one proposition of that kind made to him, and he instantly turned his back on the person who made it in such a way that he never saw him afterwards. He saw no reason therefore why the proposed Council should not be elected by a constituent body. The question of patronage had been raised. It had been suggested that it should be taken away from the Council and thrown open to competition. Those who were acquinted with India knew that a mere intellectual education was not always the best recommendation for a soldier. He was an advocate for competitive examination to a certain extent, but he thought that every man should be examined with a view to the special profession which he was to follow. The man who got a first-class for proficiency in the dead languages at Oxford or Cambridge might be deficient in the qualities requisite to make a good civil servant. So the cadet might be a very good scholar but a very poor soldier, from the want of professional knowledge and training. He had no objection to half the patronage being put up to public competition, but he thought the other half should be left in the hands of the Council. The patronage of the Court of Directors was at present distributed among the sons of deserving officers, civil servants, clergymen and others, and he thought it would be wise to leave half the patronage in the hands of the Council, to be distributed in the same way—the nominees, as at present, undergoing a severe examination to prove that they had the education of gentlemen; but if the whole of the patronage were put up to competition, those officers who were obliged to spend their lives in India, and whose children were in England, would be deprived of the spontaneous patronage which they now had from the Directors. He feared that the disturbance of the existing system arose more from a lust of patronage than from a desire to promote the public interests; but the question was, if the proposition of the noble Lord (Lord Stanley) were not carried, what would be the best

measure to substitute for it? He was disposed to approve the appointment of councillors for life, and in case of a vacancy, the suggestion that the members of the Council should submit three names to the Minister of the day, out of which to select one for the vacancy, appeared to him a reasonable one. So, also, with regard to the higher class of appointments in India, the safest plan—the plan which would expose the Minister of the day to the least odium—would be that which permitted the Council to recommend to him persons from whom a selection should be made. With regard to the army, was the army of India to be placed under the Council? The Indian army was different in every respect from the Royal Army in its constitution, and it would be impossible to amalgamate it with the Queen's Army. No doubt could be entertained of the loyalty of the Indian army; but it would be a permanent force not contingent upon an annual mutiny Act, and be at the entire disposal of the Crown, which means the Minister of the day, involving, therefore, a great constitutional question; and though not a very probable yet a possible case might arise of 5,000 or 6,000 men being landed in England from India to settle a party dispute. He trusted the noble Lord would not abandon the proposition he put before them that evening.

LORD STANLEY said, he thought that the Committee would expect him to say a few words in explanation before the discussion was brought to a close. He had at an early period of the evening pointed out his objection to the principle of exclusive nomination, and he had asked the Committee to consider as an alternative the possibility of adopting an elective principle with regard to a portion of the Council. He had felt bound also to meet the inquiry as to how constituencies were to be provided if that principle were admitted. That was a question which must be answered, but which did not admit an answer altogether satisfactory. In attempting to answer it, he had sketched out those constituencies which had been introduced in the Bill which had been brought in by the Government, with the exception of the proposal relating to one class which had met with general disapproval. Nevertheless he had never meant to pledge the Government to the constituency he suggested. He did not deny the difficulty which existed in the way of any plan of that sort. The difficulty was real and grave, and all that he wished to show was, that notwithstanding the objections which had been stated and the difficulties which had been pointed out, the principle of partial election was one which deserved consideration, and that there did exist materials of some kind, out of which a constituency might be constructed. However, at present it was not necessary that they should travel beyond the letter of the Resolution before the Committee, which was in effect that the Council should be partly nominated and partly elected. The meaning and intention of the words were clear, and he had declared distinctly and positively that the principle of election did not involve the principle of representation. What he meant was simply this, that some check should be devised on the principle of an exclusive and uncontrolled nomination by the Minister of the Crown; and if that check were provided, it mattered little by what means they arrived at it. An independent Council was the end; the election of the Council was only one of the methods in which it was hoped that end might be attained. Various propositions had been made in the course of the debate; but the one suggested by the right hon. Baronet (Sir J. Graham) really involved the principle of election, because it provided that every Member of the Council should be in some sense elected, subject to the approval of the Crown. That proposition was somewhat complicated in its details; and he (the noble Lord) must not be understood as expressing the assent of the Government to it; but what he meant to say was, that that proposition, or any proposition of an analogous character, did undoubtedly fall within the scope and words of the Resolution now before the Committee; so that the Government in proposing that Resolution had not pledged themselves against the adoption of the right hon. Gentleman's expedient, or any other expedient of a similar kind, provided that it should be found practical in its working. Nor would the Committee pledge themselves by this Resolution to any particular constituency, or to any constituency at all, if upon the whole the inconvenience of it should exceed the advantage it offered. It was simply the expression of a desire that some check should be placed upon the election of some of the Council, and that there might not be an entire and uncontrolled nomination on the part of the Crown.

[*Fifth Resolution.*

Let the selection be made in any way the Committee chose; all the Government desired was, that there should be some other party consulted besides the Minister of the Crown.

VISCOUNT PALMERSTON said, that after hearing the original statement of the noble Lord (Lord Stanley) he was not surprised that he should have felt the force of the grave objections to the constituency he then shadowed forth which had been raised in the course of the debate. He however, could not concur with the noble Lord in thinking that the proposition of the right hon. Baronet the Member for Carlisle (Sir J. Graham) was the best mode of solving the difficulty and of obviating those objections. Indeed, the speech and the vote of the right hon. Baronet appeared hardly in harmony. The right hon. Baronet argued against the principle of election, and then proposed to vote for a Resolution embodying that principle, getting out of the dilemma by proposing that the Crown should nominate for the Council persons who in their capacity as Directors had been elected. That surely was rather a strain upon language. The right Baronet also suggested that the Council should in the first instance be taken from the present Court of Directors. That surely was a matter of discretion on the part of the Crown, supposing the principle of appointment or nomination should be adopted in preference to election. The proposition to fill up vacancies was that the Minister was to submit three names to the Crown, from which one was to be selected. But how was the Crown to make a selection, except upon the advice of the responsible Minister, the President of the Indian Council? According to that arrangement the President was to select three names, from which he was to advise the Crown to select one. But, assuming the Indian Minister was to be excluded from the selection, or that he was only to have one voice out of fifteen, it was plain that it merely amounted to the principle of self-election, which had been condemned by Parliament in the case of municipal elections. To adopt that principle, however, would be retrogressive, which could not have been expected from a Government that prided itself upon its progressive advances, nor from the right hon. Baronet, who piqued himself upon his progressive views. He, therefore, could not concur in the arrangement proposed by his right hon. Friend, but would submit some considerations respecting questions of election and nomination. He begged the noble Lord and the Government to remember that we happily lived under a constitutional monarchy and not under a republic. The principle of a constitutional monarchy was that each act of administration should have a responsible adviser. It was now proposed to form a Council to share the administration of India, not appointed by any responsible adviser of the Crown, nor elected by any body responsible to Parliament, and consequently irresponsible. That would be departing from the fundamental principle of the British constitution; and while the House was ask to abolish the Court of Directors because it was to a certain degree irresponsible, it was also asked to re-establish that body in the shape of a portion of a Council not appointed by any responsible adviser of the Crown, nor elected by any constituency represented in that House. If that principle was a good one, it should be generally applied, and the whole Council should be so selected. The right hon. Baronet had certainly met that objection by proposing that all vacancies should be filled up in that manner. In so doing he abolished the arrangement now existing as to the Court of Directors by the Act of 1853, to which the right hon. Baronet was a party, and by which a portion of the Court of Directors was to be appointed by the Crown. If that were not to be the case, they came back to the objection that the Council would consist of Members differently created—some appointed by the Crown, some selected by the Council itself. He (Viscount Palmerston) could see nothing but inconvenience and confusion in the arrangement. It was vicious in principle, and would be inconvenient in practice. The noble Lord the Member for the West Riding (Viscount Goderich) had pointed out that the Council about to be established was to advise, and not to overrule, the Minister. The House had determined to transfer the Government of India from the Court of Directors to a responsible Minister of the Crown. How could such a Minister be responsible if he were to be thwarted and overruled by men appointed by a different power from that by which he had chosen? But if the Minister was to be paramount over these matters, what was the use of this distinction between the different methods by which the Councillors were to be appointed? Was it likely the Councillors could have better opportunities

of judging of the fitness of those who shall fill up vacancies than the responsible Ministers of the Crown? The Councillors would not be responsible; they might select, by concert among themselves, the names of three very inefficient men, and according to the plan of the right hon. Baronet the Crown would be obliged to elect one of their number. There was no security that the persons so proposed would be qualified to give the advice and assistance which the Council were intended to afford. He would really conjure the House to recollect that they were peculiarly the guardians of constitutional principles. Those who proposed a measure in Parliament were bound to frame it in harmony with those principles, one of the most important of which was, that all those who were connected with the Executive Government should be appointed by the responsible advisers of the Crown. Would any man pretend that the appointment of a Judge to administer the law of the land was of less importance to the interests of the country than the selection of one of the twelve or fifteen Councillors who were to assist the Indian Minister? Yet they did not place the choice of their Judges in the hands of his fellow members of the judicial bench. Why, then, should the Councillors of the Minister for India be self-elected, instead of being chosen like all other executive functionaries by the responsible advisers of the Crown? The right hon. Baronet opposite and himself were no doubt the antipodes of each other on some of these questions. Rather than not have a Council perfectly independent the right hon. Baronet would prefer continuing the present system. For his own part he thought it would be better to leave the present system in existence until Parliament was better advised than to establish a Council, which would be a permanent source of inconvenience to the public service.

MR. GLADSTONE said, he regretted that the proposition made by his right hon. Friend (Sir J. Graham) early in the evening had met so unkindly a reception at the hands of the noble Lord (Viscount Palmerston); because no impartial man could have observed the course of that discussion without being aware that very strong objections indeed were entertained by large portions of the Committee, to both of the extreme principles which they had chiefly before them, namely, election by an extended constituency on the one hand, and pure nomination by the Crown on the other. Though the whole of the last speech of the President of the Board of Control had been received with the respect and favour which it deserved, yet the warm feeling of the Committee had been especially evoked at two particular points in it. The one was the point at which the noble Lord had stated with great impartiality and candour, the great, if not insuperable difficulty of any attempt to apply the principle of popular election; and the other was, when he urged his objections to the principle of uncontrolled nomination by the Crown. His own strong impression was that the more they came to sift these two systems the more unwilling would they become to adopt either the one or the other of them. The principle of election not having been brought before them that night in a definite form, he would not dwell on the difficulty of creating popular constituencies, for what his right hon. Friend the Member for Wiltshire (Mr. S. Herbert) had correctly termed "election without representation." With regard to nomination by the Crown, though he could understand how many persons of authority had been led to favour that proposal, yet the objections to it were of a nature that would be felt more and more strongly in proportion as they proceeded with that discussion. For himself, he was sufficiently old fashioned to object to the wholesale addition they were about to make, by the establishment of fifteen dignified and highly salaried officers, whose appointment should be in the gift of the Crown, to the patronage of the Minister of the day. But important as was that consideration with respect to the increased power to be put into the hands of the Minister for operating on that House, that was after all but a secondary matter, because the principal question was—how were they to reconcile simple nomination by the Crown with the independence, the efficiency, and the weight of the Council? That independence must not be a nominal independence, but must be combined with weight and efficiency, and to attain its object it must also be an independence free from suspicion. It was, however, impossible to secure an independence both effective and free from suspicion if they adopted the principle of the late Government's Bill, which proposed to appoint the members of the Council simply by the will of the Crown, and to make them subject to removal in consequence of that will after the lapse of a few years. No doubt, in

dealing with a nominative Council the late Government had nothing before them but a choice between extreme difficulties. If, on the one hand, they were appointed to hold office during good behaviour, there would be considerable apprehension lest these high and dignified positions should lapse into something in the nature of comfortable sinecures. Nor was it less to be feared that they might find themselves loaded with a number of persons, who, if not orignally incompetent, might have become so in the course of years, or from the failure of health and strength, but who, nevertheless, would naturally cling to their situations in consequence of the tenure of good behaviour. And though something might be done to obviate this objection by providing retiring allowances after a short term of office—a proposition which involved weighty considerations peculiar to itself—yet the other difficulties connected with nomination by the Crown could not be overcome. A different plan had been suggested by his right hon. Friend, that had met with a reception that night from the independent Members of the House, which formed, on the whole, a very fair augury of its ultimate acceptance and adoption. The objections stated to it by the noble Viscount were not such as a perfectly calm and dispassionate judgment would ratify. The noble Viscount said it was improper that these Councillors should be appointed by any other authority than the Crown, on the ground that all acts of Government under a constitutional monarchy ought to be done by a responsible Minister. That, however, was not a principle that could be absolutely admitted. No doubt all acts of Government which it was necessary to intrust to the Executive were to be done by a responsible Minister, who could be called to account for them. But surely, there was another principle quite as characteristic, not only of constitutional monarchies, but of all free countries, and that was, opposition to the unnecessary centralization of the governing power, and the creation of secondary and local authorities for local and municipal purposes. And it was a great thing achieved on the part of freedom if they could sometimes keep out of the hands of the Executive, and therefore in some degree out of the range of Ministerial responsibility, acts of Government which appertained nevertheless to the general system of administration. If they travelled across the Channel they would find the central authority doing a thousand things which in this country were not within the responsibility of the Minister, but were executed by the instrumentality of secondary powers. The question, then, was, not whether they should apply a single and absolute constitutional dogma as an objection to the proposal of his right hon. Friend, but whether they could devise a good working and practical system, and one which at the same time should not interfere with the full responsibility of the Indian Minister for all acts which he was called on to perform. It was not to thwart, overrule, and hamper the Minister that they were to give him an independent Council; it was to secure the full expression of conscientious opinion from the most competent and best informed persons, and persons, too, possessing adequate authority—not indeed, an authority to set aside the final decision of the Minister after full deliberation, but to place their views before him in such a shape as might give them the greatest claim to his attention—a claim second only to that of his own mature judgment, formed after he had allowed full weight to their representations. The proposal of his right hon. Friend had not been formally prepared for the consideration of the House in all its details in the same manner as if he had been in the exercise of official power. As he understood that proposal, however, the principle which it involved was that the judgment of the Council should be allowed to operate in the selection or election, whichever they chose to call it, of a certain number of names, out of which the Crown might make such a choice as it might deem expedient. But it was contended that the Council might select the names of persons who would be totally unfitted for the performance of the important functions which they would be called upon to discharge. If, however, the Committee should deem it necessary, to anticipate such a dereliction of its public duty upon the part of the Council, there could not be the slightest objection to arm the Crown with the power of rejecting those names which might be submitted to its consideration, should they be manifestly unfit for the purpose for which they had been selected. Nobody could labour under the apprehension that such a power on the part of the Crown would be abused, and there would, moreover, be the additional safeguard that the choice of the Crown would be subject to the control of Parliament. For his right hon. Friend proposed to take an excellent

provision from the Bill of Mr. Fox—that the members of the Council should be liable to removal from office on an address from either House of Parliament. Therefore the appointment of Commissioners for the management of the affairs of India would thus rest in the first place with the Council, who would present certain names for the approval of the Sovereign, and with respect to whom all that the Committee had to bear in mind was, that they were a well selected body of men for the purpose of presenting those names;—in the second place with the Crown, upon which the duty would devolve of choosing the best men out of the names which might be laid before it; and in the third and last place with the Houses' of Parliament, to whose consideration the choice of the Crown would be submitted, and which, in the event of there being gross unfitness in the case of the appointments made, might interfere for the protection of the public interests, and by means of an address to the Crown, provide that such appointments might be cancelled. His right hon. Friend was not in a position at that moment to call upon the Committee to come to a decision upon a proposition of that description, and he regretted that such was the case, because he felt assured that the Committee would find objections to the pure and unmixed proposals of the noble Lord the Member for Tiverton, upon the one side, and that of the right hon. Gentleman the Chancellor of the Exchequer, upon the other, constantly presenting themselves, while he entertained no doubt that the soundness of the principle, of which his right hon. Friend near him was the advocate, was calculated to insure for it increasing support, as well upon its own positive merits as because it furnished a means of evading a difficulty from which he saw no other mode of escape. Having said thus much with respect to the proposition of his right hon. Friend, he might be permitted shortly to state the course which he should feel it to be his duty to take in regard to the question upon which they were about to be called upon to come to a decision. The noble Viscount had said it was plain how the matter stood, but he Mr. Gladstone was free to confess that he had not the power of putting the question in a form exactly adapted to express the opinion of the Committee. But as far as he could understand the position in which they were placed, the Committee had before them two forms of question; the one embracing the principle of absolute and unmitigated nomination, the other, if considered largely and liberally, involving, in addition, an element somewhat distinct and apart from the power of the Crown. Now, he, as well as his right hon. Friend the Member for Wiltshire (Mr. S. Herbert), was perfectly conscious of the difficulty in which the Committee were placed in coming to a decision between those two propositions; but he could not at the same time help thinking that the safer course to take would be to vote for the Resolution which asserted a sort of mixed principle than for the Amendment, which asserted a principle pure and unmixed. He might, however, observe that it would be extremely convenient, as well as conducive to the public interests, that Her Majesty's Ministers should hold the question over until the next occasion upon which the Committee met; but if they should not assent to the adoption of that course, but should proceed to a division, then, not because he deemed the Resolution the most convenient form of giving expression to the views which he himself entertained, but because he looked upon it as the lesser of two difficulties, he should deem it his duty to record his vote in its favour.

MR. ROEBUCK said, he could not think that the right hon. Gentleman (Mr. Gladstone) had given a very correct description of the motive and effect of the Resolution. What was the real state of the case? The proposition of the noble Lord (Lord Stanley) was, that the Council should consist of two parts, one of which was elective, and the other nominated by the Crown. The proposal of the noble Viscount (Viscount Palmerston), on the other hand, was, that the whole of the Council should be nominated by the Crown, by which every consideration of election was done away with. In addition to these plans they had the suggestion of a private Member, the right hon. Baronet. This was that the Council itself should first of all be selected from the Court of Directors, and that afterwards the Council itself should select three names, one of which should be chosen by the Crown. Supposing the Council to be elected for life, they would be utterly and entirely responsible, and the same would happen if they were chosen for any long term of years. Then what followed? They would have this responsible Council electing members, in the case of a vacancy, as irresponsible as themselves. It was a

slur on the House to say that the Minister was not responsible. If he did wrong he could be punished; but, supposing the Council did wrong, there was no means of punishing them; therefore they were adopting the very worst mode of selecting the Government of India in every step they took. Appointment by the Crown meant appointment by the Minister, which, it its turn, meant responsibility to that House; and, therefore in the last resort, supposing that course adopted, the Council would be appointed by them. But there was a certain class of politicians who hated responsibility to the House, and were always casting about for the means of getting out of that difficulty. Never was there a better plan devised than the appointment of a Council who would be responsible to nobody, and they might depend upon it that, if they adopted it, they would have a Government for India utterly irresponsible; there was no getting out of that. Let the world at once understand what they were discussing. It was because this was a mode of evading responsibility that he should vote against it.

Sir FRANCIS BARING said, that the fair and candid explanation of the noble Lord the President of the Board of Control had relieved his mind of a great difficulty. As he understood that explanation, it appeared that the Committee in voting for the Resolution would not only not be pledging themselves to any particular form of constitution in the case of the proposed Council, but that the question which the Resolution raised was, whether the Council should be solely appointed by the Crown, or whether some means might not be found of electing such a body independent of the Crown. Now, the great objection which he had felt to the Resolution, that it would bind the Committee too strongly to a particular constitution was by that explanation removed. As to the proposal of his right hon. Friend the Member for Carlisle, it could, he feared, hardly be said to be fairly before the Committee. The proposition of his right hon. Friend struck him as a fair way of getting out of a difficulty. For himself, he never remembered a question surrounded by more serious difficulty, or on which more might not be said against every proposal which could be brought before the House. His noble Friend (Viscount Palmerston) called upon the Committee on constitutional grounds to interfere in favour of the great principle of responsibility. The great difficulty was, however, that you had to govern India, not constitutionally, but arbitrarily. His noble Friend might talk of the constitution, but what was the authority which they were going to place in the hands of the Secretary of State for India? On questions of peace or war that Minister would certainly be checked by the Cabinet. But take the army, for example. The Secretary for War in this country was obliged to obtain the authority of Parliament for every penny he spent; the Mutiny Bill operated as a check; and if he spent more than was thought necessary, he had the Treasury down upon him. The Secretary for India, however, might raise as many men as he could, might pay them what he pleased, and was subject to no control whatever. He would have the same power over the Indian finances, and would exercise the authority possessed by the present Board of Control, by the Board of Directors, and the proprietary body. If, then, these unconstitutional powers existed, no surprise ought to be felt if they stepped a little out of the common way in order to secure an independent Council. The right hon. Gentleman (Mr. Sidney Herbert) had told an amusing story about the Pasha of Egypt, who, hearing from an English gentleman a description of our House of Commons, said next day that he thought the idea so remarkably good that he intended to establish a House of Commons himself, but, as the system of election seemed rather troublesome, he added that he should nominate all the Members. Now, this was exactly what he wanted to prevent the Secretary for India from doing. His noble Friend (Viscount Palmerston) said that he objected to see part of the Council nominated and part elected. But his noble Friend had surely forgotten he was a party to the present constitution of the Board, some of whom were nominated by the Crown and others elected.

Lord JOHN RUSSELL said, he hoped the Committee, before they divided, would come to a clear understanding with respect to what they were dividing about. The proposition which the Government had first made was intelligible enough, but the noble Lord had found himself in an embarrassing position of not being able to arrive at the exact result he desired. Wishing to frame a scheme by which a part of the Council might be elected, independently of the Crown, he called on the Committee to affirm by the seventh

Resolution that principle. When, however, he came to apply that principle, he found himself in a position which he (Lord J. Russell) could understand, as he had found himself in the same condition—he found that when he sought to establish an independent electoral constituency, he could not arrive at a result perfectly satisfactory. And from the mode in which the noble Lord expressed himself as a Minister of the Crown, it was obvious that he placed no reliance upon the proposition he had made to the Committee. Then a new grammar had to be applied to this Resolution, because none of our old English grammars would serve the purpose. The Resolution said, that the Council was to be partly nominated and partly elected. Every one understood by that that part of the Council was to be nominated by the Crown, and that another portion of it was to be elected by somebody afterwards to be fixed upon. His right hon. Friend the Member for Carlisle, however, had made an entirely new proposition, namely, that the Council should form one body, which should be partly elected and partly nominated, and he reconciled his proposition with the Resolution by saying that if a gentleman was elected by proprietors of India stock, and afterwards nominated by the Crown, then he was a person who had been partly elected and partly nominated. That was completely to change the proposition before the Committee. He (Lord J. Russell) must really ask that some definite proposition should be placed before it. If, in spite of the misgivings of the noble Lord the President of the Board of Control, who had stated his doubts so candidly, the Committee determined that some of the members of the Council should be elected, let them say so; and on the other hand, if they saw any reason for considering the proposition of his right hon. Friend the Member for Carlisle, let them demand that it should be put into a tangible shape and be submitted to them in such a form as would enable them to pass a judgment upon it. But it appeared to him most unwise and most disingenuous to affirm a proposition which had one sense for one hon. Member, and another for another hon. Member. That would be to affirm a proposition which had no clear meaning whatever, and he hoped the Committee would arrive at no conclusion whatever upon it. He did not wish to re-argue the question of nomination as against election, or of the nomination of members to hold their office during good behaviour; all he wanted was, that there should be a clear proposition submitted to them. Did the Minister of the Crown adopt his right hon. Friend's proposition or not? Were they of opinion that such a proposition would form a sound basis on which to legislate? He did not conceal the inherent difficulties of the question, or deny that even in spite of the very sound objection made by his noble Friend the Member for Tiverton, that proposal might be a way out of the difficulties, though, to his mind, it was a very objectionable one, for if it were adopted, he believed the Council would be a jobbing one. At all events, if they came to a division, it ought to be upon a question which meant the same thing to every hon. Member. [*Cries of* "Oh!"] As hon. Gentlemen interrupted him, he would repeat, that according to some hon. Members the Resolution before the Committee meant there should be an electoral body consisting partly of proprietors of East India stock, partly of proprietors of railway stock, and partly of officers who had served in India. Another proposal was, that three members should be submitted to the Crown, of whom it should choose one, and the construction placed upon that by the right hon. Gentleman was, that the person so chosen was partly elected and partly nominated. Those were two clear and distinct propositions; and therefore he was justified in saying, that if they passed this Resolution they would be passing what meant one thing to one man, and another thing to another. He admitted there were many difficulties connected with the question, but let them not endeavour by a dishonest paltering between two propositions to escape those difficulties.

SIR JAMES GRAHAM said, he wished to explain. His noble Friend had used very hard terms respecting the course he had taken on that occasion.

LORD JOHN RUSSELL begged pardon. He did not mean to use any harsh language.

SIR JAMES GRAHAM said, the noble Lord was so forcible in his expressions that he did not see the force with which they fell. He had described the proposal he had ventured to sketch out as a possible outline of the measure to be adopted as unwise and disingenuous, and at the end of his speech he had used the word "dishonest." The noble Lord the Member for Tiverton also accused him of making a

play upon words. He did not think his proposal deserved such description. The question before the Committee was simply whether the words "partly nominated, partly elected," should stand part of the Resolution. The noble Lord proposed to insert a declaration that the Council should be wholly nominated. If they had arrived at a foregone conclusion that the Council should be wholly nominated they would vote with the noble Lord, but against him if they believed the principle of election should be introduced at all. He (Sir J. Graham) did not sustain his proposition on the ground that the Court of Directors was already partly nominated and partly elected, but on the ground that, after the nomination by the House should have taken effect, vacancies should be filled up on the elective principle—election by the Council itself. The noble Lord the Member for Tiverton had sought at once to give the proposal the bad name of self-election. He did not think, however, that that term was applicable, as the members of the Council would hold their office either, as he should prefer, during good behaviour or for a term to be fixed, and they would only present for nomination, as vacancies should occur, the names, not of themselves, but of other persons. Now he hoped the Committee would agree to that proposition. He had never ventured to propose any Resolutions; he had not interfered with the proposals of others, or given any opinion until this evening. He had never commented on the measure of the noble Lord, a measure open to comment; and he had not put forward what he had to offer till the present time. He should be sorry if the Government should pledge itself at once to the scheme, the outlines only of which he had suggested. He thought it might be premature now either to reject or to adopt it. The Resolution they were now about to vote did not, as he considered, in the slightest degree pledge the Committee to the adoption of the proposal—it merely had the effect of rejecting the proposal of the noble Lord.

Lord JOHN RUSSELL explained that he did not mean to apply to the proposition of the right hon. Gentleman the term "disingenuous." He said that as the right hon. Gentleman attached to it one meaning, and the Ministers of the Crown another, it would be disingenuous to adopt it without a distinct understanding as to what it really did mean.

Sir CHARLES WOOD said, that what fell from the right hon. Member for Carlisle as to the effect of the vote they were about to give was not quite correct. The effect of carrying the Resolution proposed by the Government would not be simply to reject the proposition that the Council should be entirely nominated by the Crown. If they voted that the Council should be partly nominated and partly elected, they might vote for the proposition of the noble Lord the President of the Board of Control, but they would certainly not affirm that of the right hon. Gentleman the Member for Carlisle. He would suggest the postponement of the consideration of this Resolution.

The CHANCELLOR of the EXCHEQUER said, he did not rise to defend the right hon. Member for Carlisle, who was always sufficiently able to defend himself, but he wished to defend the Committee itself from a charge of disingenuousness, because if there was one thing which had characterized the proceedings of the Committee more than another, it was the *bonâ fide* spirit with which it had from the first discussed the Resolutions. Every suggestion from either side of the House likely to advance the object had been entertained with respect. He did not think that the noble Lord the Member for London had fairly placed before the Committee the issue which they were now going to decide. The noble Lord called upon the Government to declare whether they were in favour of the proposition of the right hon. Member for Carlisle, or whether they were in favour of that mentioned by the President of the Board of Control in his first speech. Now, what the noble Lord had a right to do was to call upon them to state whether they were going to ask the Committee to give an opinion on the fifth Resolution. When these Resolutions were first drawn, by the common consent of the House it was felt to be convenient that they should decide upon point after point, without necessarily connecting them together; and although his noble Friend in his first observations this evening adverted to other Resolutions, and taking as he did a generel view of the subject, had expressed the opinion of the Government generally, and although other Members of the Committee, like the right hon. Member for Carlisle, had freely offered their suggestions, still they must not forget that the issue really at stake was the fifth Resolution. They were not to decide upon suggestions, however ingeniously made by members of the Com-

mittee in the course of the discussion, or on general remarks made by the President of the Board of Control, but they were to decide on the fifth Resolution, and that Resolution declared, that with a view to the efficiency of the Council it was expedient that the Council should be partly nominated and partly elected. Now, in asking the Committee to assent to that Resolution, no one for a moment contended that they were bound to support the seventh, any more than they were bound to support the suggestion of the right hon. Member for Carlisle. And, indeed, the President of the Board of Control, when he introduced the fifth Resolution, spoke of the seventh in no dictatorial tone, in no tone by which the Government were pledged. Therefore he maintained that they had only acted in unison with the general wishes of the Committee in discussing every point separately; and that in deciding on this point they were not bound to any other. His opinion was that if they voted in favour of this Resolution, and against the Amendment of the noble Lord, they should greatly advance the progress of their proceedings. All that they wished to pledge the Committee to by this Resolution was that the Council should be formed of mixed elements, and if the Committee approved of the general principle, the discussion of the evening would by no means be without fruitful results.

MR. GLADSTONE said, he apprehended that in point of form they were not called upon to adopt the words of the fifth Resolution. The Resolution as put would be that certain words stand part of the question, as against the words proposed by his noble Friend the Member for London. That point decided, it would be competent for any one to move that the Chairman report progress, and thereupon at a future evening they might further discuss the terms of the Resolution.

Question put, "That the words 'with a view to the efficiency and independence of the Council,' stand part of the proposed Resolution."

The Committee *divided*:—Ayes 250; Noes 185: Majority 65.

List of the AYES.

Adams, W. H.	Baring, A. H.
Adeane, H. J.	Baring, H. B.
Anderson, Sir J.	Baring, rt. hon. Sir F. T.
Archdall, Capt. M.	Baring, T.
Bagshaw, R. J.	Bernard, T.
Baillie, H. J.	Bernard, hon. Col.
Ball, E.	Barrow, W. H.
Bathurst, A. A.	Galway, Visct.
Baxter, W. E.	Gard, R. S.
Beach, W. W. B.	Gaskell, J. M.
Beecroft, G. S.	Gifford, Earl
Bennet, P.	Gladstone, rt. hon. W.
Bentinck, G. W. P.	Goddard, A. L.
Black, A.	Gore, W. R. O.
Blackburn, P.	Graham, rt. hon. Sir J.
Blake, J.	Greenall, G.
Blakemore, T. W. B.	Greene, J.
Boldero, Col.	Gregory, W. H.
Booth, Sir R. G.	Gregson, S.
Bovill, W.	Gray, Capt.
Bowyer, G.	Griffith, C. D.
Brady, J.	Hall, Gen.
Bramston, T. W.	Hamilton, Lord C.
Bridges, Sir B. W.	Hamilton, G. A.
Brocklehurst, J.	Hamilton, J. H.
Brown, W.	Hardy, G.
Bruce, Major C.	Hassard, M.
Bruen, H.	Hayes, Sir E.
Buller, Sir J. Y.	Heard, J. I.
Burghley, Lord	Henley, rt. hon. J. W.
Burrell, Sir C. M.	Hill, Lord E.
Cairns, Sir H. M'C.	Hill, hon. R. C.
Carden, Sir R. W.	Hodgson, W. N.
Carnac, Sir J. R.	Holford, R. S.
Cartwright, Col.	Hope, A. J. B. B.
Cayley, E. S.	Hopwood, J. T.
Cecil, Lord R.	Horsman, Rt. Hon. E.
Child, S.	Hotham, Lord
Christy, S.	Hume, W. W. F.
Clive, hon. R. W.	Hutt, W.
Close, M. C.	Ingestre, Visct.
Codrington, Sir W.	Ingham, R.
Cole, hon. H. A.	Inglis, J.
Colebrooke, Sir T. E.	Jermyn, Earl
Collins, T.	Johnstone, J. J. H.
Coote, Sir C. H.	Jones, David
Corbally, M. E.	Kelly, Sir F.
Corry, rt. hon. H. L.	Kerrison, Sir E. C.
Cox, W.	King, J. K.
Cross, R. A.	Kinglake, A. W.
Cubitt, Mr. Alderman	Knatchbull, W. F.
Curzon, Visct.	Knatchbull-Hugessen E
Dalglish, R.	Knight, F. W.
Denison, E.	Knightley, R.
Disraeli, rt. hon. B.	Knox, Col.
Dobbs, W. C.	Langton, W. G.
Dod, J. W.	Laslett, W.
Du Cane, C.	Lefroy, A.
Duke, Sir J.	Lennox, Lord H. G.
Duncombe, hon. A.	Liddell, hon. H. G.
Duncombe, hon. Col.	Lisburne, Earl of
Dundas, G.	Lockhart, A. E.
Dunlop, A. M.	Lopes, Sir M.
Du Pre, C. G.	Lovaine, Lord
Dutton, hon. R. H.	Lowther, hon. Col.
Egerton, Sir P. G.	Lyall, G.
Ellice, rt. hon. E.	Lygon, hon. F.
Ellice, E.	Lytton, rt. hn. Sir B.
Elphinstone, Sir J.	Macaulay, K.
Ennis, J.	MacEvoy, E.
Estcourt, rt. hon. T. H.	M'Clintock, J.
Euston Earl	Maguire, J. F.
Farquhar, Sir M.	Malins, R.
Fellowes, E.	Mangles, C. E.
Finlay, A. S.	Manners, Lord J.
FitzGerald, W. R. S.	March, Earl of
Forde, Col.	Marjoribanks, D. C.
Forester, rt. hon. Col.	Melgund, Visct.
Forster, Sir G.	Miles, W.
Gallwey, Sir W. P.	Miller, S. B.

Mills, A.
Milnes, R. M.
Mitchell, T. A.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Mowbray, rt. hon. J. R.
Naas, Lord
Neeld, J.
Newport, Visct.
Nicoll, D.
Nisbet, R. P.
North, Col.
O'Donaghoe, The
Packe, C. W.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, R.
Palmer, R. W.
Patten, Col. W.
Paull, H.
Pease, H.
Peel, Sir R.
Peel, rt. hon. Gen.
Pennant, hon. Col.
Pevensey, Visct.
Pigott, F.
Powell, F. S.
Proby, hn. G. L.
Pugh, D.
Ramsay, Sir A.
Rawlinson, Sir H. C.
Repton, G. W. J.
Ridley, G.
Robertson, P. F.
Rushout, G.
Rust, J.
Sclater-Booth, G.
Scott, hon. F.
Scott, Major
Seymer, H. K.
Sheridan, H. B.
Smith, M. T.
Smith, A.
Smith, Sir F.
Smyth, Col.
Smollett, A.
Somerset, Col.
Spaight, J.
Spooner, R.
Stanhope, J. B.
Stanley, Lord
Stephenson, R.
Steuart, A.
Sturt, H. G.
Sturt, N.
Sullivan, M.
Sykes, Col. W. H.
Talbot, C. R. M.
Taylor, S. W.
Tempest, Lord A. V.
Thompson, Gen.
Tottenham, C.
Trollope, rt. hon. Sir J.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Verney, Sir H.
Waddington, H. S.
Walcott, Adm.
Waldron, L.
Walsh, Sir J.
Warren, S.
Weguelin, T. M.
Welby, W. E.
Whatman, J.
White, J.
Whiteside, rt. hon. J.
Whitmore, H.
Willoughby, Sir H.
Willoughby, J. P.
Wise, J. A.
Wortley, rt. hon. J. S.
Wyld, J.
Wyndham, H.
Wynn, Colonel
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Jolliffe, Sir W. G. H.
Taylor, Col.

List of the NOES.

Agnew, Sir A.
Akroyd, E.
Alcock, T.
Antrobus, E.
Ashley, Lord
Ayrton, A. S.
Bagwell, J.
Baines, Rt. Hon. M. T.
Baring, T. G.
Beaumont, W. B.
Biddulph, R. M.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brand, hon. H.
Briscoe, J. I.
Browne, Lord J. T.
Bruce, H. A.
Buchanan, W.
Buckley, General
Buller, J. W.
Bury, Viscount
Byng, hon. G.
Caird, J.
Calcraft, J. H.
Campbell, R. J. R.
Cavendish, hon. W.
Cheetham, J.
Churchill, Lord A. S.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clive, G.
Codrington, Gen.
Cogan, W. H. F.
Collier, R. P.
Coningham, W.
Conyngham, Lord F.
Cowper, rt. hn. W. F.
Cowan, C.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, F.
Davey, R.
Davie, Sir H. R. F.
Deasy, R.
Denison, hn. W. H. F.
Dent, J. D.
De Vere, S. E.
Dillwyn, L. L.
Dodson, J. G.
Duff, M. E. G.
Duff, Major, L. D. G.
Dunbar, Sir W.
Duncan, Visct.
Dunkellin, Lord
Dunne, M.
Ebrington, Viscount
Elliot, hon. J. E.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fagan, W.
FitzGerald, rt. hon. J. D.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Freestun, Col.
French, Col.
Gibson, rt. hon. T. M.
Gilpin, C.
Goderich, Visct.
Greenwood, J.
Grey, R. W.
Gurdon, B.
Gurney, S.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, Capt.
Hanbury, R.
Hankey, T.
Hanmer, Sir J.
Harris, J. D.
Hatchell, J. A.
Hay, Lord J.
Hayter, rt. hn. Sir W. G.
Headlam, T. E.
Heneage, G. F.
Herbert, rt. hon. H. A.
Herbert, rt. hon. S.
Hodson, K. D.
Jervoise, Sir J. C.
Kershaw, J.
King, hn. P. J. L.
King, E. B.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Langston, J. H.
Langton, H. G.
Lewis, rt. hn. Sir G. C.
Locke, Joseph
Locke, John
Lowe, rt. hon. R.
Macarthy, A.
Mackie, J.
Mackinnon, W. A.
Martin, C. W.
Martin, P. W.
Massey, W. N.
Mills, T.
Moffatt, G.
Monsell, rt. hon. W.
Morris, D.
Napier, Sir C.
Norreys, Sir D. J.
Norris, J. T.
O'Brien, P.
O'Connell, Capt. D.
Ogilvy, Sir J.
Owen, Sir J.
Paget, C.
Paget, Lord C.
Palmerston, Visct.
Perry, Sir T. E.
Philips, R. N.
Pilkington, J.
Pinney, Col.
Portman, hon. W. H. B.
Power, N.
Pryse, E. L.
Pritchard, J.
Puller, C. W. G.
Raynham, Visct.
Rebow, J. G.
Ricardo, O.
Rich, H.
Richardson, J.
Robartes, T. J. A.
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Salisbury, E. G.
Sandon, Visct.
Schneider, H. W.
Scrope, G. P.
Seymour, H. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, rt. hon. R. V.
Somerville, rt. hn. Sir W.
Stapleton, J.
Steel, J.
Stuart, Col.
Tancred, H. W.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Tomline, G.
Traill, G.
Trelawny, Sir J. S.
Trueman, C.
Turner, J. A.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Warre, J. A.
Watkins, Col. L.
Westhead, J. P. B.
Whitbread, S.
White, H.
Williams, W.
Williams, Sir W. F.
Wilson, J.
Wingfield, R. B.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.
Young, A. W.

TELLERS.
Roebuck, J. A.
Lindsay, W. S.

Original Question again proposed.

VISCOUNT GODERICH said, that as the Chancellor of the Exchequer had told the Committee that in voting in the division which had just taken place they would not, as they supposed when the discussion commenced, vote upon the question whether the Council should be appointed partly by election, but merely upon the question whether the Council should consist of mixed elements; and as the right hon. Baronet the Member for Carlisle had made a proposition which a considerable number of hon. Members might be disposed to support, he hoped the Government would take time to consider that proposition, as well as to come to some determination as to what interpretation was to be put upon their own Resolution. He, therefore, moved that the Chairman report progress.

MR. BARROW said, that, as a Member who found it inconvenient to come down to the House night after night to listen to the discussion of questions which had been debated over and over again, he should object to the postponement of the Resolution before the Committee. It had already been decided that the principle of election should enter into the constitution of the Council, and, not having any inclination to discuss the proposition of the right hon. Baronet the Member for Carlisle, which was a matter of detail that might be considered hereafter, he saw no reason why the Committee should not at once pronounce its judgment upon the Resolution submitted by the Government.

MR. RICH said, he thought the Government should have time to consider the new phase which the question had assumed since the commencement of the discussion that evening.

Motion made and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 155; Noes 239: Majority 84.

LORD JOHN RUSSELL said, that he thought it reasonable, in accordance with the suggestion of the right hon. Member for Oxford University, that they should have further time to consider the resolution. As it stood at present the Resolution did not appear to him to have any very definite meaning, and he should certainly say "No" to it, though he should not divide the House.

THE CHANCELLOR OF THE EXCHEQUER said, he wished that, before they adjourned these proceedings, the Committee should clearly understand what they had done that night. They had declared by a large majority that they did not approve of the Council being entirely nominated by the Crown. As they had advanced so far, it was clear that the elements of the Council must be of a mixed nature, in deference to the decision of the Committee. The Resolution before them only called upon the Committee to sanction that principle, and he thought it was but reasonable, therefore, that it should be disposed of.

LORD JOHN RUSSELL said, he wished to know whether the right hon. Gentleman intended to propose, at the next meeting of the House, the seventh Resolution?

THE CHANCELLOR OF THE EXCHEQUER said, the sixth Resolution would precede the seventh. At the next meeting of the Committee it would be the duty of the Government to offer a Resolution to carry into effect the Resolutions passed that night.

Original Question put, and *agreed to*.

House resumed.

Committee report progress; to sit again on *Thursday* at twelve o'clock.

PEACE PRESERVATION (IRELAND) ACT CONTINUANCE BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. BAGWELL said, he objected to the consideration of the Bill at that hour. [A few minutes to twelve o'clock.] Such a measure would produce a revolution in England, and it was incumbent on the Government to show that the state of Ireland called for a total abnegation of the laws of liberty in that country. The provision to which he more particularly objected was that which enabled the Lord Lieutenant of Ireland to send to any parish where a disturbance occurred, or where a crime was committed, any amount of police whatever. Under the provisions of such a Bill a conviction of any person might be obtained, and the most innocent persons might suffer. The time for a law of this sort had passed away, and the best mode to conciliate the people of Ireland, and to teach them to obey the law, was by making the laws in England and Ireland equal. Ireland was perfectly tranquil, and there was no reason

for the Bill. He therefore moved that it be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Lord NAAS said, he should be very glad if he could agree with the hon. Member that there was no need for this Bill. For though the condition of Ireland had much improved of late, there was still in certain districts the remnants of the old lawless feeling which required to be repressed. He might state that quite recently applications had been received from two different parts of Ireland for the application of the measure, and at this moment, he need hardly remind the House, that Belfast was under its operation. He wished to explain that the measure did not at all interfere with the ordinary administration of the law; it only enabled the Lord Lieutenant, for cause shown, to proclaim a district, and then to march an extra body of police into it, and to disarm the inhabitants.

Mr. Serjeant DEASY said, he should support the Bill, as he thought it would be attended with the most mischievous consequences if the House refused to give the present Government the same powers for preserving the peace which were possessed by their predecessors. He suggested that the Bill should be renewed for only one instead of two years, and by that time Belfast would probably be in a state not to require it.

Mr. CHICHESTER FORTESCUE said, he was also constrained to admit, however reluctantly, that the measure could not be dispensed with. He trusted, however, that the Government would use great caution and discretion in acting upon its powers.

Mr. P. O'BRIEN said, he had opposed the Bill when it was introduced by the right hon. Member for Stroud (Mr. Horsman), and he would not support it now. If Belfast needed such a Bill, let one be brought in for the special benefit of Belfast; but that was no reason for annoying and, perhaps, imprisoning respectable farmers who were brought before the magistrates for having a gun in their possession, which had been handed down from father to son for generations.

Question put,

The House *divided*:—Ayes 168; Noes 20: Majority 148.

Main Question put and *agreed to*.

Bill read 2°, and *committed* for *To-morrow*.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, June 15, 1858.

Minutes.] Public Bills.—1ª Prisoners Removal; Independence of Parliament.
2ª Law of False Pretences Amendment.
3ª Property Qualification.

MANNING THE NAVY.—QUESTION.

Lord BROUGHAM wished to put a question to the noble Earl the Foreign Secretary with reference to a subject upon which he felt great anxiety. That question, he thought, he might safely put at the present moment, considering the perfectly good understanding which, God be praised! prevailed between us and our ally the Emperor of the French, and respecting which good understanding he might observe that the passing cloud which for an instant only was created by violent language on both sides of the Channel—the violence of a multitude armed on one side, and the violence of a multitude unarmed on the other—had disappeared, and the good understanding between the two countries completely restored. That, then, was the very reason why there could be no harm, but a great deal of good, in their Lordships ascertaining whether or not proper steps had been taken—as he doubted not they had been—by his right hon. Friend the First Lord of the Admiralty for obtaining a good supply of men for the navy. There was no doubt that the country possessed a magnificent fleet; he wished he could add that the manning of that fleet was upon the same scale of efficiency. He begged to ask his noble Friend whether the Commission, which he understood was promised a few weeks ago to inquire into this most important subject, had yet been issued?

The Earl of MALMESBURY said, that a Commission had been issued to consider the best way of manning Her Majesty's Navy at the shortest notice possible. He should be sorry, however, if any of their Lordships supposed, in consequence of what had fallen from his noble and learned Friend, that the navy could not, at the present moment, be manned in a very short space of time. Men were now ready at the shortest notice to come forward and

man any number of ships that Government might consider to be necessary for the purpose of defending the Channel.

LORD BROUGHAM was very far from doubting the possibility of manning the navy at the shortest notice; but what he stated was, that in point of fact, the navy was not at present manned.

PROPERTY QUALIFICATION BILL.
THIRD READING.

Order of the day for the Third Reading read.

Moved, That the Bill be now read, 3ª.

LORD RAVENSWORTH said, he was not about to offer any opposition to the passing of the measure; but he thought it should not go through this, its final stage, without their Lordships' attention being shortly directed to certain results which he was of opinion were likely to flow from it. From close observation of the sentiments expressed, and the language uttered at all popular meetings upon the subject of Parliamentary Reform, he was convinced that the object of the democratic party in this country was by no means confined to so apparently simple a measure as that which now came before their Lordships for third reading. That party did not scruple to declare that in their appeals to the Legislature for a change in the constitution, they would not consent to stop short of that which was well known to the public under the denomination of "the five points of the Charter;" and by this Bill their Lordships were about to agree to one of these five points. It had been alleged that the law of property qualification offered no real impediment to the admission of Members to the other House of Parliament who did not possess that qualification, because in such cases there were means of making provisional arrangements for obtaining a sufficient qualification to enable a person to take his seat in that House. But he would ask their Lordships, in what manner it was probable the concession they were now called upon to agree to would be received by the party of whose creed it formed one of the points? For his own part he apprehended that it would be regarded simply in the light of an instalment of their demands. The four other points of the charter were universal suffrage, vote by ballot, short parliaments, and payment of members. Upon some of these he granted the present measure would have no bearing at all; but upon the first and most material point, universal suffrage, he considered it would have a most important bearing. If the Legislature determined on abolishing the property qualification, and declared that property afforded no security for the character of a representative, the leaders of the democratic party would not unreasonably ask, if they had any right to insist longer upon a property qualification for the constituent body. Now, the basis of the Reform Bill of 1832 was property; and was it not a logical inference that those men who were anxious to carry out to their full extent those popular principles, would say that having abolished the property qualification for representatives, the Legislature had no right to insist upon a property qualification for constituents. That, then, was one of the consequences of the measure to which he desired to direct their Lordships' attention. But further, the moment that the qualification was dispensed with in the case of Members of Parliament, precisely the same argument would be advanced against the continuance of the legal qualifications which were now necessary for the holders of different public offices. He did not know what was the qualification for a borough or county magistrate; but he believed that a proporty qualification was required, and the moment the qualification for so important an office as that of representative of the people was abolished, the same argument would be urged for its abolition in these cases also. The other question upon which the measure before their Lordships would have an important bearing was the payment of Members of Parliament; and if by the abolition of the property qualification persons were sent to the House of Commons who were not worth a shilling it was only just and logical to conclude that they would say to their constituencies, "If we give you our labour, you at least ought to pay us for it." That, then, was another consequence of the passing of this Bill, the concession of a third point of the charter, the payment of Members. Now, their Lordships' House was looked to with confidence by all the friends of order and of the constitution in the country; and he was sure there were few, if any, of their Lordships who believed that the "five points of the Charter" could be conceded without the risk, nay the certainty of a change, if not the ruin of the existing constitution. If universal suffrage, vote by ballot, and annual parliaments were granted, the constitution would be no longer safe, and neither our limited monarchy nor the privileges of the House would be maintained in their integrity. Their Lordships

must, therefore, be prepared to make a stand against further attempts at legislation in this direction. It would not be long before another Bill would come up from the House of Commons for lowering the franchise of county constituencies. The present measure was therefore only the first of a series of demands that would be made upon the Legislature, and he feared that its effect would be to put additional weapons in the hands of the democratic party. He had confidence, however, in the good sense of the people of England. He did not believe that that party, powerful, restless, and able as it undoubtedly was, did really represent the unbiassed opinions of the people; and, with reason and justice on their side, he was certain their Lordships would receive the support of the people in resisting the unconstitutional demands of the democratic party.

THE EARL OF CLANCARTY: My Lords, I very much concur in what has fallen from the noble Lord who has just sat down. In the course of the discussions that have taken place upon this Bill its real importance has been too much overlooked. It has been commended to your acceptance mainly on the ground of its removing from the statute-book Acts of Parliament that have become inoperative, or that have been fraudulently evaded. Upon the abstract propriety of repealing such laws no objection has been, or could be, urged; but viewing the Bill as properly part of a general measure of reform, viewing it also in connection with other Bills at present before Parliament affecting the representation of the people, and seeing that the tendency of them all is to relax every restraint upon the democracy, I cannot but think that more consideration ought to have been given to its policy than it has received at your Lordships' hands, and that it has been hurried through its several stages with a precipitation that precluded the possibility of due deliberation. The importance of the Bill now before your Lordships clearly cannot be limited to the repeal of inoperative laws. Upon such a question there could not have arisen in the other House of Parliament that controversy which we know by the votes upon the table of this House it gave rise to. The real purport of the Bill is rather to be inferred from the principle of the laws which it repeals. Those several Acts of Parliament were, from their very titles, manifestly designed to exclude from the Legislature persons who were not in circumstances of independence, and had no stake in the country for which they were to make laws. This principle you are now called upon to give up unconditionally, and for no other reason than because it has been insufficiently provided for. When the Bill shall have passed, you will practically have declared that property, and the independence which its possession imparts, are not necessary as qualifications for a seat in Parliament. Such a step, my Lords, is not unimportant, and will be regarded by the Chartists as of marked significance as the concession of one of the points of the Charter, at the very eve of the introduction of a Reform Bill by Her Majesty's Government. Again, my Lords, you have on the table of the House Bills, to which I will not now more particularly refer, for dispensing with Christianity as a qualification for a British legislator. There are therefore at present in progress in this House Bills which, if they should become laws, will at once sweep away every test of property, of personal independence, and of Christian profession, at present required of those who are to make laws for this wealthy, commercial, and Christian country. Further, we learn by the Votes of the Commons that other measures connected with Parliamentary Reform are under consideration in that House. A Bill for the establishment of Vote by Ballot, another point of the Charter, has not, indeed, made much progress, but its principle has not been repudiated. But another Bill, for the institution of a £10 franchise for the constituencies of English counties, has met with more favour and is likely soon to be sent up to this House. I do not give any opinion upon the particular merits of measures not yet before this House, nor will I anticipate what your Lordships may do with them when they are brought before you, but I cannot help remarking that the tendency of all this piecemeal legislation appears to be, without any counteracting agencies whatsoever, to raise up an unbridled democracy that may imperil the liberties of the country by first destroying the proper balance of the constitution. I would, therefore, desire to impress upon the House, and especially upon Her Majesty's Ministers, the importance of putting a stop to the passing of Bills involving concessions to the democratic power in the country, that must operate to the prejudice of that free and full consideration of the subject of a general Reform Bill, which the public now look forward to. Though I can hardly hope that any suggestion of

mine will have weight, I yet feel it right to express my opinion that a Select Committee should be appointed to take the evidence and collate the opinions of the most eminent reformers, so as to give to the country the best measure that can be framed. It is reasonable to suppose that the subject had been very fully considered by the late Ministry, when it was specially noticed in the Queen's Speech, and that it included the recommendation of a £10 franchise for counties, is to be inferred from Lord Palmerston's recent vote upon that question in the House of Commons. The value of what the late Ministry were prepared to recommend should be examined into, as well as the published views of the noble Earl opposite (Earl Grey) and the proposition of an educational franchise. If the introduction of a Reform Bill be not preceded by such an inquiry, it is hopeless to expect any satisfactory settlement of the question. But if your Lordships, in place of instituting such an inquiry, should determine upon proceeding by piecemeal legislation, I would earnestly hope that, as some compensation for the Bill now before the House, another Bill should be forthwith introduced to abolish the privilege of freedom from arrest for debt which Members of both Houses at present enjoy, and to prevent bankrupts from sitting in either House. It is true, that by the 52 *Geo.* III., c. 144, bankrupts are declared incapable of sitting and voting; but as the Commissioners' certificate is not transmitted to the Speaker till twelve months after the bankruptcy has been declared, and there is no penalty against the infringement of the law, there is practically a sanction given for men of the most desperate fortunes acting as legislators for this great country. Measures for the remedy of these evils would, I believe, go far to reassure the public mind, now becoming not a little alarmed regarding the character of the promised Reform Bill. These observations, my Lords, I have considered to be not uncalled for by the nature of the Bill now before the House, and I trust your Lordships will not deem them irrelevant to the question of the abolition of a property qualification for Members of Parliament.

The Earl of WICKLOW said, he certainly had not expected that this Bill would have been presented to their Lordships without any opposition on the part of Her Majesty's Government, for it repealed no less than seven Acts which had been passed by their predecessors for the purpose of securing the respectability of the House of Commons. He quite concurred with his noble Friend opposite (Lord Ravensworth) in thinking that if a property qualification were dispensed with in the case of the elected, Parliament would thereby be paving the way for its abolition in the case of the electors, and would, as a consequence, be taking a most decided step towards the introduction of universal suffrage into our representative system. Now, one of the main arguments which had been advanced by the noble Earl who had moved the second reading of the Bill in support of the measure was, that the law as it now stood was so frequently evaded that it was useless to maintain it. He must, however, remind the noble Earl that there was not a single enactment upon the statute-book against which the very same objection might not, with more or less justice, be urged, while, for his own part, he could not help thinking that under the operation of the existing law, notwithstanding its occasional evasion, some security was afforded that an individual who had been returned to the House of Commons was, at all events, to some extent entitled to aspire to that honour, inasmuch as if he did not happen to possess the necessary qualification himself, he must, before he could take his seat, obtain one from somebody who did possess it, and who might be regarded as being, to some extent, responsible for his being a person of respectability. There was also the further advantage in maintaining the law as it stood that men who had not the necessary qualification were in consequence discouraged from coming forward and creating disturbances among the constituencies through their being aware that, even though they should succeed in obtaining the majority of votes, they could not take their seats in the House of Commons. The arguments which had been advanced by the noble Earl at the head of the Government in reference to the Bill upon a former evening, he had, he must confess, heard with considerable surprise. That noble Earl had, upon the occasion to which he alluded, stated that the measure was an unimportant one, and that, therefore, he did not deem it necessary to oppose its passing into law. Their Lordships must, however, bear in mind that to yield position after position to the enemy, was in warfare a most dangerous policy, inasmuch as it tended to give confidence to one's opponents, and that if they were

to go on passing measures such as that under their notice they would be rapidly tending to the slough of Socialism. He firmly believed that their Lordships were doing very great injury to the public in allowing this Bill to pass.

EARL FORTESCUE said, the Bill had been supported in the other House by a large body of Gentlemen who were as much opposed to the "Charter" as the noble Lord (Lord Ravensworth) himself could be. It had been said that persons who wanted to become Members of Parliament might borrow property qualifications from somebody else. Yes; but at what a sacrifice of principle! They were required to take at the table of the House of Commons a solemn declaration that they possessed this amount of property for their own sole use and benefit; whereas it was perfectly well known that the qualification was lent to them only for electioneering purposes, and that they neither had received nor ever could receive any possible use and benefit from it. Was it possible that a law which operated in this way could be called a bulwark of the constitution? He was happy to find that a majority of their Lordships, including the members of the Government, were opposed to such practices, and that they had the courage to surrender that which they would not be justified in withholding. By such concessions, as the noble Earl at the head of the Government said, they would place themselves in a better position for resisting demands which they believed to be improper.

LORD DENMAN: My Lords, I beg to move that this Bill be read a third time this day six months, because it appears to me most unconstitutional. In all cases of common and special jurors and relieving officers a money qualification is required, and I believe that in Sydney, New South Wales, at one time a qualification of £500 in household property was required, and afterwards dispensed with in the Assembly of Representatives; but that it was found necessary, from unfit persons being elected, to return to a property qualification. I was taken by surprise on this question, and intended to divide the House upon it; but as I can enter a protest from merely voting against it, I will, with the leave of the House, withdraw my Motion.

Amendment moved, to leave out ("now") and insert ("this Day Six Months").

LORD BROUGHAM supported the measure, not because he believed the existing law to be one of no importance, but because it was vexatious in its operation, because a compliance with its provisions was constantly coupled with falsehood and sometimes with perjury, and because he thought it much better on the whole to get rid of this qualification. He thought, however, that Parliament ought consistently to accompany this measure with another,—not to take away the privilege of Members from arrest on judgment, but to put all persons on the same footing as traders were placed by the Act of 1812, so that they should be incapable of sitting and voting, and a new writ should issue as though the seat was really vacant, if within twelve months after bankruptcy they did not pay the whole of their debts and have their commission superseded. He had in 1845 introduced an Act to this effect, renewing the attempt without avail in 1849; and he felt confident that, if the property qualification had then been abolished, his proposal would have been accepted. Impressed with this belief, he should, after the passing of the Bill now before the House, reintroduce a measure to the effect he had stated.

LORD CAMPBELL appealed to the noble Lord (Lord Denman) not to divide the House on this subject.

Motion (by leave of the House) *withdrawn.*

Then the Original Question was put, That the Bill be now read 3ª; objected to; and on Question, *Resolved* in the *affirmative.*

Bill read 3ª accordingly, and *passed.*

THE ASSISTANT BARRISTER OF THE COUNTY OF KERRY.

PETITION CONSIDERED.

THE MARQUESS OF CLANRICARDE brought under their Lordships' consideration the petition of William M'Dermott, Esq., praying that the hearing of the articles of charge against him may be postponed. (Presented to the House yesterday.)

THE EARL OF DONOUGHMORE said, that he had no disposition to throw any obstacle in the way of Mr. M'Dermott's defence, but he did not think that any grounds for delay were stated in the petition. Mr. M'Dermott alleged that the notice which he had received of their Lordships' proceedings in reference to his case was very short; but the fact was, that the gentleman had received a virtual notice of these proceedings as far back as February. The petition stated that Mr. M'Dermott had to preside at the Derry

Quarter Sessions on the 22nd inst.; but he (the Earl of Donoughmore) would put it to their Lordships whether a gentleman against whom so grave a charge was pending ought to preside as a Judge in a court of justice. The petition also prayed that such witnesses as Mr. M'Dermott might summon should be paid their expenses. He (the Earl of Donoughmore) had, through a right hon. Friend of his in the other House, intimated to Mr. M'Dermott that their Lordships would compel the attendance of all whom he might require to appear; but he had refused to give any pledge that their expenses would be paid by that House. He thought that their Lordships should refuse to comply with the prayer of the petition.

LORD CAMPBELL wished to give this gentleman an opportunity of stating his case, but he did not think that his petition made out a case for a postponement. The gentleman ought to be eager to meet the charge, and ought not to sit as a Judge pending the proceedings in their Lordships' House.

THE MARQUESS OF CLANRICARDE said, that Mr. M'Dermott was to be presumed innocent till his guilt was proved. He (the Marquess of Clanricarde) agreed that he ought not to sit on the bench till this case was disposed of; but he did not think that there was sufficient time allowed to him to get up his defence and arrange an array of witnesses. He (the Marquess of Clanricarde) was not pronouncing any opinion on the merits of the case; but as it was only that day that the amended articles of accusation had been laid before their Lordships, and as the witnesses lived in a very remote part of the kingdom, he thought the application for a postponement was not unreasonable.

LORD CAMPBELL said, that when the charge had been heard, if the accused asked for time to prepare his defence, it would be given as a matter of course.

THE EARL OF WICKLOW thought that the prayer of the petition ought to be granted.

THE LORD CHANCELLOR said, that this gentleman ought to have ample opportunity to meet the charges brought against him; he thought, however, that the observations made by the Lord Chief Justice met the justice of the case. If Mr. M'Dermott appeared at their Lordships' bar on the day named, he would hear the charges against him and the witnesses adduced in support of them. And then, if he was still unprepared to meet those charges, their Lordships would give him ample time to prepare his defence and to have his witnesses in attendance. Under these circumstances there could be no reason for postponing the commencement of this inquiry.

THE MARQUESS OF CLANRICARDE said, that if that was understood he would not press his Motion.

LORD CRANWORTH said, the course now about to be taken was in conformity with a somewhat analogous case, namely, the Bill of Pains and Penalties preferred against Queen Caroline. The charges were in that case made, and time was afterwards given to meet them.

LORD BROUGHAM hoped infinitely better cases than that of Queen Caroline would be relied on. No one could look back upon those proceedings without feeling that something approaching, if not to remorse, at least to shame, attached to them.

No order made thereon.

House adjourned at a quarter to Seven o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 15, 1858.

MINUTES.] PUBLIC BILLS.—1° Trustees and Mortgagees, &c.; Legitimacy Declaration; Police Force (Ireland); Administration of Justice (Dublin); New Trial in Criminal Cases.

CASE OF MR. JOHN TOWNSEND.

MOTION.

MR. FITZROY said, he rose to move that the Copy of Record Adjudication of Bankruptcy against Mr. John Townsend, Member for the borough of Greenwich [presented 11th June], be read by the Clerk of the Table.

Motion *agreed to.*

The Clerk then read the record, as follows—:

"The Bankrupt Law Consolidation Act, 1849.

"In the Court of Bankruptcy, Basinghall Street, London, 28th day of August, 1857.

"In the matter of John Townsend, of Greenwich and Charleton, both in the county of Kent, auctioneer, against whom a petition for adjudication of bankruptcy was filed on the 28th day of August, 1857, before Mr. Commissioner Fane,—

"I, the said Commissioner, upon good proof upon oath before me this day taken, do find that the said John Townsend became bankrupt within the true intent and meaning of the laws of bankruptcy, before the filing of the said petition against him. And I do therefore declare and adjudge him bankrupt accordingly.

"R. G. C. FANE, Commissioner."

"This adjudication was annulled by an order made by Commissioner Holroyd, on the 6th of October, 1857. J. F. M. R."

"The Bankrupt Law Consolidation Act, 1849.
"In the Court of Bankruptcy, Basinghall Street, London, 29th day of March, 1858.
"In the matter of John Townsend, of Greenwich, in the county of Kent, auctioneer, against whom a petition for adjudication of bankruptcy was filed on the 29th day of March, 1858, before Mr. Commissioner Goulburn,—
"I, the said Commissioner, upon good proof upon oath before me this day taken, do find that the said John Townsend became bankrupt within the true intent and meaning of the laws of bankruptcy, before the filing of the said petition against him. And I do therefore declare and adjudge him bankrupt accordingly.
"EDWARD GOULBURN, Commissioner."

On the Motion of Mr. FITZROY, the Acts 52 of *Geo.* III. c. 144 (respecting Members who become bankrupts), and 12 & 13 *Vict.* c. 106, s. 5 (Bankrupt Law Consolidation) were read by the Clerk of the Table.

MR. FITZROY said, he would now move that Mr. John Townsend, Member for the borough of Greenwich, having been found, declared, and adjudged a bankrupt from the 29th of March, had since been, and still was by law, incapable of sitting and voting in that House.

Motion made and Question proposed,—

"That Mr. John Townsend, the Member for the Borough of Greenwich, having on the 29th day of March last been found, declared, and adjudged a Bankrupt, has since been, and still is, by Law incapable of sitting and voting in this House."

MR. TOWNSEND said, he considered it his duty to the House, to his constituents, and to himself, to rise upon the present occasion, and to offer, with the permission of the House, a few observations in explanation of the votes he had given upon the last few divisions, and the reasons which had induced him to think he was privileged to retain his seat in the House. Since he had had the honour of seat in that House he had always endeavoured, in every possible shape and way, to conform to its rules and regulations. He had never thrust himself upon the notice or the society of any hon. Member on either side of the House, and if he had erred in the votes he had given and in continuing to sit, it had been in ignorance, and certainly not in defiance, of the rules of the House. It was perfectly true that an adjudication of bankruptcy had been filed against him in consequence of his having been involved in a heavy Chancery suit, over which he had no control, and the political persecution that had been directed against him, but he had every reason to suppose that in the course of a few days or weeks that bankruptcy would be superseded. He had but one harsh creditor, but for whom the bankruptcy would have been superseded long ago, and he would never rest contented until all his debts had been paid with 20*s.* in the pound and interest. With great respect and deference to the opinion of the right hon. Gentleman (Mr. FitzRoy), he would submit to the House, from facts which he would endeavour to prove in explanation, that there were at least very divided opinions as to his right, under existing circumstances, to sit and vote in that House, and he believed he should be able to show that he was perfectly justified in coming to the conclusion that he still had the right to sit and vote as a Member of that House. As, however, there were many leading technicalities bearing on the case, which, as he was not a lawyer, he could not be expected to know, he should rely upon that which he had always heard and believed—namely, that it was as much the pride and pleasure as it was the duty of the strong to protect the humble and the weak. He would, therefore, at once appeal to the law officers of the Crown, and to hon. and learned Members on both sides of the House, to assist him in the discussion which he trusted would follow the observations he was now making, by quoting any legal points with which they might be familiar in support of his case. He had endeavoured in every possible way to ascertain the true meaning of the Act which had been referred to, and he was assured by parties who were capable of judging that he had a perfect right to sit in the House and to record his votes. He had instructed a friend learned in the law to give him his opinion upon the point now raised, and his opinion was that he (Mr. Townsend) had an undoubted right to be and to continue a Member of that House. Certain cases were quoted in support of this opinion, and among others the case of Sir R. Price, formerly a Member of the House, who, although he had been adjudicated a bankrupt, yet, the proceedings having been suspended and adjourned time after time, he, prior to the *supersedeas* being taken out, sat and recorded his votes. He would respectfully submit that if Sir R. Price had the power to sit in that House, he, although a more humble man, had the same power. It was no secret to any one that circulars were continually sent to hon. Members inviting them to attend cer-

tain divisions. These circulars were never marked "Private," or "Confidential," or he should not have alluded to them; but he had received these circulars from hon., right hon., and learned Members, inviting him to come and vote for certain measures which were expected to be brought into debate in that House. No later than yesterday morning he had received a circular from a right hon. and learned Gentleman, quite capable of judging upon the question whether he had a right to vote, inviting him to attend the House last night and record his vote. He could not believe for a single moment that these hon., right hon., and learned Gentlemen, would think of offering an intentional insult to a large and independent constituency by inviting their Member to a division upon which the door would be shut upon him. A man might as well invite another to dinner, and then tell him that he had no business there. When he came down to the House he found the door open, and no bar or opposition offered to his entrance. He found his name duly printed on the division desk, and this he took for an invitation to come and have his name ticked off. He took his seat in the House, and not a syllable was said to him. He recorded vote after vote, and his name was printed in the division lists, and published in every newspaper in the United Kingdom. All of a sudden the right hon. Gentleman the Member for Lewes (Mr. FitzRoy) moved, in his absence, for a record of the adjudication. The right hon. Gentleman gave him no previous notice of his intention. Now, he did think that the right hon. Gentleman might have condescended to drop him one line. The first he heard of it was from the right hon. Gentleman's own lips the same night, while he was in the lobby on the division upon the Motion of the hon. Member for East Surrey (Mr. L. King). The right hon. Gentleman told him when he was in the division lobby that he had no power to vote; but he (Mr. Townsend) had not forgotten the 180th rule of the House, which says, "Every Member present in the House when the question is put will be required to vote," which was explained by the marginal note as follows, "Every Member then present must vote." He had, therefore, no alternative but to go on and register his vote. He contended with every respect to the House that the Act gave a Member twelve months in which to supersede the bankruptcy. It was never intended by the 52 *Geo.* III. c. 144, that a harsh creditor should have the power of going to the Bankruptcy Court and obtaining an adjudication upon a £50 debt, when it might so happen, although he did not pretend that it was so in his case, that the debtor might have £50,000 wherewith to meet the debt. Was it not against reason and common sense that while proceedings were going on a creditor should have the power, upon a disputed debt, to shut the door of the House and deprive a constituency of the services of its Member? To the best of his belief in a few weeks he should be able to supersede the bankruptcy. He was told, however, he must resign to make room for a former Member; but until the right hon. Gentleman in the Chair decided to the contrary, he was supported in his seat by the unanimous voices of 30,000 free, honest, and independent men of Greenwich, who would not suffer him to be put out at the dictation of any money-bag candidate. They did not care a rush whether their Members had £50,000 a year or only £500, provided they did not, as candidates upon the hustings, undertake to do that which as representatives they did not intend to perform. He respectfully contended that when so much reasonable doubt existed, it was his bounden duty to his constituents, from the pledges he made to them upon the hustings in favour of all those great measures of reform which were now happily passing the House, and in which they took such deep and unbounded interest, to put aside his own personal feelings, however painful, and to be present to support those measures. He would not detain the House further, but thanking hon. Members for the attention with which they had heard him, he would now retire in accordance with the rules of the House, confident that his case would be discussed and fairly dealt with by hon. and learned Members on both sides of the House.

The hon. Member then left the House.

THE SOLICITOR GENERAL said, he thought that every hon. Member must feel that the subject was a painful one, and only to be approached with great reluctance. Consequently the House owed a debt of gratitude to the right hon. Member for Lewes for bringing this question before them, because unless some hon. Member, regardless of personal feelings, and above all, party suspicion, brought questions of this kind, the credit and dignity of the House would suffer. It was highly important to the dignity and credit of the House that such cases as this should not be passed over. The hon. Member for Greenwich, it appeared

by the Return, had been adjudicated a bankrupt on the 29th of March last, and the commission had not since been superseded. The Act of Parliament was as clear as anything could be. It did not harshly require that a Member on being declared a bankrupt should lose his seat immediately, but it gave him a breathing time of twelve months, during which he might get the commission superseded, or pay off his creditors; but it did inflict on a Member so situate the incapacity of sitting and voting during those twelve months, or for so long a portion of them as the adjudication of bankruptcy continued in force. The moment that the proceedings in bankruptcy were superseded, his right to sit and vote returned. When the twelve months had expired, if the adjudication were not removed, the seat became vacant, and the Act gave power to the Speaker at once to issue a new writ for the seat. The only doubt that he had felt on this point arose from the use in the Act of the words "whenever a commission of bankruptcy shall issue." Commissions of bankruptcy had long since been put an end to, and it might perhaps have been going too far to say, that in a matter of this sort, without some express enactment, the provisions of this Act could be applied to a different mode of procedure. But the 5th clause of the Act of 1849 provided that, wherever in an Act of Parliament mention should be made "of any commission of bankruptcy," such Act should, for the future, be construed with reference to proceedings for a petition of adjudication. It had been urged by the hon. Member that an adjudication might be obtained against anybody, even if he had £50,000; but it should be remembered that such an adjudication could not be supported. There seemed, therefore, to be no reason to be alleged against the Motion of the right hon. Gentleman, and he thought the House was bound to adopt it out of regard to its own honour and credit. At the same time, he trusted that the result would be that the hon. Member for Greenwich would return speedily to his place, and that there would be no occasion to put in force the extreme powers of the Act.

MR. J. D. FITZGERALD said, he agreed in the construction put upon the Act by the Solicitor General. The course suggested by the right hon. Member for Lewes was the only one open to the House, and he should give it his support. As the House had recently passed a Bill to abolish the property qualification, it behoved them to be more careful than ever in not passing over cases of this sort.

MR. SERJEANT DEASY remarked, that he thought the Resolution should strictly follow the words of the Act, which were "sitting and voting."

COLONEL FRENCH said, he hoped Mr. Speaker would express his opinion.

MR. SPEAKER said, it was a question on the construction of an Act of Parliament, and one for the consideration of the law officers. At the same time, he might say that he agreed with the interpretation put on it by the hon. and learned Solicitor General.

Question put, and *agreed to.*

Ordered—

That the said Mr. John Townsend do withdraw from this House until his Bankruptcy shall have been superseded or annulled, or until his creditors proving their debts shall have been paid or satisfied to the full amount of their debts.

Notice taken—

That upon Monday the 7th day of this instant June, in Committee on the subject of the Government of India, upon a Division, Mr. Townsend voted with the Ayes.

That upon Tuesday the 8th day of this instant June, on the Third Reading of the Church Rates Abolition Bill, upon a Division, Mr. Townsend voted with the Ayes.

That upon the same day, on the subject of the Ballot, upon a Division, Mr. Townsend voted with the Ayes.

That upon Thursday the 10th day of this instant June, on the Second Reading of the County Franchise Bill, upon a Division, Mr. Townsend voted with the Ayes.

Ordered, That the said Votes be disallowed.

SALE AND TRANSFER OF LAND (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. SERJEANT DEASY said, he was not about to discuss the general principle of the Bill, although he did wish to see the powers proposed to be given to the new Court vested in the Court of Chancery. He wished, however, now, as he could not do so in Committee, to call attention to the case of Mr. Flanagan, formerly the secretary of the Incumbered Estates Commission, who surrendered a life office for that appointment, the salary of which was £1,000 per annum. He afterwards assumed without further salary the judicial office of master, the duties of which were extremely arduous, and although that office was now to be abo-

lished, yet as Mr. Flanagan had satisfactorily and efficiently performed all its duties, that gentleman was, he thought, fully entitled to a retiring compensation, to be fixed upon the Estimates. If he had continued secretary he would have been provided for in the Bill, but as he had taken a higher and a more laborious office, he was now to be sent away without any retiring allowance.

MR. WHITESIDE said, it was impossible, in justice to the other officers of the court, to select Mr. Flanagan for a special provision in the Bill, fixing his compensation at his present salary. He would with the other officers be provided for by the Treasury. The Incumbered Estates Court had been created as an experiment and for a temporary purpose, and Mr. Flanagan became its secretary with a full understanding of that fact, and there seemed no reason why the House should sanction the principle that a gentleman who did so ought on his retirement from an office of that character to be entitled to his full allowance. It was true that he subsequently became master, but that was upon a minute of the Commissioners, and not upon the appointment of Her Majesty's Government, and in virtue of an Act of Parliament which had been strained for that purpose.

MR. MONSELL said, he thought it was a pity that the Bill should be inaugurated by a gross act of injustice. He saw no reason why Mr. Commissioner Hargreave should receive his full salary in the Bill while Mr. Flanagan, who was also a judicial officer, was left to the discretion of the Treasury.

MR. MALINS had heard so much of the efficient manner in which Mr. Flanagan had performed the judicial duties of Master that he thought his right hon. Friend (Mr. Whiteside) would do well to accede to the general wish that Mr. Flanagan's compensation should be named in the Bill.

MR. BERNAL OSBORNE said, he thought the principle laid down by the Attorney General for Ireland (Mr. Whiteside) was the correct one, and he hoped he would stick to his guns and act upon it, not only in the case of Mr. Flanagan, but also in that of Mr. Hargreave, as it was but right that both gentlemen should have their claims investigated by the Treasury. With respect to the Bill itself, he thought the 51st clause of it was prejudicial to the rights of property.

COLONEL FRENCH defended the clause, and stated that when the Incumbered Estates Court was first established sales were hurried on, regardless of sacrifice, by solicitors who were only anxious to get their own costs out of the proceeds.

SIR ERSKINE PERRY said, he hoped the Bill would be the model for a similar measure for England. He agreed with the Attorney General for Ireland that the compensation of Mr. Flanagan should be left to the Treasury, but the same principle applied to Mr. Hargreave.

MR. G. A. HAMILTON said, that the responsibility in this matter rested not upon the right hon. Gentleman the Attorney General for Ireland, but upon the Treasury. The matter was fully considered, and the conclusion was arrived at that, although some exception might be made in the case of a judicial officer, it was the opinion of the Treasury that that exception could not be extended to other officers. There was no reason why, if Mr. Flanagan was included, the claims of other officers also should not be placed in the same category. He quite admitted that Mr. Flanagan was a meritorious officer, but it was impossible that Her Majesty's Government should allow a specified compensation to be introduced into an Act of Parliament in any other case than that of a judicial officer.

MR. J. D. FITZGERALD said, that the masters were introduced in consequence of the pressure of public business; and had it not been for the indefatigable exertions of the secretary, Mr. Flanagan, the Act would have failed to a great extent. He was glad to find that the compensation by the Treasury to Mr. Flanagan was to be liberal; but still he thought that it was very unfair to put a man of his great abilities in the same category as a writing clerk attached to an office which had been abolished.

LORD NAAS said, that the Government had not felt themselves authorized to deal with Mr. Flanagan in the mode suggested by the hon. and learned Member for Cork (Mr. Serjeant Deasy.) The best mode, however, would be for him to take the sense of the Committee upon it, and, of course, if such were the wish of the Committee, the Government had no objection to a vote being proposed for that purpose.

MR. BARROW said, he must protest against these personal questions of compensation being brought forward without notice, and at a time when those hon. Members who took a great interest in keeping down the taxation of the country were not present.

MR. SPEAKER said, that inasmuch as the hon. Gentleman proposed to make a Motion, not for the purpose of voting money out of the Consolidated Fund, but for the disposal of money voted by the House, it was competent for him to make it in Committee, when the matter could be discussed.

Motion *agreed to.*

House in Committee.

THE ATTORNEY GENERAL FOR IRELAND said, that since the Bill was last before the House it had been carefully revised, and various points on which great discussion took place had been considered with reference to the objections which had been made. Several clauses, including that for the appointment of receivers, and for the purpose of sending issues to be tried by a jury, had been struck out. Other difficulties had been obviated, and he was not aware that there was anything he could yield which he had not yielded, except as to the principle of the Bill, to which he was determined to adhere.

Clause 1 and 2 *agreed to,* with verbal Amendments.

Clause 3.

SIR ERSKINE PERRY said, he regarded this as one of the most important measures of law reform in the present generation, and he believed that a similar court would ere long be established in England. Great improvements had been made in the courts of equity of late years, but still the tendency was to relieve the Judges, and to throw the work upon the officers of the Court. It was a false step to diminish the number of the Judges of this Court from three to two, and there was no economy in so doing, because they pensioned off the third Judge upon his full salary. It would be quite enough to diminish the number of Judges when experience had proved that two Judges could efficiently perform the duties of the Court. He moved to leave out the word "two" and insert "three."

THE ATTORNEY GENERAL FOR IRELAND said, he thought that hon. Members hardly knew what would be the consequence of agreeing to this Amendment. The proposition of the Government was to construct a permanent court with a permanent staff, and to elevate the Commissioners of the Incumbered Estates Court to the position of Judges. The whole matter had been examined minutely by a Commission, which gave it as their opinion that the business of the Incumbered Estates Court, together with some of the business of the Court of Chancery, could be discharged by two Judges sitting daily, with a proviso that those Judges should be Messrs. Hargreave and Dr. Longfield. When he read that statement he confessed he was astonished, but Mr. Hargreave himself had expressed his opinion that two Vice Chancellors and the Master of the Rolls, with a competent staff, would be able to do the business of the Incumbered Estates Court in addition to the business they then performed, although he thought it probable that they might be hardly worked. Subsequently he was asked what number of Judges sitting daily would be required to do the business of the Incumbered Estates Court alone, and he gave it as his opinion that one Judge with a proper staff would do. The opinion of Dr. Longfield was similar. By the Bill of the late Government the right hon. Gentleman opposite (Mr. Fitz-Gerald) proposed to transfer the Incumbered Estates Court to the Court of Chancery, and to appoint two Vice Chancellors to transact the business; but his (Mr. Whiteside's) proposal was, that they should only have to transact the business of the new Court, and there was no ground to suppose that the number of Judges was not sufficient. The learned persons who composed the Commission to which he had alluded, had made certain recommendations, every one of which were carried out by the Bill. It would be a very dangerous thing to introduce a system by which the number of Judges in the Courts might be increased with too great a facility. The number of petitions in the Incumbered Estates Court was by no means such as to justify such a proceeding. About sixteen petitions had been presented in February, seventeen in March, and twenty in the last month; and had there not been great arrears to get through, it would be ridiculous to suppose that the business would fully occupy three Commissioners. Dr. Longfield had recently sent him a document in which he said, that if he now had the whole business of the Court to transact he should not be so pressed as he was in 1853. If this was not a permanent measure, the case would be different; but they must remember, that having once appointed a Judge of a permanent Court, there was no getting rid of him, unless with very large compensation. When they took into consideration that the Judges of the new Court would sit separately every day in the week, instead of sitting together, as the Commissioners of the Incumbered Estates Court did, on

Wednesdays and Saturdays, and that the appeal would be not from the three Judges as now, but from each Court, it was impossible not to see that two Judges would be able to do the work of three under the old system. It would not be possible to refer the business of the Court to other officers, because they would not exist. The hon. and learned Gentleman would not be able to persuade the Treasury to grant some £10,000 a year for salaries to the Judges, and, therefore, the hon. and learned Gentleman in effect proposed to give the same sum of money to three Judges which he (Mr. Whiteside) proposed to give to two. He had the authority of the two subordinate Commissioners for saying, that they would not consent to remain in the Court if their present position of equal work, but inferior rank, were perpetuated in the new arrangement. He might also remark, that if three Judges were retained, there must be three sets of officers retained, which would cause a great additional expense. He, therefore, submitted to the Committee, in opposition to the proposal of the hon. and learned Gentleman, first, the opinion of the Commissioners in Ireland; secondly, that of the Committee of the House; thirdly, that of the Commissioners themselves; fourthly, the state of the business in the Court; and fifthly, the financial question. He hoped that on these grounds the Committee would agree with him that, considering no injustice would be done to Mr. Hargreave, and that his allowance would cease when he had another judicial appointment, there was not sufficient ground alleged for the increase in the number of the Judges of the proposed new Court.

MR. MELLOR said, that it might be deduced from the arguments of the right hon. Gentleman that one Judge would be sufficient. Indeed, he thought that it was very probable that after the first rush of business one Judge would be enough. Seeing that there were three Judges to be disposed of, and that it was the intention of the Home Secretary to introduce this system into England, the best plan that could be adopted would be to retain Mr. Hargreave, equalizing his salary and that of Dr. Longfield, until a similar court were established in England, when he might be transferred to such court. He saw no difficulty whatever in equalising the salaries; and inasmuch as the greater the numbers of the Judges the less work there would be for the examiners, they might get rid of one of them. He did not think that the extreme difference to the Treasury would be more than £1,000, and it would be most miserable economy to dispense with the services of Mr. Hargreave by allowing him to retire on his full pay. He trusted, therefore, that the Amendment would be carried, as his hon. and learned Friend intended to follow it up by another Amendment, that upon any vacancy occurring it need not be filled up.

MR. MALINS said, he thought that if it had not been for the accidental circumstance that three Judges already existed, no such proposition as that made by the hon. Member opposite would have been submitted. Arguing from the analogy of the English Court of Chancery, there was very little doubt that two Judges would be amply sufficient. It was most unwise to multiply Judges unduly, as men who were only half occupied never did their duty properly. Nor did he agree in the proposition that Judges should be called upon to transact the business done in chambers in the Court of Chancery.

MR. BUTT said, he wished to remind the learned Attorney General for Ireland that the Court would have to exercise a new jurisdiction infinitely more extensive than was ever exercised by the old Court, or by the Court of Chancery. It might have to adjudicate on the title of every man in Ireland. Three Judges were certainly not too many for the anticipated duties. On the establishment of the Court, there would be a greater influx of business than took place at the beginning of the Incumbered Estates Court. Whatever expense was necessary, the House would not refuse, though the Treasury might do so. They would not peril the success of the measure for a paltry £1,000 a year. The Irish bar would look upon the removal of Mr. Hargreave as a very heavy blow to the efficiency of the Court.

Mr. SERJEANT DEASY said, he wished to express his belief that the other Commissioners were equally popular with Mr. Hargreave. He was in favour of the appointment of three Judges with salaries equalized at £3,000 a year.

MR. HORSMAN said, the Bill had been prepared with great care, and had been well received, as it deserved to be. When he was in office, on the retirement of Baron Richards, strong remonstrances were made against the Court going on with two Commissioners. There were petitions from suitors to that effect, and the two remaining Commissioners expressed their inability to take Baron Richards's business, saying that they would rather retire from the

office. With the view to preserve the efficiency of the Court, a third Commissioner had been appointed, Mr. Martley; and it was impossible to impugn the motive of that appointment. He believed that considerations of economy would not be allowed to stand in the way. Efficiency was the best economy.

MR. BERNAL OSBORNE said, there were already three Judges in the Court, and had been from the commencement. Two, or even one, might be sufficient for the present business, but under this Bill there would be an increase to an extent of which no legal gentleman could form an idea. A considerable part of the business of the Court of Chancery would be imported into this court, which would deal with unincumbered as well as incumbered estates. The probability was that every man in Ireland who had a defective title would come before the Court; and yet they proposed to pension off the very man who was best qualified to deal with questions of that kind. Why not pension off Mr. Martley, who had only had one year's experience, in preference to Mr. Hargreave, who had had nine? He believed that this Bill would cause such a rush of business as would rejoice the hearts of the Irish lawyers. He objected to the salaries as too large; £2,000 a year for each of the Judges would be sufficient.

MR. WHITESIDE: They would not take those salaries.

MR. BERNAL OSBORNE: Then give them to others—there are plenty of men in Ireland as competent as Mr. Hargreave.

MR. M'EVOY said, he should support the clause.

MR. M'CANN said, that the existing court had worked so well that he was desirous to see as little change as possible.

House *resumed.*

Committee report progress; to sit again on *Friday.*

THE ENFIELD MUSKET—QUESTION.

COLONEL WILLIAMS said, he would beg to ask the Secretary of State for War whether he has received any Reports complaining of the inefficiency of the Enfield Musket as being a weapon inapplicable to the service generally, and more especially to the war in India; and if so, whether it is the intention of Her Majesty's Government to institute inquiries with a view to the substitution of a musket better adapted to the exigencies of the service in that locality?

GENERAL PEEL said, that no rumours of the character referred to by the hon. and gallant Member had reached the War Department; on the contrary, they had every reason to believe that the Enfield musket was a most efficient weapon.

THE CASE OF THE *CAGLIARI.*

QUESTION.

MR. SERJEANT DEASY said, he wished to ask the Under Secretary of State for Foreign Affairs whether the arrangement by which the King of Naples placed the *Cagliari* and her crew at the disposal of Her Majesty was made with the concurrence of the Sardinian Government, or whether it has been approved by that Government; and also, whether he has any objection to lay the papers relating to the subject before the House?

MR. SEYMOUR FITZGERALD: Sir, I believe that the arrangement by which the *Cagliari* and her crew were placed at the disposal of Her Majesty's Government was not made with the concurrence of the Sardinian Government in any respect whatever. Neither Her Majesty's Government nor the Sardinian Government had any knowledge of the intention of the King of Naples to make such arrangement—at all events, Her Majesty's Government knew nothing of it. Her Majesty's Government presented a note, requiring a categorical answer, to the King of Naples, for indemnity to our engineers and the restoration of the ship and her crew. We at the same time intimated that a demand of a similar kind would be contemporaneously made by the Sardinian Government. It happened, however, that that demand was not made by the Sardinian Government till several days after our demand was presented; and in fact the *Cagliari* and her crew were set at liberty after our demand, and without any such categorical demand having been made by the Sardinian Government. Count Cavour, after the arrangement was made, sent a despatch to the Sardinian Representative at Naples, to the effect that he had been informed that the King of Naples had ordered the release of the *Cagliari* and her crew, and that in consequence the Sardinian Representative should not present the Note which it had been arranged should otherwise be presented. I may also state that the Sardinian Representative at this Court has since expressed his satisfaction with the arrangement. With reference to the latter part of the hon. and learned Gentleman's question, I have to state that Her Majesty's Government have no objection to lay the Papers relating to this sub-

ject before the House. Some of them are somewhat bulky, and part of them are in Italian and require translation; but, upon an early day, Her Majesty's Government will lay the papers on the table.

TRANSPORT OF TROOPS TO INDIA.

QUESTION.

MR. NICOLL said, he rose to ask the hon. and gallant Member for Westminster (Sir De L. Evans) when the Report of the Committee on Transport of Troops to India may be expected to be laid upon the table of the House?

SIR DE LACY EVANS said, that a draft Report had been already laid before the House. On Friday next the detailed Report would be laid before the House, and he hoped to be able to call attention to it on that day.

STATE OF THE THAMES.—QUESTION.

MR. MANGLES: I wish to ask the noble Lord the Chief Commissioner of Works whether he intends to take any steps with regard to the present state of the River Thames. [*Laughter and Cheers.*] My question, I perceive, excites the laughter of some hon. Gentlemen, but I can assure them that if they lived in the vicinity of the Thames they would not think my question one of little importance. By a perverse ingenuity, one of the noblest of rivers has been changed into a cesspool, and I wish to ask whether Her Majesty's Government intend to take any steps to remedy the evil?

LORD JOHN MANNERS: Sir, in answer to the question which has been somewhat unexpectedly put to me by the hon. Gentleman, I can only say, and he must be as well aware of the facts as myself, that Her Majesty's Government have nothing whatever to do with the state of the Thames; that by a recent Act of Parliament the whole jurisdiction over it has been committed to the Metropolitan Board of Works, and that Her Majesty's Government can only exercise a sort of veto upon any plan which they may propose for its purification. No scheme which they may propose for its purification can be carried into effect unless it has received the approbation of the Chief Commissioner of Works. All I can say is, that up to the present moment I have not received any scheme from the Metropolitan Board of Works to which I can give my assent, or from which I can withhold it. It may be satisfactory to know that in my individual capacity I am at this moment serving on a Committee which has been appointed for the purpose of investigating some scheme for the purification of the Thames. When the researches of that Committee terminate, it will be open to the hon. Gentleman to ask me any question with reference to the subject, and I shall be glad to afford him all the information in my power.

CASE OF WILLIAM HENRY BARBER.

COMMITTEE MOVED FOR.

MR. BRADY said, he rose to move for a Select Committee to inquire into the allegations contained in the petition of William Henry Barber, presented on the 27th day of April last, and to consider and report whether any and what redress should be afforded to the petitioner; or whether any and what other steps should be taken in reference to the matters alleged. The petition to which his Motion alluded laid a case before the House of wrong and injustice, followed by degradation and personal injury, such as had never been produced in the House, or, he believed, had any parallel in our criminal jurisprudence. This gentleman, a solicitor of high character and good practice, favourably known to many men of position in this country, was tried and convicted, in 1844, of complicity in certain will forgeries, which were prosecuted at the instance of the Commissioners for the Reduction of the National Debt. The prosecutors felt it their duty on that occasion to object to Mr. Barber having a separate trial, and the effect of that arrangement was to prevent Mr. Barber from bringing forward that exculpatory evidence upon the strength of which he afterwards received a free pardon. By the several and unconcerted confessions of the other culprits, Joseph Fletcher, Saunders, Mrs. Saunders, and Mrs. Dorey, after their own conviction, and when silence could no longer avail them, it was demonstrated that Mr. Barber was an innocent man. The jury who tried him had also stated that if they had had the confessions before them, and if an opportunity had been afforded Mr. Barber of explaining what appeared to be suspicious in his conduct by placing him upon his trial by himself, their verdict would have been different. Mr. Barber, however, was sentenced to transportation for life, and after being four months in the Compter and Newgate, and three months in separate confinement at Millbank, he was sent to Norfolk Island,

where, according to the evidence of Mr. Naylor, a magistrate in the colony, and Mr. Robinson, the senior superintendent of our convict establishment, he underwent a treatment which for cruelty exceeded that which was inflicted on the worst-conducted convicts. This treatment he endured, in spite of the degrading and disgusting society into which he was forced, with an uncomplaining submissiveness, conducting himself at the same time with so much rectitude of conduct as to gain the sympathy of the officers of our penal establishment. The civil commandant was remonstrated with for this treatment, but he only replied that he was carrying out his instructions. The only refuge, therefore, which Mr. Barber found for his sufferings was the hospital. He was naturally a robust man, but he could never hope to recover from the effects of his treatment. The consequence of his conviction and transportation was the loss of a valuable practice, one of the most promising at the time in London, and of every vestige of his property. It was true that when on his pardon a deputation waited upon the right hon. Gentleman the Home Secretary, and asked for compensation, he answered that had the prosecution been conducted by Government his claim would have stood on a distinct ground and been much stronger. He (Mr. Brady) would prove beyond a doubt that the prosecution was a Government one, and that the consequences of its being so were most detrimental to the prisoner. In the course of the trial, Mr. Freshfield, the solicitor to the Bank of England, stated he took no part in getting up the case; he merely reported the facts to the Treasury, and the prosecution was by the Treasury. On the 19th of April last the secretary to Mr. Barber's committee addressed a query to Messrs. Freshfield on this subject. The answer was that the prosecution of Mr. Barber in respect to the will forgeries was at the instance of the Commissioners for the Reduction of the National Debt—a department of the Government. That was a sufficient proof that the prosecution was by the Government. If the prosecution had been at the instance of any private individual, or of the Bank of England, there was no doubt they would have made restitution when his innocence was established. Indeed there could be no doubt that the prosecution had been a Government one, and that the accused had to suffer serious detriment arising from that fact, in being deprived of the power of bringing forward exculpatory evidence. That being so, would the Government, which had done so much to rescue two of our countrymen from a Neapolitan dungeon, and insisted on their receiving compensation, allow it to be said that an innocent British subject, who had endured cruel wrongs through the action of the tribunals of his own country, was denied reasonable redress? Let the Government not imagine that the public mind was indifferent to the claims of this individual. The press, the organ of public opinion, had unanimously declared itself in favour of compensation to this much-injured man, and the Government could not safely refuse so just a demand. He might be told, indeed, that this application was novel and unprecedented, but the answer to this was that the sufferings which Mr. Barber had undergone were themselves unprecedented. The calendar of our criminal jurisprudence did not furnish a parallel to this case. It was a special case, the like of which was not likely to occur again for a century, and it ought to be dealt with upon its own merits. If, however, any unfortunate man should hereafter establish an equal claim to redress, why should not that claim be considered? The Chief Justice of New South Wales and the Judges of Sydney had instituted an inquiry into the whole of the circumstances connected with Mr. Barber's trial, and they arrived at the conclusion that his country was bound to grant him some reparation for the injustice that had been done to him. He trusted that the case would be taken upon its own merits, quite irrespective of anything which had happened before, or was likely to occur again. He hoped the House would grant a Committee, which was what common justice only required. On the part of the petitioner he would beg to return thanks to the Attorney General, who had, through good and evil report, contended for justice in this matter, and had made sacrifices of his time and his money for that end. This inquiry, however, would not necessarily be confined to the case of the petitioner; it might be extended to the whole state of the criminal law. In conclusion, he would appeal to the House, not as philanthropists, but as strict jurists, to grant the Committee which he asked.

Motion made and Question proposed,—

"That a Select Committee be appointed to inquire into the allegations contained in the Petition of William Henry Barber, presented upon the

27th day of April last, and to consider and report whether any and what redress should be afforded to the Petitioner; or whether any and what other steps should be taken in reference to the matters alleged."

SIR JOHN PAKINGTON said, that he thought that the circumstances of this case were so peculiar that they might be considered exceptional. It might, of course, be argued that it was very dangerous to lay down anything approaching to a general rule, that where a person had been legally convicted he should have a claim upon the Government for compensation in case that conviction proved to be wrong. He was ready to admit, that as a general rule that was true, but every rule admitted an exception, and this case he thought was so exceptional and peculiar that the inquiry ought not to be refused. What the result of the Committee might be it was, of course, impossible to say, but there was great difficulty in introducing into the Vote a direct recognition, on the part of the House, of a claim for redress, such as might be considered to arise from the hon. Gentleman's Motion as it then stood on the paper. He trusted, therefore, that the hon. Gentleman would not object to alter the terms of his Motion by striking out of it the last line but one, and allowing it to stand as he (Sir John Pakington) would suggest:—

"That a Select Committee be appointed to inquire into the allegations contained in a petition presented to the House by William Henry Barber on the 27th April last, and to consider and report whether any, and what, steps shall be taken in reference thereto."

In conceding thus much, he was influenced by a very strong sense of the peculiar circumstances of this case, and of the dreadful sufferings to which, beyond all doubt, Mr. Barber was exposed—sufferings far beyond anything like a due punishment for the indiscretion and imprudence with which alone, according to the admission of the Secretary of State who was in office when his innocence was established, Mr. Barber could be charged. Under these circumstances, he was ready to accede to the Motion if it were amended as he had suggested.

MR. BRIGHT said, he did not wish to prolong the discussion, or to offer the slightest objection to the Motion. He should recommend his hon. Friend to consent at once to the proposal of the right hon. Baronet. After having gone through the whole case frequently, he (Mr. Bright) was quite sure that the right hon. Gentleman's conduct would be sanctioned by every person in England who had studied the matter at all. He did not wish to establish a precedent, but if the law precedents and institutions of the courts of this country had committed so grievous a wrong against one of its citizens, any one who supposed that the people of this country would not be willing to make some compensation or the other, would commit a most grievous error with regard to the people of England, and would slander them in a way in which he would not wish to be guilty. Judging from the sentiments of the press of the country, he thought that the course which the right hon. Gentleman had taken on behalf of his colleagues would receive commendation from every one who had considered this very painful case.

MR. BRADY intimated his readiness to assent to the change in the Motion proposed by the right hon. Baronet the First Lord of the Admiralty.

MR. BOVILL said, he feared that an inquiry into the allegations contained in the petition of Mr. Barber, as stated in the Motion, would not be sufficiently wide to embrace the whole of that gentleman's case.

Select Committee *appointed*,

"To inquire into the allegations contained in the Petition of William Henry Barber, presented upon the 27th day of April last, and to consider and report whether any or what steps should be taken in reference thereto."

UNDER SECRETARY OF STATE (SCOTLAND).—RESOLUTION.

MR. BAXTER said, he rose to move the following Resolution:—

"That, in the opinion of this House, an Under Secretary for State for Scotland should be appointed to perform the political duties at present attached to the office of Lord Advocate."

He begged to assure the House that, in moving this Resolution, he was actuated by no personal or party motives. The question was not one of Whig or Tory, but was a question of administration which in the highest degree deserved the consideration of Parliament. He had the greatest admiration for the talent and high character of his right hon. and learned Friend the Member for Leith (Mr. Moncrieff) and every one knew that the present Lord Advocate not only enjoyed an equally high reputation, but was the most distinguished ornament of the Scottish bar. Scotchmen had, indeed, good reason to be

proud of the succession of distinguished men who had filled the office of Lord Advocate, and of the ability—the successful ability — they had shown in adapting the law of Scotland to the present state of society. Hon. Gentlemen would be astonished when they heard the extent of his duties, not that the Lord Advocate did so little, but that he did so much. The system was so inconvenient, so anomalous, and so liable to be abused, that it was wonderful it was conducted with so little ground of complaint. He (Mr. Baxter) might enter into an historical statement on the question, but he would content himself with reminding hon. Gentlemen that Scotland possessed a Secretary of State of her own for more than thirty years after the legislative Union, and then the office rather fell into disuse than was regularly abolished. In 1828 the management of Scotch business was transferred to the Home Office by Mr. Canning, at the request of the Scotch Members themselves, who were anxious to escape the dictatorship of the Dundas family. In 1832 so great were the complaints of the mode in which the legislative business of Scotland was conducted that Lord Althorp appointed a Scotch Lord of the Treasury, as a sort of assistant to the Lord Advocate, but the duties of that office were somewhat shadowy and mysterious. He (Mr. Baxter) had never been able to make out what they were, and he hoped that some hon. Member in the course of the discussion might explain them to the House. He would, however, proceed to state what were the duties of the Lord Advocate; but his description of them must necessarily be imperfect, because gentlemen who had themselves held that high office had frequently declared that they were unable to name all the functions of the office. The Lord Advocate was a member of the Faculty of Advocates, and was almost invariably the most distinguished man of his political party for the time being. Consequently he had the largest private practice before the Court in Edinburgh. He was Attorney General for Scotland, and public prosecutor for Scotland. Judging from the case of England hon. Members were little aware of the amount of business which that involved. The Scotch law discouraged private prosecutions, and practically speaking, they were almost unknown. All great offenders in that country were prosecuted by the Lord Advocate before the High Court of Justiciary in Edinburgh, and minor offenders by his subordinates in the local courts. They had in Scotland no grand jury and no coroner's inquest. In short, the Lord Advocate had the sole right of deciding who was to be prosecuted for any offence. He might also dismiss any prosecution, as he might in some instances punish, without a trial. In an article contributed to the *Edinburgh Review*, by no less an authority than Lord Cockburn, it was stated that the Lord Advocate, in certain instances, could imprison a person for twenty years without being called to any account. The Lord Advocate had also a large practice in appeal cases before the House of Lords in London, and he was the Scotch law adviser of the Crown. Were these duties not quite sufficient to occupy the time of any one man? But, in addition, the Lord Advocate was the political monarch and dictator of Scotland; he had the entire charge of all the legislative business affecting Scotland, and he was the sole organ of his Administration in either House of Parliament. The late Lord Advocate publicly stated that his political duties alone were quite sufficient to occupy the whole of his time. When, six or seven years ago, the Convention of Royal Burghs memorialized the Crown to separate the political from the legal functions of the Lord Advocate, and appoint a Secretary of State for Scotland, the then Home Secretary reminded the memorialists that he was Secretary of State for Scotland. That was true in point of form, but every gentleman conversant with the manner in which Scotch business was conducted knew that it was not true in point of fact. The Home Secretary could do nothing without the Lord Advocate; but the question was where to find that indispensable functionary. [The Lord Advocate here entered the House, and was received with some cheering and laughter.] He was sorry that the hon. and learned Lord had not heard the opening part of his statement, but he was bound to admit, at the same time, that the constancy and regularity with which the hon. and learned Lord attended in his place deprived him of many of his best arguments in favour of his present motion. When a person called at the Scotch office in London, he was told that the Lord Advocate had been suddenly called down to attend an important trial in Edinburgh, and if he proceeded to Edinburgh he probably found that the Lord Advocate—that most erratic of mortals—had returned to London to

conduct an important Bill through the House of Commons. Such was the system of which the people of Scotland complained, and he really wished it were possible to obtain a return of the number of London and North Western tickets which the Lord Advocate purchased during the course of a year, and he should be glad to know how many days in the last ten or fifteen years had been spent by Lords Advocate in the House of Commons. The Lord Advocate combined in his own proper person all the abolished offices of State which formerly existed in Scotland. He exercised the functions of Secretary of State for Scotland, grand jury, coroner's inquest, privy council, and he had been informed that the Lord Advocate even exercised a control over the movements of the military force in Scotland. Mr. Hope, who was Lord Advocate fifty years ago, expressed a strong opinion against the combination of so many offices and duties in one person, and he said that those persons who judged of the duties of the Lord Advocate of Scotland by the dry and formal duties of the Attorney General for England would make a great mistake, and he hoped an Act would be passed for the purpose of defining the duties of the office. The duties formerly performed by the Lord High Chancellor, the Lord Justice General, the Lord Justice Clerk, and others, had devolved upon the Lord Advocate. Since the date when Mr. Hope spoke, Scotland, it should be remembered, had doubled her population, and far more than doubled her wealth and manufactures, and although, whereas Scotland had formerly had only a servant-of-all-work, she, now that she had increased in worldly substance, required a division of labour. Amongst the numerous petitions sent up to the House from Scotland was one from the town council of Inverness, and they represented that the public duties of the Lord Advocate, without the addition of his private business at the bar, were quite sufficient to engross the whole of his time and attention. The town council of Forfar stated in their memorial that the office of Lord Advocate, to which were added the duties formerly belonging to the Privy Council and the Secretary of Sate, was always represented by a lawyer who was generally totally unfit for such multifarious duties. Not only on the ground of multifariousness of duties was the present system objectionable, but it should be remembered that the Court of Session of Scotland sat in Edinburgh at the same time of the year as the courts of England and Parliament sat in London, and they must all see that it was totally impossible for the Lord Advocate, however industrious and learned, to be in both places at one time, although that was often found desirable. The present arrangement was very bad, and he asked the House not that Scotland should have the services of a Cabinet Minister, or that any great outlay of public money should be incurred on her account, but simply that she should receive the undivided attention of one Gentleman in the management of her political business. At present she had only half a man's time given to her affairs, while there was not a banking company or a commercial company that would permit such a system to exist in connection with their establishment. For England they had a Home Secretary and an Under Secretary, an Attorney and Solicitor General. For Ireland there was a Lord Lieutenant, a Chief Secretary, and an Attorney and Solicitor General, but for Scotland they had only a Lord Advocate. Why, England had more functionaries to represent her at some petty court in Germany than Scotland had in the national councils. He knew it would be objected to his Motion that Scotch law differed so much from English law that it was of the utmost importance to have a Gentleman of great Scotch legal attainment in the House to conduct Scotch law bills. But that was perfectly consistent with his Motion. He did not wish to abolish the office of Lord Advocate, nor to exclude him from the House of Commons; on the contrary, he should be always glad to see him in the House to render assistance and advice to the Secretary of State, but he desired that the Lord Advocate should be for Scotland what the Attorney General was for England or Ireland. He wanted an officer to be appointed who would be during the Session of Parliament always at hand to receive deputations from Scotland, and who would be constantly in his place in the House to attend to the business in the House, and see that Scotch Bills were not postponed, delayed, and abandoned—to see that the Scotch business was not brought on after midnight and then conducted in the manner it was so frequently, and which gave such great, though justifiable, dissatisfaction to the people of Scotland. In an article in the *Edinburgh Review*, written, he believed by Lord Cockburn, and published in 1824, it was mentioned that the

very first change which seemed to be called for was, that the Lord Advocate's power in his political character should be infinitely less than it then was, and the town council of Dundee in 1858 concluded their memorial to the House by stating that the legislative business of Scotland had not been discharged to the satisfaction of the Scotch nation. In the course of a remarkable debate which occurred in "another place" in 1854, the Earl of Eglinton complained that the Administration of affairs for Scotland was placed in the hands of gentlemen who had generally quite enough of their own business at the bar to attend to. The Duke of Montrose had also stated that the affairs of Scotland were not sufficiently attended to. So much for the present Government, and of late Governments might be mentioned the Duke of Argyll and the Earl of Aberdeen, who had pointed out the great exertions which were required of one man, and the somewhat anomalous jurisdiction which he exercised. Lord Campbell had also pointed out evils arising from the present system. In 1853 the Lord Provost of Edinburgh showed, in the most conclusive manner, that not the same justice, so far as legislation was concerned, was granted to Scotland as to England, and he instanced the Acts passed for the extension of boundaries of boroughs. But, as an instance of hasty legislation, he (Mr. Baxter) would mention the more recent case of the Police Act and the Lunacy Act; for even hon. Members who were in favour of those measures would admit they were faulty in the extreme. But how was it the provisions of those Acts were not sufficiently well considered? and why would the House be called upon to amend them? Simply because the late Lord Advocate had not sufficient time to attend to them while passing through that House. At the most critical period of the Session the late Lord Advocate was not present in the House for a fortnight, but was engaged during the whole of that time attending the trial at Edinburgh, of Miss Madeleine Smith, for murder. Both those Acts were passed through the House, as many other Acts had been passed, in an imperfect shape, simply because the Lord Advocate could not attend to his duties in connection with the legislation for Scotland. He also objected to the undue influence which the system gave the Parliament House interest —in other words, the lawyers of Edinburgh. The general sentiment of Scotland was against the present system, by which not only the legal but the whole civil and ecclesiastical patronage of Scotland was placed in the hands of practising lawyers. No man in the kingdom had so much power in that respect as the Lord Advocate, and it was impossible he could find time to exercise due discretion in the appointments which he made. At the Scotch bar, as well as elsewhere, there were many briefless men, while in the article by Lord Cockburn, from which he lately quoted, it was calculated then—and things had not altered for the better since—that there were 374 names on the roll of Scotch advocates, that of these there were 150 who, from age, infirmity, or other causes, had renounced attendance in the law courts; that of the remaining 224 there were fifty-three who had entered under three years, and were, therefore, ineligible for most situations, leaving 171 barristers for whom there were seventy-eight offices, or nearly one for every second man. Another reason for the appointment of an Under Secretary for Scotland was that, in the event of the Lord Advocate failing to obtain a seat in Parliament, there was no one to take charge of Scotch legislation. That was no imaginary case; it happened under the Earl of Derby's last short Administration, and if that Government had continued in office, Scotland must have remained for that time without any legislation at all. The only other objection to his Motion he could think of related to expense, but if he had made out anything like a case, a salary of £1,500 a year for an Under Secretary ought not to be treated as an obstacle. He did not think that a British House of Commons would allow a paltry pecuniary consideration to stand in the way of a measure which it believed was for the public good. But it was quite unnecessary to come to the public purse for an additional shilling. The Lord Advocate's secretary got £350 a year, and the Scotch solicitor to the Treasury, about whose duties something more ought to be known, £1,000 a year. He proposed to substitute for these an Under Secretary for Scotland, and he did so from the conviction that under such an arrangement the Scotch business would be far more efficiently done than it was at present. The appointment of the officer would be hailed as a boon by the people of Scotland of every opinion and every class.

Motion made and Question proposed,—

"That in the opinion of this House an Under Secretary of State for Scotland should be ap-

pointed to perform the political duties at present attached to the office of Lord Advocate."

MR. W. EWART seconded the Motion. He was not one of those who took up the question of Scottish rights with so much ardour a few years ago and complained of the indignities done to Scotland. He wished to see the bonds of union between the two countries drawn closer and closer, and he believed that nothing would more tend to promote that object than the measure proposed by his hon. Friend. He did not see why England and Ireland should have so many functionaries for the discharge of the public business connected with those countries, and Scotland should only have the Lord Advocate. It was objected that the measure proposed would have a tendency to sever the union between the two countries, but the new Under Secretary of State would be subordinate to the Secretary of State, and there would be no new department, but a combined department acting harmoniously together. The change he contended for was necessary, because the functions of the Lord Advocate were too numerous and weighty to be discharged by one person. It had been said by Sir Robert Walpole, or the Duke of Newcastle, that the once Secretary of State for Scotland was a public nuisance, but he (Mr. Ewart) hoped that public nuisance would be revived, and revived with effect. Legislation for Scotland must increase, and if it did, it was impossible the Lord Advocate, whose travels between the two countries under the present system were so erratic, could find time to give it due attention. For these reasons he cordially supported the Motion.

MR. E. BOUVERIE said, that his hon. Friend the Member for Montrose (Mr. Baxter) had failed to prove that the political and other important duties of the Lord Advocate were inefficiently performed. He ought to have shown that that portion of the duties of the office which he wished to transfer to another person was either not performed at all or done very inadequately, and that therefore there was a loud call for the interference of the House; but he had not succeeded in doing so. He (Mr. Bouverie) had sat in the House with four different Lords Advocate, and he must say, having as a Scotch Member taken much interest in Scotch questions, that the Legislative business of Scotland was performed in a way not inferior to that of England and Ireland. It would be a very inferior substitute for the learning, diligence, and ability brought to bear on the various questions connected with Scotland, to provide at hap-hazard some Member of that House who would be much less able to deal with those questions than the Lord Advocate invariably was. In fact by far the greater part of Scotch Legislation was of a legal character and could only be dealt with by a man of legal education, and further, while his hon. Friend wished an Under Secretary of State in that House, it appeared that he also expected the Lord Advocate to have a seat in the House, though one of his arguments was that his principal duties lay in Scotland. An objection had been raised to the present system upon the ground that Scotch business was shoved off until after twelve o'clock and then done unsatisfactorily; but he must dispute the correctness of that statement. He had heard the same remark from Irish Members as to Irish business, though there was an Irish Secretary and Attorney, and sometimes a Solicitor General in the House. The real fact was, that a great deal of the Scotch business was not of a nature to invite a full attendance, nor to excite an animated debate; but when any real matter of importance arose it was always discussed at an early hour of the evening. There was no injustice in that arrangement, for much of the business of Ireland, as of England was disposed of after twelve. The absence of the Lord Advocate from the House would be a most serious loss to the public and to Scotland, and a transference of his political functions to an Under Secretary of State would almost necessarily involve that consequence. The Lord Advocate was the law adviser of the Government, and the adviser as to the disposition of patronage. In fact, scarcely a particle of ordinary Scotch administrative business ever came to the Home Office. The greatest portion of the Scotch patronage administered by the Home Secretary consisted of legal appointments requiring the aid of a person who was well acquainted with the qualifications of those who should be appointed to the various Offices. That was a point upon which the Lord Advocate was an authority, and with which no Under Secretary, unless he were a Scotch lawyer, would be competent to deal. Then, with respect to circumstances, suddenly occurring, it was obvious that it would be more useful for the Home Secretary to consult the Lord Advocate, who was in constant communication with Scotland, and ac-

quainted with the feelings and wishes of the people, then to refer to an Under Secretary constantly stationed in Whitehall. The proposal of the hon. Member for Montrose was to divide one well-filled office into two, and to intrust the most important functions to an officer who, in all probability, would be less fitted to fulfil them than the present Lord Advocate. Since he had been in the House he remembered many excellent measures passed by successive Lord Advocates, which none but Scotch lawyers could have carried into law. Mr. M'Neill, the present Lord Justice General of Scotland, had passed the Scotch Poor Law Act—a measure of great importance to the country. The late Lord Rutherford passed an Act for altering the Scotch Law of entail, while the hon. and learned Member for Leith (Mr. Moncrieff) had carried important measures for regulating the procedure of Scottish Courts of law, and for consolidating the Scotch law of bankruptcy. While he admitted that many Scotch Members held a different opinion, he felt bound to say he did not think the proposal was one which would lead to the public benefit, and therefore he could not concur it it.

MR. STIRLING said, he would support the Motion, though its terms, taken by themselves, were somewhat unintelligible; and he hoped his hon. Friend would be induced to amend them. He was glad to learn that his hon. Friend did not propose to deprive the Lord Advocate of a seat in that House, though the Motion, strictly interpreted, would warrant that; for surely, to sit and vote in the House was one of the political functions of the whole of which his hon. Friend proposed to deprive that legal functionary. He thought the Motion would be more likely to meet with the general approval of the House if his hon. Friend would consent to alter the form by the substitution of the words, "That an Under Secretary of State for Scotland should be appointed for the Home Office to perform a portion of the duties at present attached to the office of the Lord Advocate." The right hon. Gentleman who had just spoken, implied that the Lord Advocate and an Under Secretary, together, would be more inefficient than a Lord Advocate alone. It did not strike him that a strong man and a weak man, carrying a burden together, were less efficient than if the strong man were to carry the burden alone. On the contrary, there were many little jobs which the weak man might perform with advantage to the strong man. It had been also argued by the right hon. Gentleman, that an Under Secretary of State for Scotland, in order to be of any use, should be a Scotch lawyer. As well, in his opinion, might the right hon. Gentleman have argued that the Under Secretary of State for the Home Department should be an English lawyer. Experience, however, showed that it was not deemed necessary for the promotion of the public interests that such should be the case, for Lord Panmure, who was not a lawyer but a soldier, had, he believed, filled the office of Under Secretary of State for the Home Department with great credit to himself as well as with great advantage to the country. He therefore thought that neither the argument which he had just mentioned, nor the others which the right hon. Gentleman had urged against the proposition of the hon. Member for Montrose, ought to induce the House to reject it. He should support that proposition, because he was of opinion that the divided responsibility which at present existed in reference to the administration of the affairs of Scotland was incompatible with a due regard to the interests of that country. The relations between the Lord Advocate and the Home Secretary were so ill-defined that—as every Scotch Member who had for any length of time held a seat in that House must be aware—it was impossible to know upon which of them the responsibility for the performance of a particular duty devolved. In illustration of his meaning he might refer to the question of patronage, and would confidently appeal to any Scotch representative to say, whether he knew how the important appointments in Scotland were made, whether by the Lord Advocate or by the Secretary of State for the Home Department. If the Home Secretary were appealed to, he would infallibly say that, before coming to a conclusion upon the matter, he must consult the Lord Advocate; and if the Lord Advocate were appealed to, he would say he was a subordinate, and was in the hands of the Home Secretary. It was, of course, but natural to suppose, that the opinion of such a man as the present Lord Advocate must have great weight in influencing the decision at which any Minister might in such a case arrive, but it was quite possible that the Home Secretary, who in the greater number of instances was not a Scotchman, might, instead of being guided by the advice of the Lord Advocate, con-

sult some other Scotchman who happene to hold a higher position in the Govern, ment, and who, under those circumstances would in reality be the Minister for Scotland. In support of his views upon the question of responsibility, he might be permitted to allude to an appointment which had been made in the Register House in Edinburgh, under the auspices of the late Government, which had been generally condemned, and which he felt assured any Under Secretary of State' who would be held responsible for his conduct, never would have made. The expression of public opinion in Edinburgh had been unanimous in condemning that appointment. He, of course, did not accuse the right hon. Baronet the Member for Morpeth (Sir George Grey) of being actuated by any but the best motives in the matter, but the result of making these appointments was, he believed, the perpetration of a job, which would have better suited the days of Dundas than those in which we live. As to the expense of making the proposed change, he could only say that it might be afforded by making retrenchments in other departments of the national outlay. There was for instance, more money expended in warming, lighting, and duly receiving his noble Friend the Member for Cockermouth in his position as Irish Secretary than would pay the whole salary of the officials whom his hon. Friend opposite asked the House to appoint, while Germany was absolutely studded with highly paid public servants whose occupation might, without any breach of charity, be said to correspond with that which a certain personage was supposed to find for idle hands to do, and portions of whose salaries might with advantage to the country be applied to the promotion of the object which his hon. Friend had in view. We had a Minister at Florence, too, whose salary of £5,000 or £6,000 per annum might very well be submitted to the process for that purpose. Everybody knew that that post was but a dignified position for invalid statesmen. Now as recent circumstances had shown it to be a bad place for invalids, he thought that that saving might be readily accomplished. So that, so far as the question of expense was concerned, it might be very easily disposed of by the scheme of subtraction which he had just indicated. In conclusion, he had simply to observe that, although the duties which attached to his office might be performed in a manner perfectly satisfactory by a man possessing the great powers of the present Lord Advocate, yet a time might come when a person less competent to the discharge of those duties might hold that office, and when the proposed reform might be found to be absolutely necessary, while it could not be effected under the same favourable circumstances as those which at present existed. He should, for the reasons which he had stated, be happy to support the Motion of his hon. Friend if put in the form which he had suggested.

MR. E. ELLICE (St. Andrews) regretted that the late appointment of Mr. Dundas in the Register House at Edinburgh had been referred to in that debate, as it would hereafter come under the attention of the House when the right hon. Gentleman the late Home Secretary would be in his place to state the grounds on which he made the appointment. As regarded the propriety of continuing the office in question he would say nothing; but he ventured to say, that if it were necessary to fill it up, there was no one in Scotland whose high character and great attainments so eminently qualified him for that particular office as the learned gentleman who had been appointed to it. Coming more particularly to the Motion before the House, he must say that he entertained a very strong opinion in opposition to it. He could understand the proposal to give to Scotland a Secretary of State as had been urged by the Society for the Vindication of Scottish Rights. He did not say that he should support such a proposition, because he viewed with great jealousy any attempt to transfer the administration of Scotland from Edinburgh to London; and he had a strong objection to the system of centralization to which our Government was now tending. But the proposition of the hon. Gentleman was, not that the proposed new officer should be a Member of the Cabinet or Secretary of State for Scotland, but to have a subordinate officer on whom the political duties of the Lord Advocate might devolve. If they were to have a Secretary of State or a Lord Advocate to manage the business, they had some security that the Crown would not appoint a person who was of no eminence; and, in either case, they would have a proper person to represent Scotch interests. But if they had an Under Secretary he could hardly be a person occupying a position sufficiently influential in that House. He thought the proposition would be used to degrade the

office of the Lord Advocate, as it would hand over the chief part of his duties to a subordinate person, sitting in an office in London. To that he objected, as he thought it would be injurious to Scottish interests. He would say, let there be a Lord Advocate, or else a Secretary of State; but was opposed to the modified proposition. What, then, were to be the duties of the Under Secretary? If he was not a lawyer he could not conduct the legal business, and most of the Scotch business must be transacted by somebody conversant with Scotch law. He hardly knew of any other business but that connected with patronage which the Under Secretary could do. There was a Lord of the Treasury, who attended to the Scotch financial business, and those who had filled the office, of late years at any rate, had satisfactorily attended to the business; and, for himself, he had always received great attention at the Treasury. At present, then, the business was in the hands of the Lord Advocate and a Lord of the Treasury, and he did not see what they were to gain by having an Under Secretary of State. If they chose to transfer the Scotch Lord of the Treasury to the Home Office, he (Mr. E. Ellice) had no objection, except that the official would have nothing to do to occupy his leisure hours, for his attention, as Lord of the Treasury, was not confined exclusively to Scottish matters. Indeed, his belief was, that the Motion would only end in giving to Scotland a gentleman who would have a great deal of spare time upon his hands, and who would constantly be trying to carve out business for himself, which would be a great evil. It was now complained that they legislated too much for Scotland, and that the public burdens invariably increased with legislation as it went on. He objected, therefore, to the appointment of a fancy man of all work who should be perpetually cutting out work for himself and inventing new legislation for Scotland. He was quite sure, however popular the idea of having an Under Secretary of State for Scotland might be, that if such an officer were appointed, before two years were over his head he would be, by universal acclamation in Scotland, condemned as a public nuisance.

SIR J. OGILVY said, he should confine his observations to that portion of the Motion which related to the appointment of an Under Secretary of State for Scotland. If he could believe that such appointment would prove acceptable to the people of Scotland he should be the last person to offer any objection; but he thought, on the contrary, that it would neither prove useful nor acceptable, and, therefore, he should give it his opposition. This was not a new question. It had at various times attracted the attention of the people of Scotland, and, in 1824, Mr. (afterwards Lord) Cockburn wrote in the *Edinburgh Reveview* a series of articles, which had been referred to. Since that time, however, the representation of Scotland, then so defective as to render it impossible to bring public opinion to bear on the Lord Advocate, had been greatly amended. It was no longer a farce and a sham, and Scotch Members now, to a certain extent, presented a true reflection of the wishes and feelings of the people of Scotland. Again, there now existed an able and independent press in Scotland, while the communications between the two countries had been vastly improved. Mr. Cockburn, in the course of his articles, suggested many alterations; but had he suggested the appointment of a Secretary of State or an Under Secretary of State for Scotland? On the contrary, he had expressed his belief that such an appointment would be infinitely worse than the existing arrangement, and that a Secretary of State was no more required for Scotland than it was for Yorkshire or Wales. He (Sir J. Ogilvy) was of opinion that the Under Secretary of State, when first appointed, would have little or nothing to do, but would, by and by, carve out work for himself in order to justify the payment of his salary. Now, if there was one thing to which the people of Scotland attached more importance than another, it was that they should be left to manage their own affairs in their own way. They objected strongly to the centralizing system which seemed to have been the fashion in the House of late years, and if any portion of his Parliamentary career had met with more favour than another it was that of last year, when he opposed the passing of the Police Bill for Scotland. That measure was based upon the principle of centralization; and the town which he represented was so averse to it that it had refused to take advantage of an inspection which it authorised, whereby the locality would have saved a share of its police rates. This was strong proof that the people of Scotland would view very unfavourably the attempt of any new official to occupy himself with matters which they would prefer

should be left to them to manage. Feeling, therefore, that the appointment proposed would not only be of no use, but would prove unacceptable to the people of Scotland, and would lead gradually to an intolerable interference with their affairs, he should deem it his duty to oppose the Motion.

MR. CRAUFURD said, that he did not attach much weight to the arguments which had been urged against the Motion of his hon. Friend the Member for Montrose, such, for instance, as the fears expressed by one hon. Member that the creation of a new office in connection with the executive Government of Scotland would have the effect of inducing the Minister to carve out work for himself, or the centralization argument which had been put forward by another hon. Member. Reference had been made to the poor law of Scotland in support of the past legislation under the existing system. Now, a more unfortunate reference could not have been made. That law had, at the same time, destroyed the prudent and provident habits of the labouring classes, and trebled the rates, and he felt convinced that it would be found, on inquiry, to have been one of the main causes of increased drunkenness in Scotland; and if no more successful instance of legislation for Scotland than that could be pointed to, the sooner the present system was changed the better for Scotland. He confessed that, after listening attentively to the views expressed by the adversaries of the Motion, he thought they tended to establish the necessity for the very change against which they had been expressed. Now, although he was willing to admit that Scotch business had been as well transacted under the present system as was possible under the circumstances, he contended that the learned Lord Advocate ought to be assisted in his labours, in order to afford him more time and leisure for devoting himself to Scotch business, which he was so well fitted to transact; and that it was necessary that when the noble and learned Lord was absent, either upon official or legal business, the Scotch Members should have some responsible person to whom they could apply for advice, and who could carry on the business of the House in relation to Scotch affairs. The change contemplated in his hon. Friend's Motion had the cordial support of the great bulk of the Scotch constituencies, by whom it was regarded as a matter of vital importance to the country. He had himself laid numerous petitions upon the table in its favour. He trusted, therefore, that to obviate the verbal objections and criticisms which some hon. Members had expressed, his hon. Friend would assent to the Amendment of the hon. Member for Perthshire (Mr. Stirling), and that he would divide the House upon a Motion to which he, for one, would give his cordial support.

MR. W. WILLIAMS said, that he should not have interposed in this discussion if the object of the Motion had not been to take money out of the public taxes. The hon. Member who made it had failed to convince him of the necessity for the new official. England and Ireland had both a Secretary of State, but the Secretary of State for Great Britain was as much the Secretary of State for Scotland as he was for England and Wales. But if the gentlemen of Scotland were not satisfied with the assistance they got from the Secretary of State for Great Britain, surely there was the Secretary of State for Ireland open to them. A right hon. Gentleman who had filled that office had told them that the work of the office did not require more than two hours a day; well, then, could not that official fill up his time —say six hours a day—by devoting two to Ireland and four to Scotland? However, he saw no necessity whatever for this new office, and he warned the House that if it consented to its creation, there would very soon be a cry raised that the remuneration should be placed on a level with that of the other two Secretaries of State.

THE LORD ADVOCATE said, no doubt the measure proposed to the House had emanated from a desire to relieve the Lord Advocate from some of the more laborious duties of his office, but before he could consistently accept it as a boon, he must be satisfied of two or three things. In the first place, it must be proved that the office was too laborious; in the second, that the measure proposed would relieve the holder of it of any portion of those laborious duties he at present performed; and thirdly, that that specific portion of his duties proposed to be transferred to the new officer would be performed as well as under the existing system. Now, he (the hon. Gentleman) was sorry to say that he could not see his way to assent to any one of these propositions. Far be it from him to say, for it would be perfectly inconsistent with the fact, that the office he had then the honour to fill was not a very laborious office, requiring a great deal of time and

attention, and involving a great deal of anxiety. But he was by no means satisfied, that because the office was laborious, even eminently laborious, it followed as a necessary consequence that it was desirable to diminish the amount of its duties. He was not entitled to speak as a person of experience in public life, but in one way or other he had seen a good deal of hard work in his time, and had formed a very decided opinion, that if you want a man to do his work well you must give him plenty of it to do. It was just because they were going to diminish, or to attempt, rather, to diminish, unnecessarily, the labours of the existing office, and at the same time to create a new office, which would not have, he would not say, ample employment, but anything like employment at all, that he objected to both branches of the proposal. The duties of the office of Lord Advocate were not easily explained in detail, without detaining the House for a longer space of time than was desirable; but there was a peculiar feature of the office that distinguished it from all others, and which gave it a remarkable prominence in the business affairs of Scotland which some hon. Members did not appear well to understand. This distinction arose chiefly from his peculiar duties as a public prosecutor. The office of public prosecutor was an institution that did not exist either in England or in Ireland, and consequently they might not at first sight fully appreciate the precise effects of such an institution, and the value of such a public functionary. He might state, however, that in order to carry out the duties of that part of his office, it was indispensable that the Lord Advocate should have an extensive staff of subordinates throughout the country, by means of whom he could carry on the whole public prosecutions for crime, whether they were great or small. The consequence was, there was in existence throughout Scotland, not merely at headquarters in Edinburgh, but in every place of any importance, an organized machinery, by means of which the Lord Advocate could put himself in communication with every part of the country at the shortest possible notice, and obtain the most accurate information from the most available sources. Now, the existence of this machinery did in itself give him peculiar facilities for the performance of public business, which he apprehended could scarcely belong to any other office that might be created, and the consequence was, that in transacting those duties which the hon. Member for Montrose designated the political duties of his office, he called into requisition nothing more than the staff and machinery which was in existence for the purpose of conducting the public criminal procedure of the kingdom. This was a source of great convenience and economy in itself, and, at the same time, the performance of the one class of duties did not, in the least degree, interfere with the performance of another class by the same officials. Then the Lord Advocate was responsible, he would not say directly to Parliament, but he was responsible to the Home Office, and the Secretary of State for the Home Department was in his turn responsible to Parliament for the preservation of the public peace in Scotland. These were the two main features of his office as public prosecutor, in addition to his duties as legal adviser to the Crown, and beyond these three departments he (the Lord Advocate) knew of no other that fell within the scope of his office and authority, except those of legislation and patronage. He thought hon. Members would agree with him that he fairly stated the duties of this functionary's office when he defined and embraced them under these denominations. He supposed his hon. Friends who supported the proposition would agree with him that it was perfectly impossible for an Under Secretary of State to relieve the Lord Advocate of any portion of his duties as public prosecutor, or as being responsible for the peace of Scotland, or as law adviser to the Crown, and consequently it must be in the other two departments that it was proposed to relieve the Lord Advocate of a portion of his duties, and to have them performed by somebody else. But by what means was this to be done. The hon. Member for Montrose (Mr. Baxter) proposed that there should be an Under Secretary of State for Scotland to perform the political duties of his office; and his hon. Friend the Member for Perth (Mr. Stirling) not satisfied with that, proposed to have an Under Secretary of State for Scotland in the Home Office, to perform the Lord Advocate's duties in connection with that department. He (the Lord Advocate) did not think there was any great difference between the two, because he did not suppose that the hon. Member for Montrose, in suggesting the appointment of an Under Secretary of State for Scotland, meant that he should be unattached to any great department, or that he should sit as an independent officer

in some tribunal or department of his own, and if that was not so he must mean that he should be an Under Secretary of State for the Home Department. Now, as regarded the administration of the Home Department with reference to the affairs of Scotland, so far as his experience went, he might say with perfect confidence and safety that he had not, since he came into office, had one communication on the affairs of Scotland from the Home Office, addressed to him by the Under Secretary of State for that department, which would not have been required equally to come to him if there had been a Scotch Under Secretary of State, and for this plain reason, because the correspondence between the Home Office and the Lord Advocate consisted of two classes of communications. One class required explanation with regard to the legal system of Scotland, and to its administration in its different departments; and the other had reference to the procuring returns, and things of that kind, which, after all, were mere matters of machinery and routine, and which were effected through a staff which he had already described as being under the command of the Lord Advocate himself. So far, then, as the ordinary business transactions in the Home Department affecting Scotland were concerned it came to this, that if they were to appoint an Under Secretary in the Home Department, who should henceforth pass under the name of the Scottish Under Secretary of the Home Department, it would not, in the first place, relieve the Lord Advocate of any portion of his duties whatever; and, in the second place, it would not ensure the performance of those duties at the Home Office one whit better than before. He should be glad to see any of his hon. Friends who represented a Scotch constituency in the honourable position of Under Secretary of State for Scotland, but as regarded that part of the business that came from the Home Office, it did not in the least degree matter as regarded the efficiency of the way in which it was performed, whether it came from the hands of an Under Secretary of State, who was a Scotchman and understood Scotch affairs, or from the hands of any Under Secretary of State who might be there for the time duly qualified for the performance of the general duties of his office. But then it was said, that in regard to Scottish legislation there was much need of some ancillary assistance; that there was a great want of some one in the Government to take charge of Scottish Bills in that House, so that they might be advanced at a more rapid rate, and so that hon. Members interested in the discussion of those measures might not be driven into the midnight hours which were so justly and generally deprecated and objected to for the commencement of important debates. He (the Lord Advocate) could have wished that the hon. Member for Montrose (Mr. Baxter) had explained by what means he intended to arm the Under Secretary of State with powers and facilities in that House for the introduction and discussion of Scottish legislative measures, so as to induce the Chancellor of the Exchequer, or whoever might be the leader of the House for the time being, to give him larger scope and convenience for bringing forward his Bills. How, he wished to know, were these midnight hours to be avoided? in what way were Bills to be expedited at a more rapid rate in consequence of the presence of this additional functionary who was to use his influence, in addition to that of the Lord Advocate, in accelerating the ratio of the progress of Scottish business? The hon. Gentleman had also spoken of the absence of the Lord Advocate from the legislative duties of his office, occasioned by his professional duties in connection with the administration of the law. He (the Lord Advocate) laid no claim on the House for his own services in this respect; but it was within the knowledge of all present that his predecessor the hon. and learned Member for Leith (Mr. Moncrieff) was most punctual in his attendance on his duties, and he could not help thinking that a most extraordinary complaint was brought against him in reference to a single unexampled and unprecedented case of national importance and public interest, and having a bearing on the due administration of justice in Scotland that could not be exaggerated or overrated—that for the conduct of such a case it should be deemed unreasonable or improper that he should desert his Parliamentary duties for one week. This appeared to him to be an extraordinary complaint to bring against his hon. Friend. It had been further argued in illustration of the unsatisfactory way in which Scottish legislation, even with respect to important subjects, was carried on, that the Lunacy Bill of last Session had been framed in a most imperfect way, and that, although it had passed the Legislature, it had since been found that it wanted mending here and there. Now, was that occasioned by the absence of the Lord Advocate? Was

that hurried and inconsiderate legislation to be ascribed to him? He thought not. Was it not rather the result of a Resolution of that House, urging on the then Lord Advocate to bring in a Bill on this subject at a period of the Session when it was impossible to do it adequate justice? The House having determined that there should be legislation on the subject before Parliament was prorogued, his predecessor, the Lord Advocate, had endeavoured to grapple with the subject, and did so with some success, considering the time at his disposal, although the measure was marred by mistakes that required subsequent legislative rectification. It was a mistake to suppose that Scotch measures were hurried, postponed, or spoilt, by reason of the absence of the Lord Advocate. It was an exaggeration and a misunderstanding, so far as he had had an opportunity of observing. He did not think it could be said that Scotch legislation suffered more from this cause, or from delay in that House, than Irish, although there was a Chief Secretary for Ireland in existence. His noble Friend the Member for Cockermouth could bear him out in this; and if the existence of a Chief Secretary for Ireland did not prevent or diminish the misfortunes attending Irish legislation, it could hardly be expected that the appointment of an Under Secretary of State for Scotland would produce much improvement in the conduct of Scottish business in that House. In conclusion, he really thought that if this officer were appointed in connection with the Home Department, with his time to be devoted entirely to transaction of Scottish business, he really would not know what to do with his time. He (the Lord Advocate) felt bound to say so, because from the knowledge he had acquired of the duties of his office, he should be much puzzled to know what he could give him to do if he were placed under his (the Lord Advocate's) own and sole control. The fact was that the great preponderance of the subjects for legislation in Scotland were so much mixed up with the peculiarities of Scotch law, that although they might first send them to the Under Secretary of State, they would have, in the end, to revert to the Lord Advocate's department. If there were numerous Bills to be introduced of a nature affecting the people of Scotland, which did not partake of the nature of law reform, and were unconnected with the legal institutions of Scotland, he could better understand the proposition; but when, as during last Session, and as was generally the case, the Bills connected with Scotland were nearly all of a legal character, or closely connected with law, the case was altogether different, and what was chiefly required was the skill and experience of a practical lawyer. He had heard with pain some of the observations of the hon. Member for Montrose, when he was adverting to a period in Scottish history when there existed a great many unnecessary offices, particularly connected with the law. He drew a striking picture of the state of things as they existed in 1824, and added that he supposed that they were much the same now; but his hon. Friend must have been totally ignorant of the history of Scotch legislation, not to know that the Court of Exchequer, the Court of Admiralty, and the Consistorial Court had since then been abolished, together with various other offices too tedious to enumerate, but by the abolition of which a vast saving had been effected to the country; and he (the Lord Advocate) would venture to say that there was not a man in any judicial office in Scotland, or connected with the courts in Scotland, that was not doing fair work for the pay that he received. He could not help feeling the greatest regret that there should be in the mind of hon. Members representing Scotch constituencies any desire to excite any jealousy with respect to that profession to which he belonged. He had thought, on the contrary, that Scotchmen had always been proud of the legal profession of their own country on account of its great reputation and illustrious achievements in times past. He thought his hon. Friend would not, on reflection, feel disposed to grudge to the members of the bar of Scotland the only distinguished legal and political prize that connected the Scottish bar with public life in England. He could assure the hon. Gentleman that it was no mean or sordid motive, no mere love of place, but only an honest and noble ambition that ever led any member of the Scotch bar to accept that office. The mere gilded bait of power and patronage would be no inducement to forego personal comfort, and to suffer great pecuniary loss, which was the inevitable consequence of undertaking the office of Lord Advocate. To induce any one to make such a sacrifice, he must be animated by the desire to serve his country, and the hope of having some claim upon its gratitude.

VISCOUNT DUNCAN said, it was re-

freshing to hear once more the hon. Member for Lambeth (Mr. Williams), in his place in that House, raising his voice in favour of economy, because it had been his (Lord Duncan's) fortune of late to sit there night after night, whilst grants of public money were made for metropolitan parks and bridges, and the hon. Member never broke silence upon the subject. The vote which the hon. Member proposed to give upon the present question, however, was not to be justified on the score of economy; and he believed that if so small a sum as £1,500 a year were absolutely necessary to create the office of Under Secretary of State for Scotland, few English Members would be found to vote against it. But he did not understand the hon. Member for Montrose (Mr. Baxter) to say that £1,500 a year additional should be granted for an Under Secretary of State; on the contrary, his hon. Friend proposed to abolish other offices connected with Scotland, and to apply the salaries appropriated to them to the new office he desired to create. Among these offices which his hon. Friend would abolish was the one he (Lord Duncan) had recently occupied—that of Scotch Lord of the Treasury—but it was not from any particular liking for his late office that he was now induced to come forward and oppose the Motion. His hon. Friend asked the House to say that in their opinion an Under Secretary of State for Scotland should be appointed to perform the political duties at present attaching to the office of Lord Advocate; but he (Lord Duncan), would ask the House whether the duties of Lord Advocate had been adequately or inadequately performed; and when he remembered that the office had been filled by such men as Jeffreys, Murray, M'Neill, and a long succession of other distinguished men, he thought there was not the shadow of a pretence for saying that those duties had not been adequately performed. With regard to the conduct of Scotch business in that House, he was inclined to agree with the hon. Member that it had not always been brought forward at the most convenient periods possible. True, it was almost impossible at certain periods of the Session, with every disposition on the part of a Government to give them facilities for Scottish Members to bring forward their Bills; and for that disease he was afraid there was no cure, except that the hon. Gentlemen interested in Scottish questions should occasionally sit up a little later than usual. For it could not be expected that great and important measures of Imperial interest should give way on all occasions to Scotch or Irish questions. Still he thought superfluous legislation not only useless, but injudicious. A friend of his one day asked him if he thought that there would be any more legislation for Scotland that Session, and on being answered in the negative, his friend rejoined, "Thank God, then there will be no further increase of rates and taxes in Scotland this year." Thus it did unfortunately happen that legislation for Scotland was generally accompanied with an additional burden in the shape of rates or taxes. At the same time some measures of legislation were occasionally absolutely necessary, and as allusion had been made to the late Lord Advocate in a way that might cause pain to that learned Gentleman he appealed to the House whether the Member for Leith, while occupying the office of Lord Advocate, had not sacrificed a large portion of his time, and considerable emoluments, in order to do his duty to his country? During the late Lord Advocate's tenure of office many useful measures of legislation were carried, and the Scotch had reason to be proud of the reputation he gained in that House. He might instance the Bill for the Registration of Births, Deaths, and Marriages, and the Lunacy Bill especially, and any proposal therefore that would tend to deprive the House of his services, or of the services of the present Lord Advocate, he should feel it his duty to oppose. Still there was no use disguising the fact that there was a feeling on this subject in Scotland. This feeling probably came from the anomalous position of the Scotch Lord of the Treasury in the House. Still he thought it was of importance that that office should exist. If the duties of that office were a little better defined it would remove a good deal of the feeling to which he had alluded.

VISCOUNT PALMERSTON: Sir, as I filled for some little time the office of Home Secretary, and therefore have some practical knowledge of the connection between the Lord Advocate and the Home Department, I think it right to state that I cannot concur in the Motion of my hon. Friend. I must also bear my testimony in favour of the reasons which have been assigned against the Motion, and more especially in the very able and clear statement of the present Lord Advocate. I do not object to this proposition simply because it creates a new office, and entails additional expense, —I say additional expense because I cannot agree that, if it is desirable to create a new office we should go foraging among

the different departments of the State in order to find out some retrenchment that would be equivalent to the extra outlay. If any unnecessary offices exist let them be abolished, and the country will have the benefit of the saving. But do not abolish existing offices that are not unnecessary merely to provide for the cost of a new office, which I also humbly submit would in itself be very inexpedient. My hon. Friend, to judge from the language of his Resolution, has taken an erroneous view of this matter, and a proposal to appoint an Under Secretary of State for the Home Department, to undertake the political duties of the Lord Advocate of itself shows an imperfect knowledge of the relative positions of an Under Secretary of State on the one hand and the Lord Advocate on the other. The learned Lord has himself given a most lucid explanation of the duties he had to perform, and if those duties are at all to be transferred to any other Minister, that transfer ought to be to some Minister who is primarily responsible as the head of his department. Moreover, the functions discharged by the Lord Advocate in this House are legislative, not political in their nature; at least his only political duty is to vote with his party, and certainly that duty might be shared by an Under Secretary of State. But his principal functions are to frame and assist in passing Bills connected with Scotland. The Lord Advocate, as the highest authority in this House on Scotch law, must be the person chiefly consulted on such questions, just as the Attorney General for England and Ireland are the principal authorities on legislation relating to the laws of those two countries. You may create an additional Under Secretary for the Home Department, but he could not take the place of the Lord Advocate in the framing and passing of Bills with respect to Scotland. The proposal before us, then, comes to this, that the Secretary of State for the Home Department, who is responsible for everything appertaining to the administration of the affairs of Scotland which is not of a local character, instead of advising with the Lord Advocate, as he now does, should advise with his own Under Secretary. That, surely, would not be a wise arrangement, because the matters on which the Secretary of State would be guided by the opinion of the Lord Advocate are matters connected with the interpretation of Scotch law; and it is obvious that he could not attach the same value to the opinions of his own Under Secretary on such questions as he would to those of the man who is usually chosen for his eminence in the legal profession. It is a great mistake to suppose that the Lord Advocate is the ruler of Scotland in regard to patronage and appointments of all kinds. Now, it has been a matter of reproach in the early part of the debate that the Secretary of State does not often allow himself to be guided by the recommendations of the Lord Advocate, but goes in search of other advice. The fact is, that when any question arises as to an appointment in Scotland, in regard to which the opinion of a great legal authority would be useful, the Secretary of State consults the Lord Advocate, and any other persons whom he thinks competent to give him their advice; and after a careful comparison of the different opinions which are before him, he takes the course which as the Minister who is responsible for what is ultimately done, he believes it to be his duty to adopt. Responsibility must rest with the Secretary of State, and that responsibility cannot be transferred to an Under Secretary. A great deal of Scotch business never goes through the hands of the Lord Advocate at all. The business of the Home Office with regard to Scotland is of the same nature as that connected with England, and the Home Secretary decides with regard to it upon the same principles as he applies to English business of the same character. If a question arises which requires the interpretation of the peculiarities of Scotch law he appeals to the Lord Advocate, just as in a similar case in regard to English business he would appeal to the Attorney General, or any other high legal authority. The Lord Advocate, I beg the House to understand, is only consulted by the Home Secretary, and has no greater authority than the individual at the time filling that office is disposed to attribute to his authority and opinion. That would not be altered by the appointment of an Under Secretary, who would find it very difficult to discover occupation to fill up his days, and whose office would be so nearly a sinecure that it would soon attract the observation and censure of Parliament. You have already in the Home Secretary an officer directly responsible for every act of the Crown with regard to the administration of affairs in Scotland, and for every appointment made by the Crown in that country. If that Secretary of State is in the other House of Parliament, he is represented in this by an Under Secretary, who is quite sufficient

Viscount Palmerston

for the performance of all the duties of the office, and you would gain nothing by the appointment of an additional Under Secretary. My hon. Friend suggested that you should abolish the Scotch Lord of the Treasury, and transfer his duties to the Under Secretary of State; but that would be impossible, because you cannot transfer to the Home Office business which must be transacted at the Treasury. Certainly you might say that the English and Irish Lords of the Treasury shall decide on Scotch business, but you could not transfer the business of one department to another. It is said that the Scotch business is thrown over to the small hours of the morning. That is a complaint which we hear quite as much from Irish and English Members, and arises from the precedence necessarily given to important public business over matters which are not of great Imperial importance. The only remedy for such complaints would be, that the Session should be prolonged, and that a month should be devoted exclusively to Scotch business, a month to Irish, and a month to the Bills of English private Members. Then there would be no complaints except on the part of those who were detained against their inclinations by business in which they had no concern. Probably, ndeed, those only would stay who were directly interested, and business would go on very smoothly and with great unanimity. I must, however, do the Scotch Members the justice to say, that they carry their business through Parliament in a manner which deserves the imitation of other Members. When a Scotch Bill comes before us which creates a difference of opinion they meet and discuss it freely and fully out of this House; and it usually happens that they come to some sort of agreement, and when the Bill comes to be discussed in this House the debate is not long, and the decision is generally in accordance with the opinions of the majority of Scotch Members. I think that that course of proceeding is not only attended with convenience to themselves, but is advantageous to the country which they represent, and of this I am quite sure, that the appointment of no number of Under Secretaries would facilitate the passing of Scotch or other measures through Parliament. Bills of importance, whether Scotch, Irish, or English, will have precedence, and those of minor importance, to whichever part of the United Kingdom they relate, must be thrown to a later hour. I think that the wording of the Motion implies a state of things which does not exist, and that its effect would not be that which my hon. Friend proposes, inasmuch as you could not by the appointment of an additional Under Secretary create a responsible officer. He must be subordinate to the Secretary of State for the Home Department, who is now fully responsible for all that is done in the name and by the authority of the Crown in Scotland.

MR. DUNLOP said, that although his feeling as a member of the Scotch bar would lead him to support, as far as possible, almost the only high office which was open to Scotch lawyers, his experience since he came into Parliament had convinced him that the business of the country required that the change now proposed should be made. He did not seek to shear the office of the Lord Advocate of any one attribute that really belonged to it; but he was satisfied that the duties were so varied and so important as well to bear the curtailment proposed, and leave sufficient to satisfy the ambition of the Lord Advocate. No blame in respect of the conduct of Scotch business was due to recent Lord Advocates, whose assiduity and ability could not be denied. But it should be remembered that in addition to their public duties Lord Advocates had their own private business to attend to; and although, no doubt, they made great personal sacrifices, in order to attend to their public duties, yet there was a limit to such sacrifices, and it was necessary that they should retain their hold in their private business, in order to secure them against the casualties attendant on a change of Ministry. One method of obviating the difficulty would be to introduce Scotch Bills a little earlier in the Session. English Bills relating to English police and English Universities were brought in early in the Session; but why should Scotch Bills always be brought in by the Lord Advocate at a period of the Session when they could not be carried through? With all the advantages of transacting business for which the noble Lord had so handsomely given credit to Scotch Members, this was a great drawback. They did not seek to withdraw from the Lord Advocate any part of the business which was essential to his office; but a great share of business came to the Lord Advocate which did not pertain to him in

his legal character, but only as the representative of the Crown. They had no desire for a separate establishment for Scotland to supersede the Home Secretary, but they only wished that a proper officer should be appointed in the Imperial Government for the purpose of administering the affairs of Scotland.

THE CHANCELLOR OF THE EXCHEQUER: Sir, there is one point to be noticed before the House divides. It has been urged that opposition to this Motion may arise from a feeling of economy. I understand that this Motion concerns the administration of Scotland, and I cannot suppose for a moment that the House would entertain the question of economy with regard to a Motion of such paramount importance, or that they would think that a question of £1,500 or £15,000 a year ought to be allowed to enter into their consideration when they have to decide upon the good or bad administration of a considerable portion of Her Majesty's dominions. What we have to consider is this—whether the present mode by which the administration of Scotland is carried on, especially in this House, is wanting in responsibility or efficiency. With regard to responsibility I have not heard that any act can be pointed out in which there has been a difficulty in tracing to the proper officer the responsibility which the spirit, if not the form, of the constitution imposes, and I think all will agree that if anything occurred in the administration of Scotland which demanded the notice of Parliament immediately, means would be found of answering the critical inquiry which might be addressed to the Administration of the day. Is it then inefficient? I have had some experience in this House, and I must say my experience leads me to this conviction, that of all public offices none have been sustained during the last twenty years with such continuous ability and sound intelligence as the office of Lord Advocate of Scotland. I do not remember the period in which it has been filled by a man of inferior ability, or in which the service of the State, so far as that office is concerned, has not been efficiently conducted. I do not remember a period in which it has not been represented in all its attributes by men entitled to respect and often to admiration. The right hon. Member for Kilmarnock (Mr. Bouverie) in noticing three of the predecessors of the learned Lord near me, mentioned the remarkable legislative feats which they have accomplished. One introduced the Poor Law into Scotland, which was once thought an impossible event; another reformed Scotch entails — a system of law which acted very injuriously on that country, but which it was denied could ever be dealt with. The late Lord Advocate improved the law of lunacy, and the learned Lord who now fills the office, during the brief period he has occupied a seat in this House, has introduced an important measure with regard to the Universities of Scotland which must tend very much to elevate those institutions. That is a complete answer to the objection made respecting midnight legislation, and I think that, upon reflection, those who made it must feel they have no ground whatever for that charge. It is said by the hon. and learned Gentleman who has just sat down, that if the Administration of Scotland were represented in another manner good Bills might be introduced the moment Parliament meets. The same thing is said of every branch of Her Majesty's service in this House, but the reason that good Bills are not prepared in good time is that we find every department, whether under a Secretary of State or a Lord Advocate, or an Under Secretary of State, very much in the same condition. The labours of this House are so heavy and so continued, the period of relaxation is generally so limited, that one is not inclined the moment Parliament terminates immediately to commence preparations for the coming Session, and when the Session arrives the public departments are not so prepared as, theoretically, they ought to be, but, practically, they never will be. That legislation upon subjects not of paramount importance is brought on at midnight, or after midnight, is a necessary consequence of the manner in which the public business of this country is conducted, and I do not think the Scotch Members have any peculiar cause of complaint in that respect more than the English or the Irish Members. I believe an hon. Member, who was a staunch supporter of the Government, and who was endeared to me by every sympathy, has lately withdrawn his confidence from Her Majesty's Government, because I allowed the Public Health Bill to be brought on at so late an hour of the night. After all, what is the matter before us? The hon. and learned Gentleman who last spoke complains that functions of great importance which used to be filled by the Secretary of State for Scotland are not ful-

filled now by the Lord Advocate. But what is the reason? It is because for many years it has been considered a great advance and improvement to endeavour to assimilate the legislation of the two countries, and to make Her Majesty's Secretary of State for the Home Department a Secretary of State for Scotland as well as for England. That is a matter which has always been considered one worthy of public praise and approbation. We have had great complaints of late of maintaining the office of Lord Lieutenant in Ireland, and Motions have been brought forward, the tendency and, in some instances, the avowed object of which has been to make the Secretary of State for the Home Department Secretary of State for Ireland. It is proposed to pursue a course with regard to Scotland exactly the reverse of that which is recommended for Ireland. The tendency of the present Motion is to bring us back to a state of provincial administration. With respect to Scotland and Ireland there is no doubt a great difference. The population of Ireland is much larger. The union between England and Ireland is of more recent date. There is greater variety of contrast in the habits and customs of England and Ireland than in those of England and Scotland. There is a considerable difference in geographical connection, and many reasons which make us view with considerable scruple any proposition which should terminate the existing machinery by which the administration of Ireland is conducted. But, so far as England and Scotland are concerned, we have now for a long series of years been assimilating the administration of the two countries, and I have always thought until to-night that it was rather a mark of advance to have that administration placed under the same high officer of State. The only exception on the part of Scotland to this view is, that Scotland has one peculiarity which redounds to its honour, that notwithstanding all changes, social and political, it has preserved its own law and a body representing that law, which is celebrated throughout the world for its eloquence and ability. Under those circumstances I am surprised that Scotch Members should come forward, and, as it seems to me, level a blow against that profession of which they ought to be proud; against that national system of jurisprudence which ought always to be deemed an ornament of their country. I should have thought they would have been proud that at this moment the administration of Scotland is conducted by the most eminent lawyer they possess, rather than by a subordinate political officer. But I think the great objection to this Motion is, that we have really had no evidence whatever placed before us that the people of Scotland have suffered in any degree from the system which exists, or that they have offered any probable means by which the administration of that country can be improved. As far as I can form an opinion it seems to me that with regard to administration Scotland is that part of Her Majesty's dominions which has the least cause of complaint, and I cannot but feel that we shall be deteriorating and lessening the position of Scotland if we follow the policy and principles which have been suggested and advocated by the hon. Member for Montrose, and the hon. Gentleman who has just addressed us.

SIR GRAHAM MONTGOMERY said, he would merely express a hope that the Government would appoint a Scotch Lord of the Treasury.

MR. BAXTER replied, he could assure the Chancellor of the Exchequer that there was great dissatisfaction in Scotland with the manner in which Scotch business was conducted, and he also called his attention to the fact that no Scotch Lord of the Treasury had been appointed by the present Government. He willingly accepted the Amendment suggested by the hon. Member for Perthshire (Mr. Stirling), and would withdraw his Resolution, in order that it might be put in the amended form to the House.

Motion, by leave, *withdrawn.*

Motion made, and Question proposed,—"That, in the opinion of this House an Under Secretary of State for Scotland should be appointed in the Home Office to perform the political duties at present attached to the office of Lord Advocate."

The House *divided*:—Ayes, 47; Noes, 174: Majority, 127.

ROMAN CATHOLIC CHAPLAINS.

OBSERVATIONS.

MR. SERJEANT DEASY said, he had given notice of his intention to call the attention of the House to the subject of the provision now made for the religious wants of Roman Catholic soldiers, but after the statement of the gallant General at the head of the War Department, he should not press his Motion, believing that the manner in which the subject had been dealt with was most creditable to the Government.

POLICE FORCE (IRELAND) BILL.

LEAVE. FIRST READING.

LORD NAAS, in moving for leave to introduce a Bill to make better provision for the police force in Dublin and other towns in Ireland, said that there had been for a considerable number of years a police force existing in many of the towns in Ireland. The present force in Dublin dated from the year 1836, when the metropolitan district was enlarged, and the police of Dublin, which until then had been a municipal force, under the control of the corporation, and paid out of the corporate funds, was placed under the immediate control of the Lord Lieutenant, and a considerable part of the expense was charged on the Consolidated Fund. The present force in Dublin amounted, including officers and men, to 1025; and the cost, including the salaries of the stipendiary magistrates and of the Recorder, was £77,000 per annum, a moiety of this being paid out of the Consolidated Fund. He thought it only due to the force to say that he believed that, on the whole, it was a fine and well-trained body of men. But one principal objection to the force was its great number and expense. The population of Dublin metropolitan police district amounted to about 300,000 persons; but although the district was large the duties of the police force were not heavy. On making a comparison between the police force of Dublin and that of the large commercial towns in England, he found that while in Manchester there was only one constable to 520 inhabitants; in Liverpool, one to 328; in Birmingham, one to 648; in Bristol, one to 457; and in the metropolitan police district, one to 384; the proportion in the Dublin metropolitan district, was one constable to 272 inhabitants. The fact that there was this larger proportion of police to inhabitants in Dublin than in the large towns of England was in itself sufficient to show that the system required alteration. The Dublin force was more expensive than need be, because it was an isolated force, and it was therefore necessary to keep up a reserve in addition to the men required for duty on beat, in order to meet extraordinary circumstances. Great inconvenience also arose from the necessity of issuing concurrent warrants to the Dublin force and to the general constabulary of the country in cases where it was uncertain whether they might have to be served in the metropolitan district or in the adjoining county. The late Lord Lieutenant, he might observe, had expressed his intention of dealing with this subject had he continued in office. The Belfast force differed from that of Dublin, inasmuch as it was a purely local and municipal force, under the direction of the corporation. In that case also, there was the same objection to the force, that its duties were performed in Belfast concurrently with a large body of the general constabulary, and this led to continual misapprehensions as to their duty on the part of the two forces. The consequence of this had been that a fixed number—sixty—of the general constabulary had been quartered in Belfast; sixty more were quartered there in consequence of the riots of last year; and a considerable additional force had been sent there after the recent events. The local force now consisted of fifty-five men, a superintendent, and five inspectors, for day duty; and 104 men for night duty; and the total annual cost was £5,700. The Commissioners who inquired into the riots at Belfast last year had commented upon the inefficient way in which the police were armed (they had only a walking-stick), and had recommended that there should be a total change in the management and appointment of the force. Both the Belfast and Dublin police forces were open to the grave objection of containing an undue proportion of men of the same religion, which was particularly objectionable in a country like Ireland, where the population was divided between two religions, because it gave a sectarian character to the force, which it was most desirable to avoid. In the Dublin police force there were, for instance, only fifty Protestants, while there were not more than six or seven Catholics in the Belfast force. These facts would show the necessity of some change. The greater portion of the cost of the general constabulary of the country, which amounted to 12,000 men, was paid out of the Consolidated Fund. A redistribution of that force had been made by an Act passed in the last Session of Parliament. It had been divided amongst the several counties of Ireland, and a Parliamentary quota had been fixed for seven great towns. Ten other towns, under the Municipal Act, the 3 & 4 *Vict.* c. 108, had the power to call for a force of constabulary, provided that they paid a moiety of the cost. But then there was a third class of towns, which came under the "Towns Improvement Act" of last Session, which were subject to a totally dif-

erent regulation. They had to pay the whole cost of the constabulary allotted to them. But as the Act to which he had referred had repealed the 9th *Geo.* IV., they had no power to levy a watch rate, and they had, therefore, no means of meeting the expense of the police they might require. These defects of the police system, as regarded the towns in Ireland, were so great, that it seemed to the Government to be expedient that some remedy for them should be provided. A reorganization of the local force in Dublin and Belfast might with that view have been proposed, but, looking to all the bearings of the question and keeping in mind the difficulties which such a reorganization would involve, the Government had deemed it their duty entirely to abolish these local forces, and, amalgamating them with the general constabulary, to place by that means the whole police force of the country upon the same footing. They had the less hesitation in adopting that plan as the constabulary force of Ireland had for many years performed its duties with admirable efficiency and with great advantage to the country. He was, therefore, of opinion that no danger could arise from the establishment of that force in the towns as well as in the country districts. Following the principle of the Act which had been passed last year, it was proposed that the Parliamentary quota for Dublin should be 400 men, and that for Belfast 100 men, it being provided in the case of Dublin that the number of men should be as nearly as possible that of the present metropolitan police force, so that no extra charge would in consequence of the proposed change be thrown upon the Consolidated Fund. In addition to the quota which he had just mentioned, it was proposed that the Lord Lieutenant should have the power in the case of the two towns of Dublin and Belfast of fixing such an increased force as he might deem necessary ; one half of the cost of maintaining that force being charged upon the towns themselves and the remaing half upon the Consolidated Fund. By that means they would be placing the whole of the police force throughout Ireland upon a uniform footing, while increased efficacy would be secured. The Chief Commissioners of the Dublin force were at present paid out of the Consolidated Fund ; and the Government proposed that they should retire on that full allowance, to which they were indeed entitled by the length of their services, while the other officers should be dealt with as the Lord Lieutenant might think proper. But as under that scheme the charge on the local rates would be diminished, it was intended that any compensation or allowances that might be made to those officers should fall on those rates. The Dublin force now consisted altogether—commissioners, inspectors, and other officers and constables — of 1,030 men, and the force that would replace it would consist of 650 men. The expense of the present force was, exclusive of the police courts, £65,550 ; and that of the new force would be about £50,000 a year when the whole thing came into operation, which could not be immediately, but would take four or five years. The revenue now derived from the police courts for fees, &c., was something like £13,500 a year, from the police rate £11,000 a year, and the Parliament grant £36,000. When the plan came into full operation there would be a considerable reduction in the local rates of Dublin. It was also proposed that the offices of the divisional magistrates in Dublin should be reduced from three to two, and that the number of divisional magistrates should be reduced from seven to five. In Belfast the quota was fixed at 100, and every member of the old force would be, as in Dublin, admitted to the constabulary if they were fit for service. The cost of the present local force in Belfast was £5,700 a year, and the cost of the new force would be about £3,800. The small towns throughout Ireland would be allowed an extra constabulary force wherever the inhabitants might think such a force was required on the condition that they should defray one half of the charge which would thus be created, while the other half would be fixed on the Consolidated Fund. In these small towns the constabulary would be required to parade the streets in the same way in which the streets of Dublin were paraded by the metropolitan force, and he believed that such an arrangement would give much satisfaction to the quiet and orderly inhabitants. He had detailed the principal provisions of the plan he had to submit to the consideration of the House. It had been most carefully prepared, a d he confidently believed that it would be found calculated to remove the evils of the existing system, and to produce much good in Ireland. It gave to every town in Ireland an efficient police force ; it diminished in some cases the local rates, and it did not add a sixpence to the charge upon the Consolidated Fund. The noble

Lord concluded by submitting his Motion to the House.

Mr. J. D. FITZGERALD said, he did not mean to offer any opposition to the Motion for the introduction of the Bill; but he could not help observing that the 15th of June was an advanced period of the Session to bring forward a measure of so much importance. Without expressing any decided opinion upon the measure, he could not forget that they had had in Dublin for many years a most admirable force framed upon the basis of the London police, and that during the time it had been in existence there had been a remarkable absence of great and minute crimes in that city. It was true the police were most of them of one religion, which was a disadvantage which Colonel Brown had endeavoured to avert, by enlisting a greater number of Protestants in the force, but he was unable to procure them. He also entertained very serious doubts whether the discipline and efficiency of the force could be maintained in their present high condition under a system by which it would be amalgamated with the ordinary constabulary of the country. He hoped that the second reading of the Bill would be fixed for a day sufficiently distant to allow the people of Ireland maturely to consider its provisions.

Mr. WHITESIDE said, he could with a safe conscience defend his noble Friend from the charge of dilatoriness in having brought forward this measure. Lord Eglinton and his noble Friend, during the brief period they had been in office, had been actively employed in consulting those who were competent to give an opinion on the question, and he was happy to say that though the right hon. Gentleman (M. J. D. FitzGerald) anticipated failure, yet this was not the opinion of the parties to whom he referred, who considered it a sensible, practical, simple, and economical scheme. Among other things it would improve the police of Belfast, which he believed required some improvements, though he must say that the riots that had taken place there had been greatly exaggerated, for it was to be remenbered that no lives were lost.

Mr. GROGAN said, it could hardly be expected he could give a decided opinion at the first blush of a question so wide and extended as this Bill. One thing he was glad of, however, and that was that they were to get rid of the Dublin metropolitan police force, of which he had already complained in that House for their arbitrary and overbearing conduct. As the Dublin police force were to be so greatly reduced he thought that the inhabitants ought to have the benefit of the reduction of the expense. He hoped the noble Lord would not send this Bill to a Committee, for then it would be shelved for the remainder of the Session. At the same time, he hoped that it would not be pressed forward before the inhabitants of Dublin had time to consider it.

Mr. VANCE said, that as representing the city of Dublin, he would give his adherence to the general principles of the Bill. The enormous expense of the present police force in Dublin had excited great dissatisfaction in that city.

Leave given.

Bill to make better provision for the Police Force in Dublin and other towns in Ireland, *ordered* to be brought in by Lord Naas and Mr. Attorney General for Ireland.

Bill *presented* and read 1°.

LEGITIMACY DECLARATION BILL — LEAVE—FIRST READING.

The ATTORNEY GENERAL, in rising to move for leave to bring in a Bill to enable persons to establish legitimacy and the validity of marriages, and the right to be deemed natural-born subjects, said the measure was intended to remedy a very great defect in the law of England, of which complaint had often been made by persons of high authority. As the law now stood, unless some question of property had arisen, a man could not by any suit or judgment establish his legitimacy or the validity of a marriage. His parents might be living, having solemnized their marriage under circumstances capable of proof while they were alive, though not afterwards; but still there were no means by which he could then come before a court and prove his legitimacy. The object of the Bill was to enable any British subject thus circumstanced to institute a suit in the new Court of Divorce, giving due notice to the persons interested and to the Attorney General, in order to insure the *bonâ fides* of the proceeding, and prevent collusion; and then upon full inquiry, and after due proof, such individual might establish his legitimacy, and the judgment of the Court would remain upon the record and be available in all time to come. The Bill, by a somewhat analogous machinery, would enable a man to establish his *status* as a natural-born British subject.

Bill to enable persons to establish Legitimacy and the validity of Marriages, and the right to be

deemed natural-born Subjects, *ordered* to be brought in by Mr. ATTORNEY GENERAL, Mr. MACAULAY, and Mr. BOVILL.

Bill presented, and read 1°.

GALWAY FREEMEN DISFRANCHISEMENT BILL—COMMITTEE.

Order read for resuming Adjourned Debate on Question [8th June], "That the Order for the Committee be discharged."

Question again proposed.

MR. BERESFORD HOPE said, he would move that the debate be adjourned. The Chancellor of the Exchequer had, a few evenings ago, suggested that no Bill likely to lead to discussion should be taken after twelve o'clock, and he did not think they would find one more likely to lead to a debate than this.

Motion made, and Question proposed, "That the debate be now adjourned."

SIR JOHN SHELLEY said, he objected to an adjournment to a distant day.

MR. CLAY protested against this Bill being put off day after day. When the Chairman of a Select Committee introduced such a Bill, the Government were bound to support and assist him. The present Government, however, were throwing every obstacle in his way, no doubt with the sole object of catching a few stray votes of Irish Members. If the debate was adjourned, the Government ought to undertake to give some morning for the discussion.

SIR JOHN PAKINGTON said, he did not think the Government were liable to the imputations of the hon. Member. He trusted the House would have no objection to the adjournment of the debate, and would suggest that it be resumed on Thursday or Friday next.

Motion put and *agreed to*.

Debate *further adjourned* till Thursday.

House adjourned at half after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, June 16, 1858.

MINUTES.] PUBLIC BILLS.—1° Protection of Female Children.
2° County Management.
3° Peace Preservation (Ireland) Act Continuance; Churches, &c (Ireland).

EDINBURGH ANNUITY TAX.
SECOND READING.

Order for Second Reading read.

MR. BLACK; Sir, in moving the second reading of this Bill I shall endeavour to state the object of the promoters of it as briefly as I can, and rather than weary the House I will omit some of the statements and arguments which otherwise might have strengthened the case. But, lest any one should imagine that this Bill proposes to remove a mere petty local grievance, such as may be found adhering to many other districts of the country, allow me at once to say that I am prepared to prove that it is the most enormous grievance and injustice left unredressed in this country, much more oppressive than ministers' money in Ireland and church rates in England. I am prepared to show that while it is most oppressive and obnoxious to its victims it is injurious to the Church, to morality, to religion, and to the peace of the community, and in the removal of this vast evil that we propose to impinge on no vested interests, to make no claim on the Consolidated Fund, to encroach on no public property, and to do injustice to no man while we make a suitable provision for the clergy from purely ecclesiastical funds. In any observations I have to make I will confine myself to the case of Edinburgh, with which I am best acquainted, and I will leave my hon. Friend the Member for Montrose (Mr. Baxter) to state the case of that town.

In order that the case may be more clearly understood, it is necessary that I allude to the rise and progress of the tax, which was first imposed in 1634 by Act of Privy Council, of Charles I. I am unwilling to trouble the House with reference to Acts of Parliament and shall, as far as possible, avoid quoting, and merely mention the substance; but if my statement is called in question I have the Acts here and can refer to them. I may just quote the reason given by the privy Council for the imposition:—

"For sa meikle as there is nothing so consonant to equitie and reason than that all such persons that dailie enjoy in plentie that blessing of the word of God and heares the same preached and does participat the benefit of the clergy should contribute to the maintenance of the ministri in these places where they take the foresaid benefit."

At this period it appears that the inhabitants of Edinburgh almost universally adhered to one form of religion, and participated in the benefit of the clergy: it was, therefore, not unreasonable that they should be made to contribute to their maintenance according to their ability, and on this principle all the early Acts were passed. The

Act of the Scottish Parliament of 1661 is the regulating Act. By it the magistrates were authorized to levy 6 per cent — on all houses, shops, and warehouses for the support of six ministers. By a previous Act the amount leviable was 19,000 merks, equal to £1,070 11*s*. From time to time new local Acts were procured as it was found necessary to extend the royalty over new districts. All these embodied or acknowledged precisely the same obligations as the Act of 1661 till the Act of 1809. Here, although Acts of Parliament are but a dry study, I have to solicit the attention of the House to this as it entirely demolishes the arguments constantly harped upon about this tax being the patrimony of the Church—as the provision made by the piety of our forefathers for the support of the clergy and the maintenance of religion—as a sacred property which it would be sacrilege to touch. From the first imposition of this tax till after the passing of the Act of 1809—for nearly 200 years—the magistrates levied the 6 per cent. in the same way as they levied every other municipal tax; the whole revenues were merged in one fund from which all the disbursements of the City, including stipends to the Ministers were made, and during all that period the Ministers were mere stipendiaries receiving such salaries as were considered reasonable at the time, ranging from £138 to £300, whether these should exceed or fall below the amount levied as annuity; and the magistrates were only legally entitled to levy £1,070 for the maintenance of six ministers. In the year 1809 it was necessary to apply to Parliament for a new Act for a further extension of the royalty. But about this time the attention of some of the more inquisitive citizens had been directed to the provisions of the previous Acts under which the annuity was levied, and there were symptoms of a disposition to call the powers of the magistrates in question. This alarmed both the magistrates and the clergy, but especially the latter, and led to anxious consultations on both sides as to what should be the provisions of the new Act, both parties intending to milk that great cow, the public, for their own peculiar advantage—it was "diamond cut diamond." But cunning as the magistrates thought themselves they were completely outwitted by the clergy. With the aid of the Dean of Faculty of the day a clause was concocted among them which, like the response of the ancient oracles, seemed to each party to be in his favour, but either way the public were to be the victims. There was, therefore, great danger, that if the Parliamentary notices had given any intimation of that which had been the object of most anxious solicitude to the promoters, the Bill would have been opposed; but the Parliamentary notice, which ought to have intimated the intention, contains not one syllable on the subject; this, which has ever since gone by the name of "the smuggled clause," is the 17th clause in the Act. As this is rather an ugly transaction I am unwilling to make any statement of it myself, and, in order that the parties might speak for themselves, I had prepared extracts from the written pleadings of the parties before the Judges of the Court of Session, where the magistrates claimed the benefit of the smuggled clause on the ground of uniform custom, and the clergy on the ground that "the clause was introduced solely at the request of the ministers and was written by them." But, although the extracts might appear curious and interesting to us, I was afraid of trespassing on the patience of the House by reading them. If, however, my statements are called in question, I have here copies of the Parliamentary notices, of the clause itself, and extracts from the written pleadings before the Court—these pleadings fill a volume of nearly 1000 4to pages. No notice having been given to the public of the intentions of the promoters of this Bill, it passed without opposition through all its stages, and the magistrates—good easy men—were congratulating themselves on having safely pulled the nuts out of the fire; but the clergy immediately pounced upon them with an action before the Court of Session, where, to show how dexterously this extraordinary clause had been drawn out, so as to be accepted by both the contending parties, it puzzled even the six Judges who first tried the case, three voting on one side and three on the other; it was three times before the Court and was at last decided in favour of the ministers by a majority of one, and, but for an accident, would have been decided the other way. The House may imagine I have been exaggerating or romancing in regard to these Acts, especially to that of 1809; but I consider it essential to our case to show that the annuity tax in Edinburgh is not an ancient tax, except in a very small proportion, and that in fact it dates no further back than the year 1810, and that we were unjustly saddled with it even then.

For the first ninety-four years the stipends were 2,500 merks, equal to £138 17*s.* 9*d.*; in 1783 they were advanced to £160 ; and from 1795 to 1807 they were advanced from time to time till they reached £330. During all this time the clergy were mere stipendiaries, and it was only in the year 1820 that they got the tax into their own hands and collected it for their own behoof. It will be in vain to tell us now that we are similarly situated with those who have to pay tithes and burdens imposed upon lands centuries ago. Nine-tenths of this tax was not really imposed upon us till five years after I was in business. Am I then to be told that I knew what burdens I was to be subjected to before I commenced in that district ? and, therefore, I have no right to complain. Since then a friend who commenced at the same time in the same neighbourhood has extended his premises at a cost of nearly £10,000, all which has been made subject to that imposition, which at the present will exceed £25 a year, or as a capital sum £600, which he considers a fine upon him for benefiting himself and improving the town. If any one should say it would be of little consequence to the payer whether it was paid to the magistrates or to the clergy, if it was paid, I answer that there is this material difference :—if it was paid to the clergy, excepting in the case of members of the Church, it was paid without value received ; but had it been continued on the footing on which it had been levied for 200 years before, as a municipal tax, it would have been used for municipal purposes, and rendered other taxes lighter or unnecessary, and, in fact, in the twenty years previous to 1809 the tax was not only sufficient to pay the stipends but left £22,659 for other municipal purposes.

I shall now proceed to show that, independent of its unhallowed parentage, the burden is intolerable, and the grievance iniquitous. It was originally 6 per cent. on all tenants of houses, shops, warehouses, &c., which used to be levied on four-fifths of the rent ; but since the new valuation Act, it is levied on the full rent at 4¼ per cent. or 10½*d.* per pound, which is more than double the income tax. As it is laid not only on houses, where alone there can be cure of souls, but on shops, workshops, and warehouses, it falls with peculiar severity on the trading part of the community. Suppose a shopkeeper renting a shop and warehouses for £250—and a house for £50—and his clear profits £300 a year, his income tax will be £6 5*s.* ; but his annuity tax is £13 2*s.* 6*d.* But it is much more sweeping in its infliction than the income tax, which spares all with less than £100 a year, while the poor labourer and workman is liable to be taxed on his rent of £5 or £10 a year. Even the public buildings erected for the purposes of science and art do not escape the clerical maw. The Royal Institution and the Royal Academy are rated, the one at £1,700 and the other at £1,600 a year, being equal to £140 a year. The Religious Tract Society have to pay £5 2*s.* If the Members of this House and the country were so impatient of the high income tax, and clamorous for its reduction or abolition, can you expect the inhabitants of Edinburgh to submit tamely to a double income tax, levied not for general but for sectarian purposes, and levied for one locality and not in another ; for the only places where ministers' money or annuity tax is levied are Edinburgh and Montrose. What would have been thought of the justice or policy of levying the income tax in Scotland and not in England ?—in two towns of Scotland and not in others ?—in one-half of a town and not in the other ?—on one class of the inhabitants and not on another ?

I have said the burden is not only intolerable but the grievance is iniquitous. By the census of 1851 the population of Edinburgh was 160,000, and the burden for providing religious instruction in the established church for the whole City is laid upon the 66,600 inhabiting the ancient and extended royalty. Then, again, the members of the College of Justice, who are the aristocracy of the town and the most general adherents of the Established Church, are exempt, and the burden is mainly borne by the tradesmen. I should consider it very unfair if I were compelled to contribute in equal proportions with the learned Lord opposite to the support of his ministers from whom I receive no benefit. But the case is more aggravating than that—he compels me to pay a considerable sum every year to his ministers while he pays nothing at all himself. By a return prepared by the Town Council in 1843, the total amount of annuity assessment for that year was £10,667 12*s.* 10*d.*, the whole payable by seat-holders in the City churches was £2,286 9*s.* 8*d.*, leaving £8,381 3*s.* 2*d.* to be paid by those who received no benefit from the churches. The adherents of the Established Church in Edinburgh do not number one-third of the church-going population, and for the

maintenance of the ministers of this one sect all the members of the other churches and those who belong to no church are taxed. But I will show you greater abominations still. There are many who believe this to be a violation of an essential christian principle, and consider that to pay willingly is like a compounding of felony. The Quakers have never paid otherwise than by permitting the tax-gatherer to take the money. There has been constant resistance to the payment of the tax; and since the clergy took the collection into their own hands it has given rise to tumults and riots with which the police have been unable to cope, and it has been necessary to call in the military and dragoons to protect the auctioneer when selling off the furniture of the recusants. The prosecutions for non-payment are constant. In 1833, 846 persons were prosecuted, numbers had their furniture sold, five were imprisoned, and occasion was given to the most indecent scenes—among others a Rev. Doctor of the Secession Church, one of the most highly respected pastors and probably the most learned theologian in Scotland, Dr. Brown, who entertains strong views of the unlawfulness of this tax, had his furniture distrained and auctioned off for the benefit of brother clergymen of another sect, and ever since he has been obliged to live in the suburbs.

Perhaps the House would pay little regard to my opinion, or to the opinion of any dissenter as to the baneful influence that this tax has upon the morals and religion of the community and the injury it does to the Established Church itself. With the leave of the House I will furnish evidence from ministers and elders of the Established Church and their own agents, which I think must be perfectly unobjectionable. The hon. member then read the evidence of the Rev. Dr. Arnot, minister of the High Church, Edinburgh; of the Rev. A. R. Bonar, and of John Learmouth, Lord Provost of Edinburgh in 1832, and an elder of the Established Church; given before the Select Committee of 1851.

I trust, then, I have satisfied the House that this is an evil of enormous magnitude and ought to be abated. Contrasted with the annuity tax, the grievance of church rates, which has been condemned by this House, is but as petty larceny compared with highway robbery; and ministers' money in Ireland, which was abolished and justly abolished by Parliament last year, was but a mitigated annuity tax; the Scotch and the Irish grievances were so far equal that both taxed the many for the benefit of the few, and the rate per pound in both countries was nearly the same; but in every other respect the grievance in Scotland was aggravated tenfold. In Ireland the *maximum* rent on which ministers' money could be charged was limited to £60 and the *minimum* to £10; in Edinburgh there is no limitation of the amount; in Ireland the assessment could never rise above 55*s.* on any one property; in Edinburgh it sometimes exceeds £30; in Ireland, dwelling-houses only were charged; in Scotland, shops and warehouses are likewise assessed, the sum leviable on the eight Irish towns, with a population of about 480,000, was just about the same in amount as in Edinburgh, with a population of 67,000. In Ireland the houses were valued and the rate fixed; in Scotland, the houses not being previously valued, improvements are prevented by an increase of taxation being incurred. In Ireland the people refused to pay, and the magistrates refused to assess. Was this the reason why Government resolved to abolish the tax? and are the Scotch people to be told that as long as they submit to this unjust law they can have no redress? This is a lesson easily learnt, but no wise Government would teach it. It was said that there is this distinction between Ireland and Scotland—that there were funds in the hands of the Ecclesiastical Commissioners which could be used for the relief of the eight towns. But these were as much public funds as the revenues of the Woods and Forests; and if they had been, as they might have been, applied for the support of the Irish schools, they would just have relieved the Consolidated Fund by so much. Parliament, however, in abolishing ministers' money in Ireland, acted wisely and justly; but if justice has been done to Ireland, is it to be refused to Scotland? Our number, no doubt, is small, the population aggrieved only amounts to about 93,000 in both towns; but would it be fair, would it be generous, because we are weak and few in number—because it is only two small towns, because it is only a Scotch grievance, that therefore Parliament, composed chiefly of Englishmen, should disregard our just complaints? I cannot believe that a British House of Commons will only do justice to the strong, but refuse it to the weak. I am prepared to hear some opponent to the Bill harp upon the old fallacy which was vehemently urged when the Bill for the abolition of ministers' money in Ire-

land was under discussion, and argue that the tax of which we complain is the same as tithes or teinds. Now, it ought to be recollected that teinds are a property which may be bought and sold separate from the land; they originally belonged to the Church of Rome, and were seized by the Crown at the Reformation, and were afterwards gifted by the Crown to individuals and corporations. This property of teinds, so gifted to proprietors of lands, was given on the condition that churches should be maintained out of them, and landed proprietors were not required to pay more for ministers' stipends than these teinds afforded; and as soon as the sum necessary for ministers' stipend exhausted the amount gifted by the Crown for that purpose, the landlord was not obliged to pay more;—in short, he only pays out of the gift committed to him for that purpose; he is not called on to pay a farthing from his own property. The annuity, however, is a tax the same as any other tax—the same as the property tax, the house tax, the police tax, and other taxes. To say it is paid by the landlord and not by the tenant is a mere mistake, which could be proved upon the principles of political economy, which dry subject I will not, however, enter upon at present. I have already shown that the annuity tax, at least as far as Edinburgh is concerned, is but of yesterday in its heaviest demands—that it was only laid on in all its rigour by the Act of 1809: that by the very terms of the original imposition, it is distinctly declared to be applicable only to tenants, and that landlords, unless they inhabit the houses themselves, are expressly declared not to be chargeable.

The Act of the Scottish Parliament, 5th October, 1663, declares:—

"That the said annuity being only payable by the inhabitants and occupiers, shall not affect the ground of the houses and others foresaids; and that the heritors and others having right to the said houses and others above specified, shall not be liable to the same, except they actually inhabit, occupy, and dwell in them themselffe."

I have brought forward evidence to show that this tax is partial in its incidence, burdening one part of Scotland and not another; falling heavily on the poor and the middle classes, and exempting the rich; that it is iniquitous in its spirit, oppressing all other sects for the support of one, and that one less than a third of the community, and that it is disastrous in its consequences, encouraging religious strife and rancour, endangering the peace of the city, and injurious to the interests of morality and religion. There is the evil—the enormous evil unmitigated by a single particle of good; it is upheld for the ostensible purpose of benefiting the Established Church; but even the most zealous supporters of that Church acknowledge that it is its greatest enemy. We demand, then, deliverance from such a pestiferous imposition. If we have proved it to be oppressive and unjust it is enough—we are entitled to relief without providing any substitute for the tax which we claim to be abolished. But we are prepared to offer a substitute which would interfere with no vested rights; we propose to continue to the present incumbents all their present sources of emolument. We do not propose to ask any grant from the Consolidated Fund, or to trench upon any public property, nor to mix up the Chancellor of the Exchequer in any degree with the arrangement. Many attempts have been made to procure a satisfactory solution of this question. In 1833, Lord Jeffrey introduced a Bill, which was opposed and afterwards abandoned. In 1835, the Town Council introduced a Bill, and in the same year a Committee of the Inhabitants brought forward one, but both were lost. In 1836, Mr. Labouchere was deputed to visit Edinburgh, to endeavour to procure a settlement of the embarrassed ecclesiastical and civil affairs of the city. In that year I had the honour of being examined before a Committee of this House in reference to these affairs. At that time the city of Edinburgh was greatly indebted to the right hon. Member for Carlisle (Sir J. Graham), for his judicious and zealous assistance, as well as to the late Secretary for the Colonies (Mr. Labouchere); but as the plan then proposed still continued a part of the tax, it was rejected by the inhabitants. Other attempts were made from time to time to settle this vexed question, but the city continuing to be disturbed by tumultuous opposition to the tax, Mr. Lefevre was deputed, in 1848, to visit the city to examine into the state of affairs and to report, which he did in 1850, and a Select Committee having been appointed by this House to consider the nature and operations of the annuity tax, they reported in 1851. I will just read the following sentence from their Report:—

"From the Reports and evidence laid before them, your Committee are deeply impressed with the necessity, both on account of the interests of religion and for the sake of the peace and good government of the city of Edinburgh, that an

attempt should be made, and that without delay, to come to some final settlement and adjustment of the question which has hitherto produced results which all must deplore, and which your Committee concur with Mr. Lefevre in thinking 'must otherwise continue a cause of dissension if not of serious disturbance in that important city.'"

In 1852, the learned Lord (the Lord Advocate) opposite, prepared a Bill which was printed, but not proceeded with in consequence of the change of Ministry shortly after. In the next year, a Bill in nearly the same terms was brought in by the late Lord Advocate, and warmly supported by Mr. Macaulay, and lost, I believe, by some Members speaking against time; and lastly, the late Lord Advocate (Mr. Inglis) introduced a Bill last year which was only read a first time and then withdrawn; these last three Bills adopted the same principles somewhat modified; but although the last was the most unexceptionable and had the support of Government, the opposition of this House to the abstraction of public revenues for the benefit of the Church and the interfering with the Consolidated Fund was found insurmountable, and the Bill was withdrawn. Thus it appears that since 1833, two Parliamentary Committees have investigated and reported on this vexatious question; two deputations have been sent by Government at different times to examine the subject on the spot. Seven Bills have been introduced into Parliament and abandoned or lost, all showing the intense desire of the inhabitants for deliverance from this galling yoke. In most of these Bills we were willing to have made some sacrifice of principle for the sake of peace, but the experience of all these abortive attempts has proved that a deviation from principle for the sake of expediency is always dangerous; there was something unsound in the bases of all these Bills which gave a power to the opposition we could not overcome. It has been proved that if the tax is continued in any degree, if it is laid upon persons or districts not now liable; if any proportion is made a burden on public funds, it would be contrary to sound principle; this Bill is therefore based on what we are prepared to maintain is perfectly just and honest, though it may grate upon confirmed prejudices. I shall then proceed to show what we propose as a substitute for the present oppressive and injurious impost; and, in doing so, I pray hon. Members to keep in mind that we are dealing with a country in which the simple Presbyterian forms and habits prevail, and to recollect that what may appear to those accustomed to reverence the persons and ritual of an imposing hierarchy as rude, secular and disrespectful, is considered by the Scotch to be agreeable both to Scripture and common sense. What we propose is quite consistent with the practice and the principles of both Churchmen and Dissenters and no novelty in Scotland. In Edinburgh the Church possesses a considerable endowment besides the annuity tax. This is not mentioned in the Bill, as it was determined not to disturb any vested interests, and we had no right to introduce it; but it is proper that hon. Members should know that the Edinburgh clergy have a vested interest in £2,000 a year from the harbour and docks of Leith. I will not tire the House by any account of the origin and proceedings in regard to this endowment; suffice it to say that it is possessed by ancient gift, by general consent and adjustment, and by recent statute.

From this endowment every minister would draw, in the first place, £111. The other two sources of emolument will require some explanation to those unaccustomed to our methods of providing for public worship. In the Scotch burghs, at least, certainly in Edinburgh, the church seats are uniformly let, and the rents either drawn by the corporation or devoted as a supplement to the stipend of the minister. Let it not be considered by any that this is an exclusion of the poor or strangers from hearing the Gospel; we consider that it is quite reasonable that those who take the benefit of a house and its accommodation, if able, should pay for it, but there are generally seats set apart for the poor, and what I believe is a law of the church, and if not a law, at least a custom, with the power of law. At a certain time, shortly after the commencement of the service, any stranger may take a place in a pew not fully occupied without being invited; not, as in this country, where strangers may be left standing in the passage while pews are half empty. I am prepared to hear it objected to this source of emolument, that it is utterly inadequate, and it may be attempted to be proved by the amount derived at present from all the churches in Edinburgh. This would be a valid objection if the churches were to be left, as at present, under the control of the corporation, and at variance with the great majority of the people. This is no true criterion by which we are to judge;

the proper criterion, when the churches are freed from these adverse influences, and resting on the confidence and affections of the people, will be the amount of similar revenues drawn by churches similarly situated, such as the Free Church and the Dissenters.

ABSTRACT TAKEN FROM THE LATEST RETURNS OF SIX OF THE PRINCIPAL ESTABLISHED, FREE, AND DISSENTING CHURCHES IN EDINBURGH:—

Established Church.

Seat Rents and Church Door Collections.

1. St. Andrew's	£709	19	0
2. St. Stephen's	602	11	10
3. Greenside	589	12	10
4. Lady Yester's	430	12	7
5. St. Mary's	354	2	6
6. St. George's	394	0	3
	£3,080	19	0

Free.

Seat Rents, Church Door Collections, and Sustentation Fund for Support of Minister.

1. St. George's	£4,364	6	4
2. High Church	2,704	19	9
3. St. Andrew's	1,908	3	11
4. St. John's	2,202	2	4
5. Talbooth	1,627	5	8
6. New North	1,548	10	10
	£14,355	8	10

Dissenting.

1. Broughton Place	£1,098	7	0
2. Rose Street	1,539	3	9
3. College Street	1,629	5	0
4. Newington	1,056	4	8
5. Lothian Road	970	12	1
6. Nicolson's Street	663	3	7
	£6,956	16	1

At present, the whole church revenues in Edinburgh are merged in one fund, and equally divided among the eighteen ministers. There is no difference between the remuneration to the drone and to the working bee. I find that the seat rents of St. George's, under Dr. Andrew Thomson, were above £1,800 a year; and under Dr. Candlish they were from £1,600 to £1,700. In St. Stephen's, under Dr. Muir, before the disruption, they were above £1,300; and had the church-door collections been on a proper footing these would have amounted to at least £500 or £600. These congregations could have afforded to their ministers from £1,500 to £2,000 a year, and they were entitled to it. The complaint in the Church of Scotland is, that there are no prizes. Several of the Edinburgh churches would be excellent prizes to the able and diligent, and they might hold out inducements to superior young men to enter the Scottish Kirk, as the hopes of bishopries induce the higher classes to enter the Church of England. I understand some objection has been made by the Presbytery to the plan of giving each minister the revenues of his own church, which they prefer having collected into one fund, and having equally divided; but in all such arraegements among themselves they may be left to manage their own affairs. I must now make some explanation of the other source of revenue—the church-door collections, as this practice is unknown in England. From the time of the Reformation the Church of Scotland adopted a practice, which has been followed by all the Scottish Dissenters, in obedience to what they considered an apostolic injunction, to lay by, on the first day of the week, their contributions for the support of the poor and religious ordinances; consequently, two of the elders always attend at the commencement of public worship to receive these contributions. For many years—previous to the Poor Law Act—it was from these collections alone that the poor were supported; but after the imposition of poor rates, people considered that there was no necessity for adding to the assessment by giving collections at the church doors, consequently they are now very small; but in the Dissenting chapels the collections were taken for the general purposes of the congregation, and there they have been maintained. Another advantage which is proposed to be conferred upon the establishment is to transfer the patronage of the churches from the corporation to the elders and members of the different churches, so that they shall not have an inefficient minister imposed upon them by a body composed principally of Dissenters. They will thus continue, as decidedly as they ever did, to be the Established Church of Scotland. We have seen what that section of the Church which went off at the disruption have done. They have built their churches, their manses, their schools; and in Edinburgh they maintain their ministers in a respectable condition. The Established ministers send none of their funds derived from the annuity, &c., to their poorer brethren in the country; but the Free Church ministers, from their funds derived from seat-rents and church-door collections, not only support themselves,

but they contribute largely towards their poorer brethren in the country. What the Bill proposes to give to the Establishment is fifteen churches, four of which, within a few years, cost the citizens above £100,000. It proposes to transfer the patronage from the corporation, to continue the endowment of £2,000 a year, and to add the proceeds of the seat-rents and the church-door collections. Thus they will possess, as an establishment, a considerable endowment, and, in addition, all the sources of revenue from which the ministers of the Free Church and the Dissenters are supported. I should consider it a libel upon the establishment were any one to say that, with these superior advantages, when freed from the odium of this tax, and from the thraldom of the corporation, the ministers would be less respected or less suitably supported by their congregations than their brethren of the Free Church. For ten years, although a Dissenter, I was one of the patrons of these fifteen churches, and for five years I was chairman of the patrons. During all that time, and up to the present day, there has been a contant wrangling between the ministers and the corporation, which are like two dogs tied together and dragging different ways, to the great discomfort of both. With the experience I have had, I may be allowed, without presumption, to express it as my conviction, which I do as if I were on my solemn oath, that the adoption of the plan we propose, so far from injuring the Established Church, would confer on it a power, a stability, and a vitality and an influence from which it has been long excluded by its unfavourable position. I know that in making these propositions a spectre rises before the minds of many hon. Members; they cannot discern the form thereof, but it is that dreaded phantom, Voluntaryism. I entreat them to approach a little nearer and examine it; it is only a shadow, a bugbear. Look at it—there is nothing unnatural in deriving rents from the house where the hearers receive accommodation; there is nothing unhallowed in receiving the free-will offerings of an affectionate congregation, rather than contributions levied by threats and compulsion from a disgusted people. Consider the alternatives in the light of common sense, and in the spirit of that holy religion which we profess, whether would it be better to adopt that which will promote peace and good will though it has a name you dislike, or will you continue that which is the parent of discord and hatred because it has a name you prefer.

I am happy to think that the learned Lord opposite, and, I presume, the Government of which he forms a worthy part, agree with me, so far as that this grievance should and must be redressed, for it was in connection with almost the same colleagues that he prepared a Bill for this purpose in 1852, but which, in consequence of the change of Ministry, was not proceeded with. I presume, then, there will be no dispute as to the propriety, or the necessity of removing the grievance and providing a remedy. I have anxiously and long considered this question in all its bearings, and I am persuaded that we have but three courses that we can follow. The first is, to permit the evil to continue and to increase; the second is, to provide a substitute from public funds, at least partly, as was proposed by the learned Lord opposite and by the late Lord Advocate; or the third is, to accept the means pointed out by this Bill. Let us look, then, at the leading features of the learned Lord's Bill. He first proposes, by the 10th and 22nd clauses of his Bill, to continue a permanent tax of $2\frac{5}{4}$ per cent, and a temporary tax of 1 per cent. He does not propose to remove the galling yoke, but to confirm it, though somewhat lighter. I can assure the House that, so far from satisfying the inhabitants, they would consider this a mockery and petition against it. Secondly, by Clause 6 he proposes to take £6,000 from money paid by the North British Railway Company to restore Trinity College Church. Thirdly, by Clause 8 he proposes to appropriate the revenues of the deaneries of the Chapel Royal. Fourthly, by Clause 14 he proposes that the payment of the stipends of the ministers should form a charge upon the Consolidated Fund. And fifthly, by Clause 3 he proposes to reduce the stipends of the successors of the present ministers, none of which things we propose to make. This Bill had all the vices of the late Lord Advocate's Bill, and a good deal more; yet the opposition of the House against interfering with the public revenues, and against laying any responsibility on the Chancellor of the Exchequer and the Consolidated Fund, in the case of the Bill of last year, was waxing so strong, that though favoured by the late Ministry, it was found prudent to withdraw it.

I have said, then, that we are agreed

that a remedy must be found—not a sham but a complete remedy. The learned Lord has given the strongest proof that he thinks a remedy ought to be found in bringing forward a Bill for the purpose. I ask, then, if he still thinks that the Chancellor of the Exchequer will take the charge of the ministers of Edinburgh, or if the Chancellor were to be so kind, would this House sanction any dependence of the ministers of Edinburgh on the Consolidated Fund, or would it permit the revenues of the Crown to be diverted to this purpose? But if he has no other means of removing this intolerable grievance—if he can find no substitute for the iniquitous tax but by continuing it partially, and laying the burden on the public funds, then we are left to one or other of the two remaining alternatives; then there is no escape. We may not altogether like the substitute proposed by this Bill, but the question is, whether will you accept a plan which is found efficient and suitable in other instances, or resolve on the perpetuation of religious strife, and tumult, and riot; whether will you promote peace and good will among the inhabitants, or interminable war between the ministers and the parishioners?

The hon. Member concluded by moving the Second Reading of the Bill.

MR. BAXTER, in seconding the Motion, said, the hon. Member need not be alarmed by the opposition raised against his Bill, for the pecuniary considerations and theological feelings involved in the subject were not likely to give way without a tremendous struggle. But he must say that his bold and simple scheme was likely to encounter a far less formidable opposition than mere compromising schemes, which raised up enemies both amongst Churchmen and Dissenters. The Bill was, however, supported unanimously by the ratepayers of Edinburgh and Montrose, and he sincerely trusted they would not be deserted by the Irish Members, whom the Scottish Members had assisted in getting rid of ministers' money. The hon. Gentleman, having explained at some length the operation of the tax as regards the burgh of Montrose, proceeded to say that the only real opponents of this Bill were the clergy of the Established Church of Scotland, who believe this was a covert attempt to injure that Church; but this was a gloomy anticipation, which was altogether incorrect. Many of the churches in Edinburgh were only half filled, and some others were comparatively empty; but if the communicants were given an interest in the affairs of their churches, if the patronage were placed in their hands, and the seat-rents and church-door collections were placed at their disposal, he had no hesitation in saying that in ten or a dozen years a larger sum would be collected than was now received from this obnoxious annuity tax. The tax levied in the town of Montrose at 4½*d.* in the pound amounted to £400, which went to pay the salary of the second minister; and he firmly believed that if the means suggested by this Bill were abolished, the income of the minister would not be diminished. He most cordially concurred with his hon. Friend the Member for Edinburgh in asking the House to pass the second reading of this Bill. The present law constantly led to riots in Edinburgh, to the most aggravating heartburnings, and was daily adding fuel to the fire of ecclesiastical controversy in Scotland. What had been done for the people of Ireland in the case of ministers' money must be done for Scotland in reference to the annuity tax, for the cases were completely analogous, and the people of Scotland would never submit to a tax which had been abandoned as untenable in Ireland. Her Majesty's Government, he understood, were going to oppose the Motion, but he could not help thinking that if they determined upon such a course they should be prepared to submit to the country some measure of their own which would settle this question, and remedy what all considered a grievous wrong.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. BLACKBURN moved, as an Amendment, that the Bill be read a second time that day six months. He would admit, that the hon. Gentleman who had moved the second reading had made out a case in which there was some degree of hardship; but he had very greatly exaggerated it, while he had been very careful to say as little as possible about his own Bill. Now, the real question before the House was, whether this particular Bill was deserving of their support. The case of Edinburgh was this:—The city contained about 160,000 inhabitants, with eighteen clergymen, who were mainly supported out of the annuity tax. Their endowments amounted to £11,000 a year, of which £2,000 was raised from the harbour dues of Leith, and £9,000 from the produce of the annuity tax. The Bill proposed not to abolish the whole of this

endowment of the clergy, but it took away from them £9,000 which was paid by the people of Edinburgh, who received the whole benefit of the ministration of these clergymen, and it retained the £2,000 which was derived from the shippers using the port of Leith, who derived no advantage from it. It had been determined in Liverpool and other places that harbour dues should not be appropriated to other than harbour purposes; and if, therefore, the Bill had proposed to abolish that £2,000 derived from Leith harbour and to raise the whole £11,000 from Edinburgh, many arguments might, he thought, have been urged in support of it. The hon. Gentleman said, the Leith dues were settled by Act of Parliament. Why the annuity tax also was settled under an Act of Parliament. The Bill simply proposed to release the town of Edinburgh from any obligation to support its clergy. Suppose that such a proposition were made with regard to the county of Stirling, or any other large district of Scotland, what would be said? It would not be listened to for a moment, especially when it was remembered that persons had purchased their property subject to this charge, of the existence of which they were perfectly well aware. The fact was, that the advocates of the voluntary system took advantage of local irritation to get rid of this tax; but it would be fairer and more manly of them to raise the question of voluntaryism in an open and formal way. The substitute proposed by the Bill for the tax which was to be abolished was the seat rents and the church-door collections. He did not believe, however, that seat-rents were legally chargeable in Edinburgh; at all events they could not be relied upon as furnishing any settled amount; while the church-door collections were devoted to the sacred purpose of relieving such poor persons as were in temporary distress, and did not like to go upon the rates, and it was a fund, the appropriation of which he should be sorry to see disturbed. Another proposition of the Bill, which however produced no money, was to transfer the patronage from the town-council to the congregations. He did not know whether that might not be an advantageous proposition, and he thought that it would be well if some other patronage which they enjoyed were transferred to a different body. The only sources which were proposed as providing a substitute then, in point of fact, produced little or nothing; and Mr. Shaw Lefevre, who conducted the commission in 1849, reported that there were no funds available from seat-rents, which, so far as they were leviable, were pledged to the city creditors. He believed that the real production of this Bill was to be attributed mainly to the fact of the exemption of the College of Justice from the tax; but that body, to their honour, had offered in 1835 to forego their exemption, and this alone, as stated by Mr. Lefevre, would reduce the tax on the whole rental of Edinburgh to about 3 per cent, or, as the city had greatly extended of late years, perhaps to 2½ per cent, which, he was sure, would be willingly paid by all classes. That was the kind of settlement which he wished to see attempted; but, at all events, there was no possibility of the Bill, as proposed, passing in the present Session, and he therefore felt called upon to persist in the Amendment of which he had given notice.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. BUCHANAN seconded the Amendment, but at the same time he said, he sympathized with the hon. Member for Edinburgh and his supporters, and it was his opinion that it would be very desirable that the exemption of the College of Justice should cease, and that some approach should be made towards readjusting the incidence of this obnoxious tax. He felt, however, that there was a great principle involved in this Bill, and that practically its effect would be the dis-establishment of the Church of Scotland. It was essential that any measure devised for the purpose of settling this question should have something of permanence in it; but he denied that there was a single element of durability in the Bill. The funds derived from seat-rents and from the church-door collections were variable in their amount, depending upon the popularity of the clergyman and many other circumstances which he need not mention, which would readily suggest themselves to the minds of every hon. Gentleman. The question was, were they prepared to sanction a Bill which would reduce the legal provision of the clergy of Edinburgh from £600 a year, to which they were entitled, to something like £110 a year? The inhabitants of Leith objected to paying their £2,000 a year if Edinburgh were to be relieved of its £9,000; and if this Bill were to pass, his constituents in Glasgow

would be immediately in the field with a similar plan. The Glasgow clergy were supported principally by funds derived from the rents of the pews, which was supplemented by a rate upon the inhabitants, which yielded from £1,700 to £2,000 a year. This was a growing rate. It would no doubt, soon increase to £4,000 ; and if his constituents learned that this Bill was passed for the relief of Edinburgh they would immediately come in and demand a similar boon for themselves. The question of the maintenance of the Established Church ought to be discussed calmly and deliberately and by itself, and he protested against a large and important subject being disposed of by a side wind. He would therefore second the Amendment.

MR. J. B. SMITH said, that the great objection to the tax was that the clergymen for whose benefit it was levied had nothing to do. It provided about £600 a year each for eighteen clergymen who regularly preached to empty pews. The city of Edinburgh was only obliged to find church accommodation for persons residing in the city or having establishments in it. Well, now, what was the state of the churches with respect to congregations? In the Tolbooth church there were only nineteen sittings let, but only one person was a parishioner entitled to accommodation ; so that literally they were paying £600 a year there to a clergyman for the cure of one soul. In the Old Church there were thirty-eight sittings let, but only one person was a parishioner. In Trinity College there were thirteen sittings let, but one person only was a parishioner. In Old Grey Friars there were 328 sittings let, but only four were to parishioners ; and in St. John's there were 259 sittings let, but only seven were to parishioners, for whom alone the city was bound to provide. It was then, he contended, a serious grievance upon the inhabitants of Edinburgh of which they had had a just right to complain that they should be called upon to provide stipends of £600 a year for eighteen clergymen for the cure of some three or four souls each. In Ireland, when it was proved that there were more bishops than were required, ten were abolished ; and in this, which was an analogous case, he argued that the people of Edinburgh, having no longer any necessity for so many clergymen in the city, should no longer be called upon to pay for them ; and his opinion was that the number of clergymen should be reduced from eighteen to six. He believed the Bill to be founded in justice, and he should therefore vote for it.

MR. COWAN also supported the Bill, alleging that the grievance which it attempted to remove was a highly aggravated and intolerable church rate, which so long as it existed would impede the usefulness of the Established Church of Scotland, and place her at a great disadvantage. He was surprised at the opposition which his hon. Friend the Member for Glasgow (Mr. Buchanan) had offered to this Bill, which was an honest endeavour to remove a purely personal and most obnoxious tax. It was not the mere amount of the impost, but its unjust and partial nature that rendered it so obnoxious. It was a purely personal tax, yet all were exempted who were members of the College of Justice,—a house occupied by any advocate, writer to the signet, or solicitor was exempt. He trusted the conduct of the hon. Member was not to be attributed to the old feeling of rivalry which was said to exist between the metropolis of the West and of the East. In considering this question it was impossible not to have regard to the many changes which had taken place in the ecclesiastical condition of Scotland within the last fifteen years. During the first year after the disruption of the Church of Scotland the sum of £366,000 was contributed by the Free Church congregations for church building, missionary, and other purposes. It was said that when the furor that led to the disruption had passed away, almost the whole of the contributions would fall off ; but the very lowest amount contributed in one year since that event was £267,000 ; and, intense as was the commercial distress of last year, the contributions for the year ending March, 1858, amounted to £331,000. The Free Church contributed £110,000 last year to the support of the clergy, and £80,000 in 1843. This generosity on the part of the Free Church had, it was said, stimulated the zeal of the members of the Established Church of Scotland. It was evident, therefore, that the Established Church need have no fear in relying on the voluntary principle to supply the loss which this Bill would occasion. We had resolved that caste was one of the curses of India, and ought not to be tolerated, and he hoped that the House would tell the clerical caste affected by this Bill that they must henceforth depend on the support of those who listened to their doctrines.

MR. SCOTT said, he was highly gratified at the statement which had been made by the hon. Member for Edinburgh with reference to the advancement of religion, as far as subscriptions to religious objects were concerned, which had been occasioned by the disruption of the church in Scotland. He did not, however, agree with the conclusions which had been drawn by the hon. Member. This tax had been in existence nearly 200 years, and no dissatisfaction had existed. It was established in 1601 expressly for the purpose of religion; but unfortunately the collection and management of it were entrusted to the Town Council of Edinburgh, who had doled out only as much as pleased them to the support of religion, and applied the rest to secular purposes; and it was only when the Act of 1809 was passed, which compelled them to devote the amount so raised to its legitimate purposes, that the slightest opposition was manifested. The Bill now proposed would lead to a total subversion of church property, and would be a grievous injury to the poor, who would be deprived of their rights to free sittings in the churches. Moreover it would deprive all those who had lent money on the security of the rate of the fund on which they relied. The annuity tax was not analogous to the church rate levied in England, because it was applied to every ecclesiastical purpose. The Bill, therefore, could not be consistently supported by those hon. Members, who, although they were hostile to church rates, were not unfavourable to the maintenance of a church establishment. This was an insidious attempt to subvert the Established Church in Edinburgh, and it would, to a great extent, put an end to that amicable rivalry between the Established and the Free Church of Scotland, which had rendered so much service to the cause of religion in that country. On these grounds he should oppose the Bill.

MR. GILPIN supported the Bill. The main principle had been so often discussed that he would only detain the House for a short time. The point they had to decide was, whether the State had any right to impose such a tax. He regretted to find so much stress laid on the inequalities of the tax; it should be opposed on the broad principle that no man should be compelled to support a system of religion from which he dissented. He regretted also to find the weight of the hon. Member for Glasgow thrown against the Bill. As far as he could ascertain, he believed the pressure of this tax on Edinburgh was far greater than that of ministers' money in Ireland, or church rates in England. They were told by passing the Bill they would disestablish the Church of Scotland. The Church had already dis-established itself when it ceased to be the Church of the people. The ministers of the Free Church received from voluntary contributions larger stipends than were secured by law to the clergy of the Established Church. If the latter appealed to their flock, he was sure they would have no reason to regret such appeal.

MR. CUMMING BRUCE said, that all persons must oppose this Bill who were opposed to a principle of confiscation. The question ought to be discussed upon its merits alone; and it seemed to him that the very extracts read by the hon. Member for Edinburgh furnished the strongest grounds for maintaining the tax, at least to a modified extent,—for he must admit that in many instances the incidents of this tax were very unjust; but that might easily be remedied. Although when in Scotland he was a Dissenter, being a member of the Episcopalian Church, he was always ready to resist any attempt to destroy the Establishment, because he had always found the Established Church the Church of the poor, who could not afford to pay pew-rents or other contributions. He admitted that the Free Church had come forward with great liberality in matters of religion, but not more than the great wealth of its supporters justified; and in his opinion very little faith could be placed in the permanent effect of the voluntary principle. If the principle of this Bill were affirmed, it was clear that Parliament must give up all pretence of supporting the Establishment. The House had affirmed the abolition of church rates in England, but this Bill went much further, and abolished every means by which the Church provided for the instruction of the people in religious truth. The effect of the passing of the measure would be to take from the poorer classes a fund and put it into the pockets of the rich. He was most anxious to see the question settled, believing that there was great room for improvement, and therefore he should give his cordial support to any measure which was calculated to place it on an unobjectionable footing. He believed that no one was more qualified to procure its satisfactory settlement than his right hon. and learned Friend the Lord Advocate; but, while he (Mr. C. Bruce) anxiously de-

sired a settlement of the question, there were so many objections to the Bill now before the House, that he felt compelled to give every opposition in his power to its further progress.

SIR EDWARD COLEBROOKE said, he did not think that this Bill pledged any one to the support of those extreme measures which had created so much alarm amongst a certain portion of the Members from Scotland; but, at the same time, he could not support it in detail. He considered that this tax was a most obnoxious one, and it was one that had already done much injury to the interests of religion generally in Scotland. All the hostilities which now unhappily existed in respect to this question had, he thought, arisen from what he would call the unreasonable views of both of the great parties into which the Church was split up in his country—neither party would agree to the least concession. The proposition of his hon. Friend the Member for Edinburgh was not one quite in accordance with the voluntary principle; but it was a proposition partaking of the character of an endowment to be supplied in lieu of this tax. He was prepared to assent to a modification of the arrangement proposed; but, if there were no middle course, he was willing to take the Bill as it stood rather than assent to the continuance of this tax.

THE LORD ADVOCATE said, that notwithstanding the tendency of some observations which had been made he should not discuss the principle on which an Established Church was based; on the contrary, he should assume as the foundation of his argument that the Church of Scotland, equally with the Church of England, ought to be maintained in an efficient condition; and in so doing he believed he was only acting in accordance with the great preponderance of opinion in both Houses of Parliament and among the more intelligent portion of the community at large. Now, proceeding on that assumption, he could not assent to any Bill which took away any revenue from the Established Church of Scotland without providing an equivalent; and the question really resolved itself into this—whether the equivalent proposed in this case by the hon. Member for Edinburgh was or ought to be satisfactory to the clergy of the established Church. As regarded the tax itself he supposed it was agreed on all sides that it was a most unfortunate mode of levying the stipend of the clergy. But hon. Gentlemen must not forget how this tax came to be levied originally, and how it had happened that, with all its faults and all its injustice, it had remained unaltered down to the present day. One word on each of these topics. As to the origin of the tax, it was an historical fact that at the period of the Reformation the whole of the boroughs of Scotland, without exception, received grants from the Crown of considerable ecclesiastical revenues, and the City of Edinburgh, which was an especial favourite both with Queen Mary and with King James VI., shared very largely in those grants. It was not, perhaps, an absolute condition, but there was at any rate an honourable understanding that these grants should be applied to the maintenance of the clergy of the Established Church; and hence it was that in almost all the burghs of Scotland the clergy were to a certain extent maintained out of the common revenues of the corporation. In Glasgow, Perth, Aberdeen, Paisley, Stirling — indeed the rule might be said to be the general one—with the exception of the first Minister, who was supported by the tithes, the stipends of the clergymen were paid out of the "common good," that was to say, out of the ordinary revenue of the borough; and that was the case with Edinburgh also, until an Act of Parliament was passed to enable them to provide funds for that purpose from other sources. Now, he would admit that the past mode of providing for the stipends of the clergy was an inexpedient mode, and no man would rejoice more than he should at seeing a measure devised which would have the effect of abolishing this obnoxious tax altogether and at the same time providing a sufficient equivalent. His hon. Friend the Member for Edinburgh said that not only was the tax objectionable in principle, but the manner in which it had been levied, the way in which payment had been enforced, was one of the causes of its having become so obnoxious. He (the Lord Advocate) was bound to say, as the result of a very long acquaintance with this subject, that that was not the fault of the city clergy. He believed that their conduct in connection with this matter had been most forbearing; that their great object had been to reconcile, as far as possible, their duties to the Church and the maintenance of the benefices which they held with the greatest possible amount of forbearance towards those who were subjected to the tax; and when it was said that the

clergy had always refused to listen to any compromise he was fully prepared to deny that statement. Reference had been made to a Bill which was introduced by a distinguished predecessor of his (Lord Jeffrey) in 1833. That was the first attempt made to settle this question, and it was unsuccessful. Another attempt at a settlement of it was made by means of a Bill introduced in 1835. By whom was that Bill promoted? It was promoted by the town council of Edinburgh and the clergy of that city jointly, and the object of it was to remove those very grievances which, not by the fault of the clergy, but by the fault of those who had made those grievances, political capital, had been continued down to the present day. The Bill of 1835 provided for the extension of the operation of the tax to the privileged classes, so as to embrace within the incidence of taxation all that wealth the exemption of which was now complained of. It was further provided by that Bill that the per centage of taxation to be levied should be considerably reduced, and that even the reduced per centage should only be levied to the extent of providing certain fixed stipends, which where thereafter to be given to the clergy of the city. And what was the amount of those stipends? £500 a year, which he ventured to say was a sacrifice by each of those gentlemen of between £100 and £200 a year. And these were the gentlemen who were represented as having never been prepared to make any concession for the purpose of obtaining a satisfactory settlement of this question. If the measure of 1835 had been successful, they would, he believed, have heard very little more about this grievance; but it was not successful; and how was it defeated? In the first place, the privileged classes appeared by counsel, declaring that they were perfectly willing to give up their privileges, but that, in order that there might be a satisfactory settlement of the question, the stipends of the clergy ought to be fixed at a higher amount. But there was another set of opponents to that measure — the extreme politicians, whom his hon. Friend the Member for Edinburgh now represented — those who would listen to nothing but abolition without equivalent, or at all events without such an equivalent as would be accepted. The result was, that between the two the Bill was defeated, and the evils which it was intended to remedy were perpetuated from that time to the present.

The Lord Advocate

Knowing the principles of those politicians, he was not at all surprised at the course which they pursued. The moment you mitigated a grievance you took away half its value. If a tax of 4½ per cent. on rents were reduced to 2½ or 2 per cent., the Parliamentary case for further legislation would of course be proportionately weakened. The object of these persons was not to get rid of this grievance, but, through the abolition of the tax, to inflict a permanent and fatal blow on the interests of the Etablished Church. No measure had ever before been submitted to either House of Parliament which in the slightest degree resembled that before the House in its character; no measure had ever before been proposed which did not propose and actually suggest a sufficient equivalent for the tax which it was proposed to abolish. In that respect this measure differed from all its predecessors. A comparison had been drawn between the abolition of this tax and the abolition of ministers' money in Ireland and of church rates in England. That comparison was not a just one; there was the widest distinction between them. As regarded ministers' money in Ireland, did any one suppose that those who received that money were now left entirely destitute? In Ireland, ministers' money was not a substitute for a previous well-established fund for a particular purpose. Church rates also stood in a totally different position from the tax under consideration. They were not a tax on property, or a tax to which the clergy had an absolute right, as was the case with regard to the tax levied for the clergy of the city of Edinburgh; the right to levy church rates was one which was entirely dependent on the will of the vestry for the time being. This tax, on the other hand, was made a permanent burden on the inhabitants of Edinburgh; it was a substitute for that claim on the ordinary revenues of the city which the clergy undoubtedly had before the Act now in operation was passed. An unexceptionable authority on this subject, Sir John Lefevre, said that the tax was one which the State granted to the ministers and their successors, and that the abolition of it would create a feeling of distrust in Scotland which would not be confined to the Established Church. Let the House now consider what were the provisions of this Bill. There was to be an absolute abolition of the tax, and therefore the question arose how the deficiency which would be created in the stipends of the clergy was to be supplied? In the first

place, it was proposed that the sum of £2.000 a year, derivable from the harbour of Leith, should be devoted to that purpose. Now, he could not conceive why it should be less objectionable to make the shipping of Leith pay towards the support of the clergy of Edinburgh than it was to require the inhabitants of Edinburgh to do so; and the people of Leith themselves had petitioned against such a proposal. The next source of revenue on which the hon. Member relied was the produce of the seat-rents of the city churches; that was, he (the Lord Advocate) supposed the seat-rents after the necessary expenses for maintaining the fabric of the churches and the other purposes to which they are applied. That was a proposal of a very grave nature. The statistics of the hon. Member proved a great deal too much—a great deal too much even for himself—for no sooner had he offered what he did than he appeared to become conscious of the absurdity of what he had been doing. He said the statistics of seat-rents proved that in one church there were only thirteen occupants of pews; adding, that out of these only one was an inhabitant, and consequently the Minister of that church was maintained for the cure of one soul. Now, in the first place, the right of the town council of Edinburgh to levy rents for the seats in the city churches was of questionable legality; it was at all events by no means a clear right, nor was it acquiesced in by the people of Edinburgh. Moreover, as far from the rents paid representing in the slightest degre the number of the congregation, they could not possibly appeal to a more fallacious test. He himself happened to know a church in Edinburgh in which there were only thirteen seats let; he supposed it was the very church to which the hon. Member alluded. But what did the House suppose was the extent of the congregation? Why, between 700 and 800. How were those facts to be reconciled? The simple explanation was, that while the corporation took rents from all who would pay them, they had never attempted to enforce the payment of rent for the occupation of a seat. The poorer inhabitants resorted to church apparently without even thinking of paying any rent at all; aye, and let him add that they were encouraged to do so, and he thought most properly, by the clergy, it being of the very essence of the principle of an Established Church that the doors should be open to all. It was eminently necessary that there should be a church for the poor as well as for the rich. Twelve of the eighteen churches were situated in the poorest localities of the city of Edinburgh, among the most destitute part of the population. At present the labours of the minister were devoted to a great extent to the improvement of the lowest classes of society; whereas, if it were requisite that the seat-rents should be kept up to the highest point, with a view to the maintenance of the city clergy, they would have an interest in devoting all their labours and thoughts to those parishioners who could afford to pay. This was a matter of the deepest importance, and he could not help thinking that in this respect more than in any other the Bill was opposed to the proper working and the efficiency of the Established Church. But there were other difficulties connected with this subject. He had that day presented a petition from the creditors under the City Agreement Act, who objected to the Bill on the ground that, by the Act of 1838, it was provided that the "common good" should be an inalienable security for the money which they advanced, and this Bill impaired that security. What was the amount provided under this Bill as a substitute for the produce of the Annuity Tax? He found that on an average of years the surplus seat-rents amounted to only £1,500. The next source of revenue that was contemplated was the church-door collections. Those collections were in a very peculiar position. Before the passing of the Poor Law Act in 1845, one half of these collections were appropriated to the maintenance of the poor of the parish, and the other half was placed under the superintendence and control of the Kirk Session for Ecclesiastical purposes; but by a clause of that Act the larger portion of these collections were directed to be applied for the benefit of the poor who were not absolutely receiving parochial relief, but who, without assistance, were in the way of speedily becoming paupers. That assistance was very beneficial, not only to the poor themselves but also to the ratepayers, and it was the opinion of the Secretary to the Board of Supervision, who had the best information on the subject, that if the poor were deprived of the benefit of the collections at the church doors, the ratepayers would have an addition to their burdens far exceeding the £1,200 a year which would thus be lost. The aggregate amount of the funds proposed to be given

to the clergy in lieu of the annuity tax was £4,700 per annum: £1,200 of this sum represented the church collections as they stood at present, but there was no security whatever that when those collections were diverted to other objects they would produce the same amount; £1,500 more in the shape of seat-rents; and £2,000 from the port of Leith made up the entire £4,700. This sum, when divided among the city clergymen who had to be provided for, would lower their stipends to a point to which, considering that they had no manses or glebes to supplement their allowances like the rural clergy, no ministers belonging to an Established Church ought to be reduced. The city clergy, moreover, were compelled to live in an expensive city, they had nothing from their benefices besides their allowances, and if the proposed alteration were made, they would be reduced to a state of practical starvation. But it was not merely the amount of the substitute for the tax that was open to objection. With the exception of the £2,000 from the port of Leith, there was an absolute insecurity for the continuance of the sources that were relied upon to make good the deficiency while, in regard to the church collections, there was this additional consideration which ought to weigh with the House—namely, the proposed abstraction of that fund from the highly beneficial purposes to which it was now appropriated. On these grounds he felt it his duty to support the Amendment of the hon. Member for Stirling. But he was bound to say again that he was no enemy to a Bill for abolishing the annuity tax. He had given evidence of his sincerity on this score by having advocated the commutation of this tax into some other source of revenue. When in office, though not in Parliament, in 1852 he was commissioned by Lord Derby's Government to frame a Bill on this subject; and if that Ministry had remained longer in office they would undoubtedly have proposed a settlement of this question. Even now, if he could only see his way to satisfy all parties who would agree together upon some reasonable proposition, nothing would afford him greater pleasure than to be the instrument, by some legislative measure, for closing this long-vexed and most unfortunate contention. But he would never consent to settle it on the terms propounded in this Bill; he would never settle it on the terms of absolute abolition, giving no return for the product of this tax—a tax, be it observed, which according to the value of the whole rental of the city of Edinburgh at the present moment yielded £13,000 a year. He could never accept such a mere sham and delusion as was now proposed by the Bill of the hon. Member for Edinburgh.

VISCOUNT DUNCAN said, that in many of the propositions contained in the speech just delivered he entirely concurred, but he regretted that his right hon. Friend did not conclude by pledging himself to introduce a measure on behalf of the Government. He (Viscount Duncan) was no enemy of the Established Church, but he would appeal to the friends of that Church whether it was desirable to maintain a tax which deserved the description which his right hon. Friend had given of it. Nothing, he maintained, could be more unwise in the interest of the Established Church itself than to move its friends to insist that the maintenance of an obnoxious tax was necessary for the maintenance of that venerable institution. As regarded Montrose, he believed no one could fairly object to the substitute which the town council were willing to provide. With respect to Edinburgh, the great question was, whether the amount levied was actually required. In his opinion it was not. Having lately assisted by his vote in doing away with ministers' money in Ireland and church rates in England, he felt bound to vote for the second reading of a Bill the object of which was to get rid of an objectionable church impost in Scotland.

MR. HORSMAN appealed to the Government, after the admissions by the Lord Advocate that the tax in its present shape was open to great objections, and was unjust and obnoxious, to allow the Bill to be read a second time. It was true, the learned Lord wished the abolition of the tax to be accompanied by adequate compensation for the clergy affected by it, but surely that was a matter of detail to be dealt with in Committee. The Lord Advocate had denied the analogy between the church rates of England and the ministers' money of Ireland. Undoubtedly, the analogy was not complete, but the additional grievance was on the side of those who paid the annuity tax; for that tax was, as to its greater portion, recent in its origin. It was an admitted fact that a great part of that tax was imposed on Edinburgh so late as 1809. Nor could any one contend that this tax was one

upon property, for in the Act by which the levy of the annuity tax was imposed there was a clause stating that the owners of property were not to be liable for it, but that it was to fall entirely on the occupants. The poorer inhabitants of Edinburgh were liable to this tax; while those who formed the resident aristocracy of Edinburgh were exempt—so that in this respect it contrasted unfavourably with church rates and ministers' money, which were paid equally by all. It was, moreover, a most unfortunate thing that the levying of this tax should be by the clergy themselves, which naturally had the greatest tendency to diminish their influence. Could anything be more painful than that a clergyman of the Established Church should have to distrain for this tax upon a clergyman of a dissenting congregation who had conscientious objections to pay it? Could any weapon more deadly be put into the hands of the enemies of the Established Church? The question was whether, having admitted the principle on which this Bill depended in the case of church rates and ministers' money—and it having been admitted that there were many grievances connected with the collection of this tax—they should not give the Bill a second reading, deferring to a further stage the consideration of its details, to which he admitted that there might be objections. He agreed to the principle of the measure; he believed there were grievances which the House was bound to redress. He agreed that if seat-rents were to continue it would be much better to divert them to church purposes, instead of, as now, leaving them in the hands of the town council for the payment of their creditors. And for these reasons he should vote for the second reading, and would again appeal to the Government to allow the House to take that course which was consistent with what they had already done with respect to church rates and ministers' money—to permit the Bill to be read a second time, reserving to a subsequent stage the consideration of its details.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 129; Noes 130: Majority 1.

Words *added*.

Main Question, as amended, put and *agreed to*.

Bill *put off* for six months.

REGISTRATION OF COUNTY VOTERS (SCOTLAND) BILL.—COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. G. DUNDAS moved that the Bill should be committed that day six months.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee" instead thereof.

MR. BUCHANAN appealed to Liberal Members to support a measure the object of which was to carry out the Reform Act. The law was now in a very uncertain state, and it was quite impossible to ascertain what was the actual condition of the registration rolls. By this measure, it was proposed to use the valuation roll as the basis of the roll of county voters. In boroughs this system had been in operation for two years, and had worked most beneficially.

THE LORD ADVOCATE did not wish to adopt any course adverse to the hon. Members opposite, but he must appeal to them whether, at this late hour of the day, they could hope to make any advance with the Bill, especially as there were many principles involved in it which would undoubtedly lead to a good deal of discussion. Besides, there were also many Amendments intended to be proposed, which had not yet been put upon the paper. He would put it to hon. Gentlemen whether the best course was not to go into Committee *pro formâ*, and then let the matter stand over until a future day, to give time for the intended Amendments to be put on the paper; and if that were done, he confidently hoped that some important Amendments would be put in such a shape that they would meet the approbation of hon. Gentlemen opposite.

SIR EDWARD COLEBROOKE did not think that there need be any lengthened discussion on this Bill, and for this reason, that it was identical with that which had been in force for some time with regard to boroughs. He did not see the slightest difficulty in going on, if hon. Gentlemen would only enter upon the subject in a fair spirit. If, however, there was a desire for delay, he had no objection in assenting, but he thought that he ought to have an assurance that he should not be put in a

worse position than he occupied at present. He had some time ago understood that the Government would not take Thursdays for themselves for a month, and his Bill had been put down for a Thursday; but then the Government took Thursdays earlier than was expected. If he gave up his chance now he did not know when he could get the Bill on again. He was willing to take it at a morning sitting, but unless he could be assured of bringing it on on a future day he must press it now.

MR. CUMMMING BRUCE thought it desirable to have the Amendments put upon the paper that they might be considered, and he would advise the hon. Baronet to accept the proposition of the Lord Advocate.

SIR GRAHAM MONTGOMERY was understood also to think it desirable that there should be some little delay.

SIR ANDREW AGNEW thought that delay would be equivalent to giving up the Bill.

MR. MILES advised the adoption of the proposition of the Government.

MR. BLACKBURN advised the hon. Baronet to accept the terms proposed by the Government.

MR. STEUART said, an objection to the measure was the expense which it would entail; but there were other and more serious objections. One was that the measure would give the government officers, through the medium of the local assessment, a control over the registers. He thought that the principle of the Bill required more discussion than it had yet received.

MR. HOPE JOHNSTONE thought it desirable to have an opportunity of seeing what the Amendments were. He hoped the hon. Baronet would postpone the measure for a short time; but if he went to a division, he would support him, because he approved of the Bill.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:* Ayes 96; Noes 108: Majority 12.

Words *added.*

Main Question, as amended, put and *agreed to.*

Bill *put off* for six months.

INSURANCE AND ASSURANCE INSTITUTIONS BILL.—SECOND READING.

Order for second Reading read.

Sir Edward Colebrooke

MR. H. B. SHERIDAN, on the order of the day for the second reading of this Bill, said he was content to postpone the discussion on the Bill till the 7th of July.

Motion made, and Question proposed, "That the Bill be read a second time upon Wednesday, the 7th day of July next."

MR. HENLEY suggested that it would be better for the hon. Gentleman to take his Bill off the paper than postpone it from day to day; for at that period of the Session it would be impossible for Government, much less a private Member, to carry it through its several stages. If the hon. Member did not withdraw the Bill, or give an intimation that he would withdraw it on a future day, he (Mr. Henley) would move that it be read a second time that day six months.

MR. H. B. SHERIDAN said, that his difficulty as to withdrawing the Bill was that the parties in this question were tired of the attempt of the Government to settle it.

MR. WILSON said, that the person who defeated the Bill of last year was the hon. Member himself, who talked it out on a Wednesday. This subject had better be left in the hands of the executive Government, and therefore he hoped that the hon. Member would withdraw this Bill.

MR. MALINS was impressed with the impossibility of a private Member carrying any Bill that he did not bring forward within the first fourteen days of the Session; and he was further impressed with the impossibility of any private Member carrying such a Bill as that before the House. He thought the hon. Member (Mr. Sheridan) would exercise a wise discretion in withdrawing the Bill.

COLONEL FRENCH said, the hon. Member for Dudley (Mr. Sheridan) wished to have this Bill read a second time, in order that it might be referred to a Select Committee.

MR. SPOONER recommended the hon. Member not to persevere.

MR. SOTHERON ESTCOURT moved as an Amendment to the original resolution, that the Bill be read a second time this day six months.

MR. SPOONER seconded the Amendment.

Amendment proposed,—

To leave out the words "Wednesday the 7th day of July next," at the end of the Question, to add the words "upon this day six months."

Question proposed, "That the words

proposed to be left out stand part of the Question."

MR. H. B. SHERIDAN was anxious to have a discussion upon the Bill during the present Session, and stated that the measure, being intended as a consolidation of the existing law with respect to insurance and assurance institutions was necessarily a long one. The hon. Gentleman was continuing his statement, when,

It being a quarter to Six o'clock, the Debate was *adjourned* till *To-morrow*.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS.

Thursday, June 17, 1858.

MINUTES.] PUBLIC BILLS.—1ª Peace Preservation (Ireland) Act Continuance; Churches, &c., (Ireland).

THE VOTE OF THANKS TO THE GOVERNOR GENERAL OF INDIA, ETC.

LETTER OF THE GOVERNOR GENERAL.

THE LORD CHANCELLOR: I have to acquaint your Lordships that I have received a letter from Lord Canning, in answer to a communication made to his Lordship, of the Vote of Thanks which your Lordships passed to Civil and Military Servants in India. It is as follows:—

"Allahabad, May 11.

"My Lord,—I have had the honour to receive Lord Cranworth's letter of the 10th of February, transmitting the Resolutions passed by the House of Lords on the 8th of that month, with reference to the employment by the Government of India of the resources at its command for the suppression of the mutiny; to the achievement of many important triumphs of the forces of Her Majesty and of the Hon. East India Company; and to the conduct of those persons who, though not holding military rank, have performed valuable military service. I have also had the honour to receive your Lordship's letter of the 23rd of March, communicating a Resolution passed by the House of Lords on the 16th of that month, regarding the Lieutenant Governor of Bengal. These Resolutions, together with the letter of Lord Cranworth and of your Lordship, have been made public, and I have forwarded to each officer whom the House of Lords have distinguished by name a copy of the Resolution which conveys the recommendation. I shall have the honour to send to your Lordship hereafter the answers which I may receive from the several officers who have been thus addressed. The other steps which have been taken to carry out the wishes of the House of Lords, as conveyed in their last Resolution of the 8th of February, are described in the inclosed general order of this day's date. The House of Lords may be sure that their approval of the past exertions of Her Majesty's servants and loyal subjects in India will stimulate every man among these to do his duty with increased devotion and perseverance. For myself, I beg to be allowed to express to the House, through your Lordship, my respectful and grateful acknowledgment of the honour which their Lordships have conferred upon me in marking my humble services with the high reward of their approbation.

"I have the honour to be, my Lord,

"Your Lordship's most obedient servant,

"CANNING.

"To the Right Hon. Lord Chelmsford,
Lord High Chancellor, &c."

The said Letter ordered to lie on the table, and to be entered on the Journals.

DIVORCE AND MATRIMONIAL CAUSES ACT AMENDMENT BILL.

REPORT.

Amendments reported (according to Order.)

LORD REDESDALE said, that as the measure then stood, although it contained a clause which extended its provisions to India and the Colonies, Ireland was not included. He begged to move, therefore, that the words "or Ireland" be inserted in the 5th clause, for the purpose of extending the jurisdiction of the Court to cases arising in that country.

LORD CRANWORTH said, he would offer no objection to the proposal as a temporary measure, but was of opinion that a distinct Bill should be introduced, applying the principles of the measure to Ireland.

LORD CAMPBELL said, that they should not be content with simply including Ireland in the provisions of this measure, but that they should establish a distinct Court for matrimonial causes in Ireland. In the meantime, however, the provisions of the present Bill should be made to extend to that country.

THE EARL OF WICKLOW said, he did not agree in the propriety of establishing a new court for Ireland, believing that as the majority of the people of Ireland were Roman Catholics, and could not therefore avail themselves of such a tribunal, it would be inoperative with respect to four-fifths of the population. Its advantages would in fact be confined entirely to the upper classes. He thought, therefore, it would be sufficient to adopt the Amendment proposed by Lord Redesdale

LORD REDESDALE, alluding to the operation of the new Divorce Court, said it had been prophesied that the proceedings in that Court would differ little from proceedings in similar cases in their Lordships' House; but that prophecy had not been fulfilled, for he saw by the papers of to-day that no less than nine unopposed petitions

were granted at once to parties suing for a divorce. If this were so, he must say he thought that their Lordships had passed the Act creating the new court under a totally different impression with regard to what would be its probable effects, and that there could not be those safeguards against collusion which had been considered so essential when petitions for divorce had come before their Lordships' House.

LORD CAMPBELL said, that Chief Justice Cockburn presided in the Court on the occasion to which the noble Lord alluded; the cases had been most carefully sifted, and there was no ground whatever for suspecting that any collusion had been practised.

LORD CRANWORTH said, that when the new Court came into operation there were many cases of persons who were too poor to have recourse to the former expensive process, and these had been all brought forward at once. He believed that, after awhile, there would not be so many cases before the Court; though if unfortunately there should be, it would only go to show the great value and utility of the Act.

LORD REDESDALE defied any Court to get through nine cases of that kind in a day and satisfy themselves that there was no collusion in them.

EARL GREY feared that cases might arise in which there would be no parties sufficiently interested in sifting their merits to the bottom, and others in which it might be too much the interest of the parties to blind the Court.

LORD CAMPBELL believed that a great portion of the nine cases referred to were cases of bigamy.

Amendment *agreed to.*

Further Amendments made; and Bill to be read 3ª *To-morrow.*

THE SLAVE TRADE.

THE BISHOP OF OXFORD rose, pursuant to notice, to present a petition from the inhabitants of St. Mary, in the island of Jamaica, for the suppression of the slave trade. The petition set forth that in the year 1814 a treaty had been entered into between Great Britain and Spain for the abolition of the slave trade, but that in spite of that treaty and of subsequent treaties the traffic in slaves still continued to the great injury of the petitioners; and it prayed their Lordships to adopt such means as might seem meet to them for the suppression of the traffic, and to compel the Spanish Government to redeem the pledges which they had given. In presenting this petition he would venture, for a few moments, to call their Lordships' attention to the great subject to which it referred. He was sorry to say that the fact mentioned in the petition was so patent that it would not be necessary to take up much of their Lordships' time in proving the allegations. It was patent to all that the continuance of the traffic in slaves was a breach of the solemn treaties which had been entered into by Spain, with this country, and that the breach had been aggravated by almost every circumstance of aggravation with which one nation could violate the engagements it had entered into with another. In the year 1814 a general treaty was entered into between England and Spain, by which Spain united, without binding herself to any particular line of conduct, with this country, in condemning the trade in slaves. Shortly afterwards the great Congress of all the principal European Powers agreed in the face of the world to condemn that traffic and entered into mutual engagements to put it down. In 1817 a new treaty was entered into between England and Spain, by which Spain undertook that by the year 1820 the slave trade, as far as her own subjects were concerned, should cease, and they even accepted a sum of £400,000 as a compensation for the injury which would be done to certain Spanish subjects by the suppression of the traffic. Year after year, however, passed on, and nothing was done. In 1835 a new and more explicit treaty was contracted between this country and Spain, in which the Government of Spain again repeated the engagements to which he had alluded, and undertook to make a law sufficiently stringent to make it impossible for a Spanish subject to continue the forbidden traffic. But still true to the policy which had throughout characterized a conduct—a policy which had been remarked for many past generations, and which had induced Lord Bacon, in one of his pithy sentences to say, that Spain was always a nation slow of despatch, and that the fact had been embodied in a proverb, in which persons expressed a hope that when their deaths came they should come from Spain, knowing that then death would be long enough in coming. True to their character ten years passed after this treaty of 1835, before any such penal law was made; and, then, when owing to the remonstrances of this country, a law was framed, the only

point which could have made it effectual—that of declaring the slave trade piracy—was omitted. In spite of repeated remonstrances from successive Governments of this country, in spite of the dishonour which such conduct brought upon her, Spanish subjects had been engaged in the slave trade from that time to this, except during two years that Valdez was Captain General of Cuba; and he had a letter from a person who was likely to be well informed on the subject, which stated that the horrible traffic still existed, and that several ship loads of Africans had lately been landed in Cuba. He thought he need not occupy any more of their Lordships' time in proving the first and principal allegation of this petition, that the slave trade still continued to be carried on by Spain with unexhausted vigour, and that it was so carried on in spite of the most plain and repeated engagements with this country that it should absolutely cease. In thus violating her treaty engagements Spain had not the poor excuse which many countries might urge in such a matter—that her Government was not strong enough to carry them out. The proof lay in a nut shell: it lay in this simple fact, that when Valdez was the Captain General of Cuba, and showed his determination to interfere with this obnoxious traffic, he had been perfectly able to interfere with it, and for the time being to stop it. It appeared from the Slave Trade papers which were from year to year laid on their Lordships' table that when Valdez was appointed Captain General of Cuba he called together all the persons in the island known to be engaged in the accursed traffic, and he told them he had come to the honest determination to stop it, but that he would give six months, in which he would take no notice, in order that those who had ventures might wind up their affairs; but that at the expiration of that time he was determined to put the law in force. What was the result? They found that in 1840 as many as fifty-six ships were despatched from Cuba to the coast of Africa; but that in 1842, when the Captain General endeavoured to enforce the treaty, only three ships were despatched from Cuba to the coast of Africa; and that while in the year 1840, 14,470 Africans were imported into Cuba, in 1842 only 3,100 were imported. And this was not all. When the same Captain General was in Cuba he took means for ascertaining what the general feeling of the Cubans was with regard to the suppression of the traffic, and he reported that all Cubans whose opinions were asked unhesitatingly condemned it, and that the feeling of the people, as a body, was favourable to the termination of it. And there were reasons why they should. The trade was conducted for the benefit of certain speculators who introduced Africans for the purpose of breaking up new land, and bringing it in competition with the old estates in the island; and therefore those who were now living in opulence on the produce of their estates were desirous for their own sakes that the accursed traffic should be stopped. But how was the expression of opinion received in that country? It was regarded as a criminal offence, and visited with the severest penalties; and there were instances in which persons had been imprisoned and banished from the island merely because they had expressed with freedom their opinion of this traffic. It came, therefore, to this, that the Spanish Government, instead of being overborne by popular violence, itself put down the wholesome feeling of the island, in order that it might retain this trade. And why, he would ask, was it that the Government of Spain had shown itself anxious that the iniquitous traffic in slaves should be maintained? He was afraid that its conduct in that respect was to be ascribed to the basest of all possible motives—the love of gain—the personal advantage of serving great people who received their reward from the gains of this accursed trade. There was, he believed, little doubt that persons of high position in Spain—persons standing near to the throne of that country—had received largely the wages which resulted from the continuance of that guilty commerce which was one of the great curses of mankind. It was a matter of notoriety that more than one Captain General had been sent out to Cuba—were sent out for one purpose only,—with a view that he might replenish his exhausted fortunes by means of fees received upon the importation of those unhappy Africans. It appeared, indeed, from papers which had been laid upon the table of the House, that certain persons who had held that office had within a very short time been enabled to realize as much as £100,000, and to return to Spain enriched by unlawful gains purchased with the blood of those whom, contrary to treaty, they had permitted to be introduced as slaves into the island over whose interests they had been appointed to watch. It was a well known fact, he believed, that

one of those officers had received a fee of three doubloons per head for slaves thus illegally imported. But this was not all—there was another feature in this case which brought home to the Government itself the criminality of this thing—there were repeated instances of a wilful falsification upon the part of the authorities of the returns of the number of slaves in the island, repeated year after year, in order to evade the treaty. For instance, a return had been made upon one occasion which went to show that the whole number of the slaves in a single year was only 300,000, although there was unmistakeable evidence to show that the number was 900,000; and that the authorities themselves were aware that they were making a statement which was absolutely untrue. There was, however, another ground of complaint in connection with the subject to which he desired briefly to call their Lordships' attention—he referred to the treatment of that class of Africans who were designated in the treaty by the name of *emancipados*. It was a part of the engagements that in regard to the island of Cuba, all those slaves who happened to have been introduced into the island after a certain date should, after an apprenticeship of five years, be set free, and enabled thenceforward to work for wages. How, he would ask, had that arrangement been carried into effect? The way in which the Cuban authorities had evaded this engagement was that those *emancipados* who ought to have been allowed to go at liberty were actually substituted for the slaves who happened to die under work in the plantations, the treaty which had been entered into with this country being thereby directly evaded. He thought he had now brought the case to this point, that this violation of treaties was not the consequence of a weak Government overborne by a popular movement, but was the direct act of the Government itself; and it was the act of the Government, not from any desire to develope the resources of the country, but in order that certain persons might have reserved to them the means of gaining wealth through the miseries of the African people. He would now turn to another side of the subject. Was this, he would ask, a state of things which Great Britain could in the face of the world honestly allow to be continued? He would answer that question by stating it to be his firm conviction that we were bound by every obligation which a nation like our own must regard as most sacred to use every means in our power to put a stop to the evils to which he had called their Lordships' attention, and to provide that the provisions of those treaties into which we had solemnly entered should be strictly enforced. We were bound to adopt that course in the discharge of our duty to our own West India colonists, inasmuch as in consequence of an act which he could not help designating as most unworthy of this country—the equalisation of the duties upon slave-grown and free-grown sugar—we gave them just reason to expect that we would at all events not allow them to be ruined by undue competition with countries which imported slaves for the cultivation of sugar, and that, too, in violation of treaties which the dictates of right and policy alike called upon us to maintain. But it was not our duty to our colonists alone which demanded that we should insist that these treaty obligations should be observed. We owed it to the people of this country, who were heavily taxed for the support of a squadron upon the coast of Africa to intercept the slavers, that that course should be adopted. It was a noble use to which to apply money; but we had no right to do that, and at the same time to allow the very evil to be created by the breach of treaties. There would otherwise be a manifest inconsistency in our maintaining that squadron—an inconsistency which would do much to damage our fair fame in the eyes of the world, and which would lead the English nation to suppose that Her Majesty's Government were actuated by some secret motive in the line of policy they were pursuing, inasmuch as, if such were not the case, they would not suffer a country like Spain to proceed for so long a period in defiance of the obligations into which she had entered. It did not become the high character of England to permit any State whatsoever thus to scoff at the solemn engagements which she had contracted. There was another reason—a great moral consideration. No nation should undertake the succour of the afflicted as we had done, and then flinch from the labour and self-sacrifice which that clientship entailed. We had no right to put ourselves forward to the world as the suppressors of the slave trade unless we were prepared honestly and firmly to enforce those treaties for its suppression which our allies had made with us. To renounce the responsibilities which attached to us under those circumstances would be a dishonour-

The Bishop of Oxford

able abandonment of our duty—a line of conduct utterly unworthy of a great people. There was another subject which ought to be considered in connection with this question. Looking at the condition of things which we had too long suffered to exist, it must be seen that the position of Cuba exposed us to the danger of hostile feeling from the United States, and perhaps of hostile acts. The people of that country, it should be remembered, were the inheritors of our blood; they had our own love for the sea as well as our own jealousy for their national honour and their national flag; and we could not carry on the operations which we were pledged to carry on without coming continually into contact, if not with ships of that nation, at least with ships sailing for security under its flag. The right of search was at this moment in a very unsettled state; and how easy was it for the intemperance of a single commander, actuated by honourable feeling, but carrying too far the right we claimed of seeing whether a vessel was or was not an American, to cast a spark into the slumbering magazine of mischief and involve all in a common ruin! He said "in a common ruin," for what could be more fatal to the advancement of the human race, to rational liberty and to civilization, than that war should break out between these two nations, or even that there should ensue between them any permanent alienation? Yet, while we suffered Cuba to continue a slave-importing State, it must in the nature of things be a continual provocative of the most dangerous extremities between England and America. It was like allowing a magazine of powder to exist close to our most precious possessions, and then calmly suffering sparks to be constantly falling around what ought to be its well-guarded stores. He contended that the state of things at this moment existing ought to impress upon the nation and the Government the necessity of taking a high tone with Spain, and of enforcing upon it the fulfilment of its treaties. Now, if happily Spain were to follow the example so nobly set her by Portugal—if she would do for Cuba what Portugal had done, as far she could, by influencing the Brazilian Government to abolish the slave trade there—if Spain would do this, and would give to these imported Africans the liberty which under treaty with us was now theirs; if Cuba were in this way constituted a country with free African labourers, they would then remove the temptation which now continually beset certain parts of the United States to annex this island for certain internal State purposes peculiar to the confederation. In this matter, then, we had calls of right which no nation could possibly disregard, as well as calls of interest which it was of the highest moment now to attend to. We were bound in the face of Europe and of the world to suffer these treaties no longer to continue a dead letter, but to require—aye, and to use every means which the Government of this country could employ to make that requisition binding—that this tardy, this equivocating State should at last free itself, as it had so long engaged to do, from the accursed stain of this traffic in men. The right rev. Prelate concluded by moving that the petition should lie on the table.

Lord BROUGHAM said, that the right rev. Prelate who had just sat down was evidently actuated by the noblest motives, and had addressed the House with an eloquence and fervour worthy of his name. He trusted that the Government would give some intimation of its intentions in regard to the question generally, and particularly as to carrying into effect the suggestions which had been so justly made by his right rev. Friend. It should be remembered that the Government of England had some right to use its influence on the Spanish Government, inasmuch as the latter had received upwards of half a million of money for its accession to treaties, which it had ever since systematically violated. His right rev. Friend had alluded to a very delicate subject—the chance of a difference with the United States. But if we insisted on Spain acting up to her engagements, that risk would be avoided. The present dissensions he regarded as an alarm-bell, which should warn us to be wise in time; and though such alarms were unpleasant, we might remember Mr. Burke's saying that the fire-bell which disturbs our slumbers may save us from being burnt in our beds. It was not only the bounden duty, but the plain interest of our own Government, of the Spanish Government, and of the Government of France, to put an end to the transportation of slaves to the coast of Cuba. It was sometimes said that the United States had an interest in the slave trade; but they had none. Not one of the slaves carried from Africa was imported into the United States; a few went to Martinique, but 999 out of every 1,000 went to Cuba.

The number and complexity of the coral reefs on the Cuban coast would render it impossible for any squadron which might be maintained there effectually to suppress the slave trade; but he believed that, if an end were put to that gross system of corruption under which the Governors of Cuba had enriched themselves by bribes at the rate of so much a head for every unhappy African landed on the Cuban coast, they would prevent the great difficulties which arose between the United States and this country with respect to the right of search. Let us, however, treat our American brethren with perfect frankness as well as fairness in dealing with this subject. The United States would not allow the right of search, treating it as a belligerent right, which had no existence in time of peace. This whole subject had been explained in an able and most valuable *Compendium of the Law of Nations* which had been published by two learned members of the profession to which he had the honour to belong—he meant Mr. Hazlitt and Mr. Roche—and in which the question of the right of search was most clearly and accurately handled. He thought no lawyer would deny that the right of search was a belligerent right only; but, making that admission, he did not at all admit it as a consequence that any ship of any country —not mere slave-traders, but common pirates and robbers—were to be allowed, simply by hoisting a certain piece of bunting, to carry on their nefarious proceedings with impunity. But if the Americans objected to the exercise of the right of search —even to visits for police purposes—in time of peace, on the ground that they were prohibited by international law, they must on the other hand admit that, according to international law, the same doctrine applies equally to small as to great States; and therefore, that such States as Lubeck, which possessed some three or four ships— and Monaco, which, although possessing no vessels, was yet an independent State—and San Marino, which might become owner of a small sea-board—might cover by their flags vessels which were engaged in this traffic, and no other nation would have any right to interfere with them—nay, any common pirate might use their flag at his pleasure, instead of his own black flag, and no one had a right to ask him whether he was making a right or a wrong use of that flag, because only cruisers of the nation whose flag was thus used had a right to visit. If it were admitted that, according to the American doctrine, the right of visit as well as search was belligerent, and only to be exercised in case of war, the principle must of course apply to Lubeck, Monaco, and San Marino, and to every small State, as well as to France, America, or England. For his own part he conceived that this question might be most satisfactorily arranged by friendly and kindly discussion between those Powers whose interests were concerned; but, at the same time, he thought that all discussion would be rendered unnecessary if Spain did her duty by performing the obligations she had contracted, and for which she had been well paid. He could not conclude without saying one word respecting the slave trade which was carried on with the sanction of the French Government, by exporting slaves from Africa, and carrying them across the Atlantic to Martinique and elsewhere, under colour of their being free labourers. He had had conversations with French naval officers, who, according to a most excellent regulation, had been placed on board vessels which conveyed negroes from the African coast. One of these gentlemen told him that he had been on board a vessel containing 350 slaves, that the passage occupied thirty days, and during its continuance thirty-five negroes died, being at the rate of 10 per cent. per month; that it was necessary, as the crew only consisted of from fifteen to twenty men, to take great precautions in keeping the negroes in the hold, and that many of the negroes were in irons, and were not allowed on deck for the time which was necessary for their health. A heavy mortality was the necessary consequence. He (Lord Brougham) was not surprised, after hearing such an account of the mode in which this traffic was conducted, at seeing a statement that the poor unhappy negroes on board one of these ships had been unable to bear their confinement and their chains, and that they had risen upon the crew, and murdered the whole of them with one exception. [Earl GREY: Not murdered—killed them.] The noble Earl was right. The negroes "killed" the whole crew except one man, and some people were rather disposed to complain that a single exception had been made. The person whose life was spared, was however, the medical officer who had behaved very kindly to the negroes. As regarded what had been said about the negroes going on board of their own free will, he did not believe a word of it. He

asked the French officer to whom he had alluded how the 350 negroes had got on board the vessel he superintended, and he found that they were all slaves who had been bought on the coast from chiefs well-known as slave-traders, although they had been temporarily liberated—if such a term could be correctly used in such a case—in order that it might be said they were free emigrants. He hoped that Her Majesty's Government would bear this question in mind in any communications they might have on the subject with the Government of France. He thought a very great mistake had been made in not endeavouring to establish a better system of communication between this country and the African chiefs,—many of whom looked upon the slave trade with abhorrence, and were most desirous of establishing a legitimate commerce in palm oil, cotton, drugs, and other articles. He was afraid it was too true that this lawful commerce had materially diminished within the last eighteen months in consequence of the establishment of that system of "free emigration" to which he had adverted. He would say one word with respect to the petition itself—and he certainly thought that the inhabitants of Jamaica had a right to complain on this subject. If it were admitted, for the sake of argument, that slave-grown sugar might be allowed to enter into the English consumption, and that the slave-grown sugar might increase by the natural increase of the slaves or by more effectual cultivation, yet it was a totally different thing that that slave-grown sugar should be increased by the unnatural, forced, and infernal traffic in Africans carried on by force and fraud. That was a cruel addition to the burdens imposed on the planters of Jamaica, and they had a most undeniable right to call on the British Government to stay the importation of negroes into Cuba, or to prevent the importation of Cuban slave-grown sugar.

THE EARL OF MALMESBURY said, my Lords, the reason that I listened for my noble and learned Friend to speak is, that the other night he gave me notice that he should follow my right rev. Friend and ask me some questions as to some events that have taken place on the coast of South Africa. Your Lordships have heard the hereditary eloquence and seen the hereditary feeling with which my right rev. Friend (the Bishop of Oxford) has addressed the House on a subject always interesting in this country. I wish I could say that it is an object of as great interest to other countries as to this; but I regret to say that we are not aided as we might wish on this subject by other nations, and this is one of the greatest difficulties with which we have to contend. With the greatest justice, my right rev. Friend has laid unmitigated blame on the Spanish Government for a long course of breach of treaty and the commission of gross cruelty towards the African race—and this, too, after all the despatches which have been written from England to Spain on the subject, and which, I believe, if they were woven together, would reach from here to Cuba itself. I am not now defending the present Government, which has only been so short a time in existence, but it would be unfair to say that this has been its fault. One British Ministry after another has done its best to induce Spain to do its duty, and all have signally failed. Spain has opposed to us that passive resistance which is the most difficult resistance in the world to overcome; and it has not been without the greatest risk of collision with other countries that we have attempted to take measures that have appeared to those countries stronger than we had a right to take, and which, if carried further, might have involved us in war. The right rev. Prelate must recollect that the Foreign Minister of this country cannot act entirely upon the feeling which he possesses as an Englishman upon this subject. The matter involves so much complication—it involves so much risk of offence to other nations who—I say it without offence to them—do not feel so strongly as we do on this subject, that every step must be taken with caution, and the Minister cannot act with the vigour he might be disposed to adopt. It was not only that other nations have descended into a sort of relaxation of feeling with respect to the principle of slavery and slavery itself, but that they do not even admit those doctrines of international law which my noble and learned Friend who spoke last has laid down. My noble and learned Friend said that there was a difference between the right of search and the right to visit; that although we have no right to search, we have a right to visit, in order to carry out the police of the ocean. I must be permitted to say that the United States have constantly and categorically refused to admit that distinction. They say that on no account, for no purpose and upon no sus-

picion, shall a ship carrying the American flag be boarded except by an American ship, unless at the risk of the officer boarding or detaining her; and the doctrine laid down by the United States has been adopted by other countries. It is not long ago that we tried to obtain from all civilized nations some agreement by which our officers might know how far they should go in cases of strong suspicion, and be protected from the consequences of any mistake on their part in boarding a vessel of another country not liable to seizure. I tried to ascertain what license other nations would give in this respect; but I was anticipated by the French Government, who laid it down that no French ship should be detained, stopped, or boarded, but that certain forms should be gone through without detaining her, which, to a certain but very small extent, might ascertain her right to carry the flag which flies at her mast head. I have no reason to conceal what I have done since recent events. I need hardly tell the House that I have admitted the international law as laid down by the American Minister for Foreign Affairs; but I have not done so until that statement had been approved and fortified by the opinions of the law officers of the Crown. But having admitted that, I have put it as strongly as possible to the American Government that if it is known that the American flag covers every iniquity, every pirate and slaver on earth will carry it and no other; that this must bring disgrace on that honoured banner, and that instead of vindicating the honour of their country by an obstinate adherence to their present declaration, the contrary results will follow—that the American flag will be prostituted to the worst of purposes. I have urged, and I shall continue to urge, that it is necessary in these civilized times, with countless vessels navigating the ocean, that there should be a police of the ocean; that there should be, if not a right by international law, an agreement amongst nations how far they would go to verify the nationality of vessels and ascertain their right to bear a particular flag. From the language I have used, from the conversations which I have had with the American Minister resident in this country, and from the observations contained in a very able paper drawn up by General Cass on this subject, I am not without strong hopes that some arrangement of this kind may be made with the United States, which, with the instructions given to the officers of both countries, may enable us to verify the flags of all countries without running the risk of offence to the country to which a ship belongs. Your Lordships, I think, cannot expect me to go more into detail as to the great practical difficulties that lie in our way in suppressing the slave trade. I must say, however, that I think we made a mistake in sending our squadrons to the Cuban waters instead of keeping them on the coast of Africa. On the Cuban coast they are in American waters; the ships detained are outward bound from those countries—no doubt they have on board provisions for slaves; no doubt they are going to Africa, and will return with slaves; but they are not carrying slaves when they are detained. Admiral Fanshawe, who is about to command Her Majesty'e fleet in the Mediterranean, told me that so effectual were the operations of our squadrons on the coast of Africa, that at the beginning of the Russian war the slave trade was nearly extinct. He stated that when, about ten years ago, he took the command on that station, fifty-four slavers were captured in the first year of his command; fifty in the next; not more than two or three in the third; and that, during the command of the Admiral who succeeded him, the captures were reduced to an almost infinitessimal amount. During the Russian war, however, it was necessary to withdraw a large part of our squadron, and the result was, that the slave trade again made progress. I must say, that the conduct of Spain towards us on this question has been marked by the greatest ingratitude. We have taken her part on several occasions against those whom she has suspected of designs adverse to her. It has always been the policy of England and of other European countries to support Spain, and defend her in the occupation of Cuba against hostile invasions, as well as to prevent any agreement by which she might be induced to part with it. But I do not hesitate to say, in my place in Parliament, that if Spain continues to show that utter want of principle, and that utter and base ingratitude which she has displayed towards this country, which has always been her friend, I do not hesitate to say that she must expect that indifference will be exchanged for amity, and instead of our taking her part she must expect us to leave her to whatever consequences may ensue, whether proceeding from her present conduct or not. I have now only to give a short account of the

The Earl of Malmesbury

occurrence on the coast of Liberia to which my noble and learned Friend has referred. A ship was lying on the coast of Africa, having on board a number of negroes, who were called emigrants by the French Government, but were neither more nor less than slaves. They were manacled; but they managed to effect a rising in the absence of the captain, who had gone on shore, and murdered all the crew, except the surgeon. They then sailed away. An English ship, which had heard of the disaster, chased the slaver, which immediately gave herself up without making any defence, the persons on board expressing the greatest joy and pleasure in meeting with an English ship. The French captain, who had followed her in a boat, then took possession of her, took her from the English vessel, so far as the command went, and took her into Liberia. The French admiral, or the officer on the station, claimed the ship, and took her out of the Liberian waters. As a matter of law, we were not justified in taking the slaver in Liberian waters without the consent of the Liberian Government; so that the quarrel as it now stands is between the French Government and the Liberian Government. The English Government have nothing to say in the matter. I have only to add, that Her Majesty's present Government will, as Her Majesty's late Government did, take advantage of every opportunity they may have of protesting to the French Government against a line of conduct which, although it affects to be a system of emigration, can only be called, in the language of truth, a renewal of the slave trade.

THE EARL OF CARLISLE rose to express his great satisfaction that this paramount subject had been brought under their Lordships' attention. He called it "paramount" because there was no other great question so calculated to excite the sympathy and interest of the whole world. He had had an opportunity of seeing some of the effects of importing negroes into the island of Cuba, and in his opinion it was to the eternal disgrace of the Spanish Government that such a system had been so long carried on in that beautiful island. No one would shrink more than he would from saying anything which could complicate or embitter our relations with the American Government—he knew that even such a purpose as the suppression of the slave trade must be carried on with some reference to changing circumstances and conditions; and he felt convinced that in the interest of suppression strict care should be taken that we did not exceed the limits of our well-defined rights or encroach on the rights and prerogatives of others. Still, he felt bound to express his opinion that the countrymen of Clarkson, Wilberforce and Brougham, had already done so much for the suppression of the slave trade they would never consent to a disgraceful retreat or retrograde course upon this great question. He rejoiced, too, to hear that there was a prospect of a satisfactory solution of the dispute between this country and the United States.

LORD WODEHOUSE said, that however much it might have been our duty to put an end to the slave trade carried on by our own subjects, he felt considerable doubts whether the policy of interference with foreign States was originally a wise policy; but, having embarked in it and pursued it with considerable success for a long series of years, we ought not precipitately to abandon it. He rejoiced to hear of the course which had been taken with reference to the difficulty with the United States, and he thought the language used by the noble Earl wise and judicious. He had not the slightest doubt it would turn out that there had been great exaggeration in the American newspapers as to what had been done by the officers of our cruisers; but he was convinced that, no matter what instructions were given to our officers, if we undertook by an armed squadron to visit and examine the great number of American vessels which passed through those waters, sooner or later serious differences with the United States would occur. He would put it to their Lordships what would be the feeling in this country if an armed squadron were to be placed in the Channel to stop and search our outward-bound vessels? Whatever might be the reason with a foreign Power for doing so, it would undoubtedly give rise to a most disagreeable state of feeling in the public mind of this country. He believed there was a great deal more moderate feeling on the part of the majority of the people of the United States on this subject than might sometimes be supposed from the accounts which we read in their newspapers, and that the temperate course pursued by Her Majesty's Government would tend to calm the excitement that did exist; but he thought it was a matter more worthy of the attention of the

Government how far we ought from time to time to involve ourselves in embarrassments with foreign Powers on questions like these—embarrassments which might be attended with serious consequences, and which could not fail to be productive of great inconvenience. He regretted to hear from the noble Earl opposite a confirmation of the statement which they had heard of the proceedings of the French on the coast of Africa. He agreed with his noble Friend opposite, that what the French were doing in Africa was neither more nor less than the practice of the slave trade; and he strongly hoped that the remonstrances of Her Majesty's Government on that subject would have the effect of putting a stop to the system. This was one proof of the difficulty that existed in dealing with foreign Governments on this subject; for there was no disguising the fact that other nations did not look with the same abhorrence on the slave trade as we in this country did. There was one point not yet touched upon which he was anxious to notice—he meant the present state of our relations with Brazil. Owing to an Act passed in this country, and known under the name of "Lord Aberdeen's Act," we had never been able to conclude with Brazil either a slave-trade treaty or a commercial treaty. He would not discuss now the reasons for passing that Act, but it was productive of one most valuable result—that of putting an end to a most flagrant slave trade, and it induced the Brazilian Government to act with such energy in the matter that an enlightened public opinion grew up in the country, which he believed would not submit to the renewal of the slave trade there. Some years had now elapsed since the slave trade had been carried on in Brazil, and he thought it would be a wise policy to repeal the Act to which he had referred, and enter into such treaties with regard to the slave trade as Brazil would be ready to conclude with us, and at the same time to enter into a commercial treaty with that empire:—generally, in fact, to modify the policy which was rightly adopted some years ago, but which altered circumstances no longer required. He would rejoice to see an increase in the legitimate trade of the coast of Africa. Such a trade would carry civilization in its train, and would do more for the ultimate suppression of the slave trade than any treaties into which they could enter, or the employment of any squadron, however powerful.

Lord Wodehouse

EARL GREY said, he entirely concurred with his noble Friend who had just sat down with regard to the extreme importance of the trade with the African coast, as the means of civilizing and christianizing that country. But he must remind him that it was the opinion of every one acquainted with the subject, and especially of that distinguished man Dr. Livingstone, that the legitimate trade could not go on until the slave trade was put an end to. Legitimate commerce was destroyed by the conduct of the traders engaged in the slave trade, and it was only by the interference of this country that we could hope to put an end to it. Our efforts had been at one point to a great degree successful: a legitimate trade had sprung up and was rapidly increasing, and great hopes had been entertained that in a few years the slave trade would be put down. But that bright prospect had been blighted, and, to their disgrace, by those two great countries the United States of America and France. It was of no use, from fear of giving offence, to refrain from speaking the truth on such a question as this; and he would assert boldly, and without fear of contradiction, that in the eyes of God and man the United States and France were responsible for the renewal of the African slave trade. With regard to the United States, he concurred in the opinions which had been expressed, of the necessity of our acting with the greatest caution and forbearance. However indignant we might feel—and he trusted there was no Englishman who did not feel indignant—at the monstrous prostitution of the United States flag, it was not only our duty but true wisdom—having regard to the object in view—to remain rigidly within the line of our duty, and not by measures of questionable legality to put ourselves in the wrong. But he could not help thinking that his noble Friend who spoke last attached too much credit to the American accounts of what had occurred, which had not yet been checked by those of our own officers, and that we were acting too hastily. His noble Friend spoke of an American squadron in the Channel overhauling our outward-bound vessels. No doubt we should not allow that for a moment, and he doubted whether we had ever consented to the right of search. Our orders to our officers were if they knew that a ship was *bona fide* a vessel belonging to the United States—though she might be engaged in the slave trade—though there was proof

legal and moral that she was a slaver—the orders to our cruisers were not to interfere with her; but we had a treaty with Spain against the slave trade, and we were not to be prevented in the case of a ship coming out of Cuba, though under the United States flag, from ascertaining whether she was a United States ship or whether she was Spanish or not, or whether she had no papers at all, and was consequently a pirate; in that case only we claimed a right to visit a vessel, and to see what she really was. If, however, we found, she had good American papers, even though the evidence was palpable that she was engaged in the slave trade, we discharged her, and left to the United States the disgrace of being engaged in such a traffic. But in order to ascertain whether a flag was properly carried by a vessel we must have the right to visit. At the same time he hoped from what had fallen from the noble Earl, that the orders to our cruisers would be strict not to visit ships against which there was not strong *prima facie* evidence that they had no right to use the American flag. Great discretion ought to be exercised, and if it was not exercised officers who failed in that respect ought to be recalled. So much with regard to the United States—with regard to France the case was still stronger. That a great Christian nation, that the great empire of France, should become nothing better than a gigantic slave-dealer was a thing almost too disgraceful to be believed; but so it was. We knew that it was with reference to the ship which was captured by negroes. We knew that wars were stirred up in Africa in order that prisoners might be taken for the purpose of being sold to the French Government. France was amenable in the eyes of God and man for devastating a part of Africa in which commerce and civilization had begun to take root. It was known that negroes were brought down to the coast and put manacled on board vessels commanded by French officers. In the case in question the slaves rose—and did not murder—but in the exercise of a sacred right, the attempt to recover their liberty, killed the crew of the vessel when the ship was in the power of the negroes, they having obtained their liberty by force.

THE EARL OF MALMESBURY: They could not manage the ship, and our vessel saved them.

EARL GREY: That was perfectly right; but what he thought ought to have been done should have been to put hands on board, and take the ship to Sierra Leone.

THE EARL OF MALMESBURY: She was in Liberian waters, and it could not be done.

EARL GREY: Neither the authorities of Liberia, nor any one else, had a right to interfere with the possession of the ship by the negroes, which they had *de facto* and *de jure;* and if we had sent her to any port they chose to go to, no one could have had any right to object. He hoped that poor Liberia would not be brought into the quarrel. We were bound to give those negroes all the assistance in our power, without inquiring into the nationality of those who, by an act of piracy, had taken possession of them.

THE EARL OF ABERDEEN said, that the instructions to our officers, unless they had been changed, were drawn up under his superintendence; they were communicated to the American Government, and were approved by Mr. Webster and the Government of the day; and he believed that our officers were now acting under those instructions. If that was the case, he was at a loss to comprehend what were called British outrages on American ships. We made no claim to visit or to search any American vessel, slaver or otherwise; and it was only in cases where our cruisers had well-founded suspicions that a vessel was not an American that they had a right to visit her. That rule was laid down by his noble Friend with perfect accuracy, according to the instructions he caused to be drawn up under the direction of Sir George Cockburn, Dr. Lushington, and others acquainted with international law. They were then certainly approved by the American Government, and he did not know what new circumstances had arisen to cause difficulties in those waters. If our officers obeyed their instructions it was impossible that there could be any such difficulty, and he hoped he should not hear that those instructions, to which the American Government had never made any objection, had been changed. They were sufficient for the purpose, the American Government had no objection to them, and if they were only acted on with caution there could be no difficulty. For when our cruisers had a suspicion that a vessel bearing the American flag, was not an American, the officers were bound to write in the log what it was that caused that suspicion. It was not from mere caprice that they would overhaul a vessel bearing

the American flag, but there must be reasonable suspicion that she was not a vessel of the country whose flag she carried before they could venture to visit, still less to search her. This was necessary, for, in the first place, a vessel might hoist no flag at all, and all you had to do was to ascertain what she was, and if then she turned out to be a pirate, you could deal with her; or if she was a Spanish vessel, or a vessel belonging to a Power with which you had a treaty, you could deal with her. In the case of an American vessel, or a vessel belonging to a Power with which we had no treaty, we could not interfere in any manner; even if she was full of slaves she might go on her way and we could not arrest her. That was the law of the case, and in which the American Government had acquiesced. That being the case, he was at a loss to understand what was meant by British outrages in American waters. He agreed that it was desirable to limit the action of our squadron more to the coast of Africa than had recently been the case, rather than to direct them to the coast of Cuba. He was satisfied, looking to the spirit of conciliation in which this matter had been treated, that unless the American Government had very much changed since he had to deal with them, we could not fail in bringing it to a satisfactory conclusion. He would only say a word with regard to an Act relative to Brazil which had been introduced by him, and was called by his name, but which he believed in Brazil was called the Algerine Act. When he brought in that Act he assured the Brazilian Government that nothing would give him so much pleasure as the arrival of the day when he should move the repeal of that Act. He was not sure that the time had arrived yet; but he hoped and believed that Her Majesty's Government, who must have more information on the subject, looked forward to the same object: the conduct of Brazil had entitled that country to much consideration; and he would only recommend to the care of the Government the realization of the hope which he had ventured to express when he introduced the Act in question into that House.

THE EARL OF HARDWICKE said, that the noble Earl opposite (the Earl of Aberdeen) observed that there must have been some great change or there would have been no difficulty in bringing about an arrangement of this matter with the American Government. The noble Earl should recollect that the feelings of that Government were more acute on this subject than they were before, inasmuch as it was not the practice when the noble Earl was in office for the British squadrons to appear in such large force on the coast of Cuba, or for the cruisers to enter the ports for the obvious purpose of watching the state of the shipping. What had been the cause of the alteration of the system he did not know, but there had been no allegation of the officers of the navy having conducted themselves without their usual caution, while at the same time they had displayed their zeal and activity in the cause in which they were engaged. Perhaps some of them had a little overstepped the line within which we should desire them to keep, and it might turn out that we were not altogether clear of some degree of blame in this matter. He was not surprised at the indignation expressed on this subject by the right rev. Prelate and the noble and learned Lord (Lord Brougham), whose name was identified with the cause of the poor African. It was natural that he, as well as other noble Lords, should express themselves warmly, considering the long course of policy we had pursued, and the great sacrifices we had made in order to put down the slave trade and ameliorate the condition of our unfortunate coloured brethren. That indignation must be aggravated when we considered that up to within a very short period a great diminution had taken place in the export of slaves, and a great improvement in the cultivation of the soil of Africa by the native chiefs and their dependants; while the exports of palm oil and other legitimate traffic of the country for 1857 amounted to no less than £1,500,000 in value. It was, he admitted, dispiriting to hear, under such circumstances, of the chiefs on the coast taking up arms and making inroads into the interior for the purpose of slave hunting. The noble Earl (Earl Grey) was rather severe on the French Government for having stimulated the slave trade. That trade had been aided and abetted by ships of France; but, on the other hand, he was bound to say that the course pursued by the French Government itself was in strict accordance with the desire we had expressed as to the system, and there was every reason to believe that the French Government were prepared to make a total change of policy in this respect, and that seeing the dangerous tendency of the present system they would no longer persevere in it.

On the other hand, he was bound to say that the French Government were sincere in their desire of engaging these persons as free labourers. The moment they were received on board ship their manacles were struck off, and their wages were reckoned from that hour, their unhappy condition being entirely changed. He only did justice to the French Government in making that declaration, for they had stated that upon satisfactory proof being afforded them of the impolicy of the system of negro emigration, they would be prepared to abandon it. Though he was not competent to say what steps had been taken by his noble Friend, he could confidently state that they were steps which would meet the views of noble Lords opposite, and show how honestly Government had acted in this matter.

THE EARL OF CLARENDON said, he had heard with great satisfaction the observations made by the noble Earl (the Earl of Hardwicke). He hoped that the noble Earl would lay upon the table those papers to which he had referred, and which conveyed such a satisfactory announcement as to the intentions of the French Government in respect to African labour.

THE EARL OF HARDWICKE suggested that the noble Earl should give notice of a Motion for the production of those papers.

THE EARL OF CLARENDON said, he would certainly move for the production of the papers to which he alluded. There was no doubt that a system had been for some time carried on in Africa which in effect occasioned all the evils of the slave trade. Both Spain and France were rivals in the African market, offering a certain sum per man; and it appeared to him that there was no difference in the treatment of those negroes whether they were conveyed to Cuba or to a French colony. Such a system, whatever it might be called, was nothing more nor less than a slave trade. Now, it would be most gratifying to them to know that in consequence of representations made by our Government to the Government of France, the latter had declared their intention to make a complete change in the system they had been pursuing. He therefore wished for the production of those papers upon the authority of which the noble Earl made his declaration.

THE EARL OF MALMESBURY: In answer to the Motion made by the noble Earl, I think my noble Friend will, on consideration, agree with me that no public interest would be answered by placing those papers on the table of the House; because they relate, more or less, to something like a controversy that has been going on for some time between the two Governments as to the results of this new French system. On the one hand, we have had cases described to us in which it appears that those labourers from Africa were comparatively well treated by the French, and were by no means placed in that state of subjugation and misery which we are induced to believe was the fate of other unhappy beings. There is no doubt that the French Government can produce instances, and has produced instances, and has challenged investigation into them, showing that there was much tenderness displayed in the shipping of those people, and that great care was taken of them afterwards. But in my opinion that does not at all affect the main question. Whatever they may say of it, the system can be nothing more nor less, in my opinion, than a renovation of the slave trade.

LORD STANLEY OF ALDERLEY only wished to ask the noble Earl if any correspondence had taken place between the two Governments on the subject of the vessel which had been retaken in the Liberian waters, or, if any correspondence had taken place at all that would elucidate the matter, whether he had any objection to place it before the House.

THE EARL OF MALMESBURY was understood to say that the information which the Government had received upon the subject had come from a Mr. Chillingworth and was not of an official character.

LORD STANLEY OF ALDERLEY trusted some inquiry would be made, and that the subject would not be lost sight of, for as the matter at present stood he thought great injustice had been done.

Petition to lie on the table.

OATHS BILL.—QUESTION.

LORD DENMAN rose to inquire of Her Majesty's Government if the Report of Reasons for the Lords insisting on their Amendments to the Oaths Bill might be proceeded with forthwith, in order that the Commons might elect whether to return the Bill to that House, with a demand for a free Conference. There were two Bills before the House, one introduced by Lord Lucan, and the other by Lord Lyndhurst, and he thought some decided opinion should be expressed—one Bill be determined on,

and sent down, with Reasons why the Amendments were insisted upon.

THE EARL OF HARDWICKE said, the question was one the settlement of which the Government thought lay rather with that House than with themselves. He should only add that, so far as the Government were concerned, they were desirous that the Bill, which had already been the subject of a Conference, should go down to the other House of Parliament with the Reasons which their Lordships had assigned for insisting upon their Amendments.

LORD REDESDALE contended that the proper course would be for the offer of compromise to come from the other House. The Commons were prepared to pass the Bill altogether, and it was they who should concede. For his own part he thought that neither the Bills introduced by Lord Lucan or by Lord Lyndhurst ought to be entertained.

LORD STANLEY OF ALDERLEY considered it expedient that their Lordships should have the opportunity of expressing their opinion. He did not think it would be expedient to send the Bill down to the House of Commons without expressing the Reasons why their Lordships insisted on the Amendments they proposed.

THE EARL OF MALMESBURY said, he thought the best course would be to say at once they could not agree to the Commons' Amendments. The Bill ought to be sent down to the Commons, and could be returned with an Amendment in the sense of either Lord Lucan's or Lord Lyndhurst's Bill, and it would then be open to their Lordships to accept that Amendment by way of compromise.

EARL GRANVILLE contended it would be more convenient that the various propositions before their Lordships should be considered before the Bill was returned to the House of Commons. He did not see either the advantage or the dignity of referring back this question to the House of Commons, and leaving it to take the initiative in the matter.

THE LORD CHANCELLOR said, their Lordships intended to persist in their Amendments, and carried them by a very considerable majority. He apprehended that the straightforward and proper course then to have adopted would have been to have sent the Bill back to the House of Commons with their Lordships' Reasons for insisting on their Amendment. Unfortunately some difficulty was interposed, and some suggestion made that possibly by retaining the Bill in their Lordships' House an opening might be made for a compromise. He thought if a compromise were desired it should not proceed from their Lordships, but from those who wished it. He retained his own opinions firmly and conscientiously; he regretted that he had heard nothing whatever to induce him to think a compromise of the question desirable. Entertaining those sentiments, he was, at the same time, extremely desirous that their Lordships should meet the question as fairly and as properly as possible. It appeared to him that the proper course would be to send the Bill down as he had suggested; and then, if any noble Lord chose to bring forward any question by which this long-agitated matter could be renewed, it would be competent to him to do so.

LORD STANLEY OF ALDERLEY said, that a compromise of the question had been already offered by two of their Lordships to bring in Bills to meet the difficulty which presented itself, and after that step had been taken, it was ungracious to ask the Commons to initiate a compromise. He did not think the other House could, consistently with its own dignity, depart from the course which it had already taken. It would be trifling with the whole question to say they would not proceed with the two Bills which had been introduced, but would send back the first Bill to the House of Commons with their Reasons for disagreeing to it. He therefore trusted their Lordships would not depart from the resolution they had come to to proceed with the consideration of the two Bills.

VISCOUNT DUNGANNON thought the proposal made by the noble and learned Lord on the Woolsack was the best. He maintained that any proposition for a compromise ought to come from the other House of Parliament.

After a few words from the Earl of CLANCARTY, the subject dropped.

House adjourned at half past Eight o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 17, 1858.

MINUTES.] PUBLIC BILLS.—1° Government of India (No. 3); Wills of British Subjects Abroad; Administration of Justice; Four Courts (Dublin) Extension; Art Unions Act Amendment; Sti-

pendiary Magistrates, &c.; Smoke Nuisance Abatement (Metropolis).

2° Commissioners for Exhibition 1851; Wills, &c., of British Subjects Abroad; Clerk of Petty Sessions (Ireland); Nisi Prius Court (Ireland); Juries (Ireland) (No. 2); Transfer of Land.

GOVERNMENT OF INDIA.—COMMITTEE.

SIXTH RESOLUTION.

Order for Committee read.

House in Committee.

Sixth Resolution.

LORD STANLEY said, that the vote to which the House came on Monday last had imposed on the Government a task of some difficulty, because it had then been decided, not merely that permanent legislation should take place in the course of the present Session—not merely that the Indian Minister, under the new system to be created, should be assisted by a Council—but that the number of the Council, should be fixed, and that its members should not be exclusively nominated by the Crown. And although upon the point to which he was about to direct the attention of the House no formal vote had taken place, yet it was impossible for any one who had listened to the debates and had heard the opinions expressed by hon. Members sitting in all parts of the House, not to feel that there existed a great repugnance to the creation of anything like a popular constituency in this country to which should be entrusted the election of any part of the Council. That constituency not embodying any principle of representation, but being a mere device for the appointment by an elective process of a certain number of persons as a Council for India, it was felt that the creation of such a constituency was inexpedient, and ought, if resorted to in any case, to be so only after all other measures had failed. That being the case, it was the duty of the Government to endeavour to combine and reconcile those two at first sight conflicting decisions, one of which had been formally arrived at, and the other implied by the general feeling of the House. With that view various plans had been proposed and considered with a view of giving effect to the principle of election, without necessitating the creation of an artificial constituency here. One proposition, which appeared on the paper in the shape of an Amendment, was that a certain number of the members of the Council should be appointed, either by the local authorities of each Presidency in India, or by the Governor General on their recommendation. No doubt that was a proposition the adoption of which would, to a certain extent, ensure the desired result. It was quite clear that members who were chosen in that manner, would be entirely independent of the Minister of the day; and it was also apparent that the Indian authorities would have, by reason of their local knowledge, the best means of choosing such as were most fitted by ability and experience to represent the government of India. On the part of that proposition, therefore, some arguments might be adduced of considerable weight; but, on the other hand, there was an objection to its adoption which it was impossible to overlook; neither the Governor General of India nor the governor of an Indian province could feel more than a very remote and indirect interest in the efficiency of the Indian Council in England, while on the other hand it was certain that they would feel the strongest interest in maintaining the efficiency of that which was immediately under their own eyes—namely, the civil and military service of India upon the spot. There was this danger, therefore, if they trusted to the Indian authorities to select any portion of the Council here, that those with whom the choice lay could hardly be expected to make so large a sacrifice as to deprive themselves of the services of the most eminent and efficient men in their employ; they would be much more likely to send home those for whom it was desired to provide an honourable retirement, and the Indian Council would get to be looked upon as a sort of shelf, as a convenient mode of getting rid of men whom the Governor General no longer desired to retain in India. But, even if they could reasonably expect that the authorities of India would be so self-denying as to send them their most efficient members, it was obvious that a result which might be equally inconvenient would follow, and that the *maximum* of efficiency in the Council here would only be obtained by the sacrifice of the *maximum* of efficiency in the civil and military service of India itself. Those objections were in his mind conclusive against the adoption of the plan, plausible as at first sight it appeared, by which they could look to India for the appointment of a portion of the Council. The next proposition which he had had to consider was that which had been put forward the other night by the right hon. Member for Carlisle (Sir J. Graham.) The Government had considered it with the

[*Sixth Resolution.*

deference which was due to the great ability and experience of the right hon. Gentleman, and, he might add, with that natural goodwill which arose from the undoubtedly friendly character of the suggestion which had been made. But having maturely and anxiously deliberated upon that proposition he had come to the conclusion that it would not meet all the difficulties of the case. The plan proposed by the right hon. Gentleman for filling up vacancies was that the Council should themselves select three names, one of which should be chosen by the Minister. The objection to that mode of procedure was, that it would open the door to many and serious abuses. Those who had the power of selecting the three names out of which one was to be chosen might, if their selection of the three were to be final and conclusive, obtain almost with certainty the appointment of any person they might desire; because they would only have to couple the name of one person whom they considered fully qualified for the office with those of two others comparatively obscure and unknown, and thus there would be brought to bear upon the Minister a kind of moral compulsion to choose the one whom they wished to be selected. On the other hand, if the Minister were not to be limited to the three names which they sent up—if he might refuse to select any of them, and might send the list back for a further choice to be made, and if he had the power of repeating that process indefinitely, it was clear that the right of election as vested in the Council became a mere formality, and the ultimate choice must rest with the Minister alone. There was another objection. A great deal had been said with respect to the evils which arose from a divided responsibility, and he confessed he thought that of all divisions of responsibility the most dangerous and most inexpedient was that which would exist if an appointment were to be made, for which no one person, or body of persons, could be held responsible. A constituency, be it what it might, felt a natural pride in securing the services of able and illustrious men; and a Minister was naturally desirous to distinguish his tenure of office by making appointments which would reflect honour upon him, and would be for the advantage of the public service. But that feeling of natural pride and of legitimate self-satisfaction in a successful appointment could not be obtained by any one under a system by which neither the Minister nor the Council would be wholly and exclusively responsible for the choice. He thought that upon these various grounds the proposition of the right hon. Gentleman, in the form in which it had been announced, was not one which could be satisfactorily entertained, either by the Government or the Committee. What, then, was the proposition which the Government intended to submit? They thought that, in deciding in favour of the principle of election, what the Committee really desired to express was, that the exclusive nomination should not rest in the hands of the Crown—that their object was, not so much to vest the choice of any portion of the Council in any particular body of men or in any particular constituency, as to take it out of the power of the Minister, and thus to lessen the amount of patronage. If he had rightly interpreted the feelings of the Committee in this respect, he hoped that they would not unfavourably receive the proposition which, on the part of the Government, he was about to submit. What they proposed, so far as the first appointments to the Council were concerned, was this:—They were prepared to accept the number of fifteen, which had been agreed to by the Committee the other night. Of that number they proposed that eight should be nominated by the Crown, and that the other seven, following to a certain extent the precedent set in 1853, should be elected from among their own number by the existing Court of Directors. This related only to the first appointments of the Council. With respect to the manner of filling up future vacancies, they proposed that every alternate one should be filled up by the nomination of the Crown, and that the others should be supplied by election, that election to be by the Members of the Council. He could anticipate at once the objection—and he hoped that it was the only one—which would be raised against this proposition by those who might prefer some other scheme. They would say, "Then you revert to the old system of self-election under which so many abuses prevailed." His answer was, that when they complained of the abuses that prevailed under the system of self-election, they were really contemplating a system under which self-election was the sole and exclusive method by which appointments were made. There was no doubt that any body of men, be it large or small, which had the exclusive power of filling up vacancies as they occurred in its own numbers, would sooner or later be apt to ex-

clude all who did not agree in the opinion of the majority, and that this opinion would eventually become despotic, and would be able to perpetuate its own despotism. But because those abuses existed under a system of self-election exclusively, it by no means followed that they would also exist where the process of self-election was only part of the plan by which the whole body was to be chosen. In a word, they looked to the elective principle—self-election though it were—as tending to counteract the evils which might arise from simple nomination; and they looked to the power of nomination vested in the Minister as tending to neutralize the abuses which would spring up under the system of exclusive self-election. They did not consider either of those methods to be satisfactory by itself, but they looked to each to counteract the disadvantages of the other. In supporting this proposition, he must for a moment recall the recollection of the Committee to the position in which they were placed. It had been decided by a majority that the principle of nomination exclusively should not be adopted, and there was an equally strong feeling that any attempt to create a constituency charged with the election of the Council would be at best but a cumbrous and inconvenient expedient. If, then, there were to be an election, and no proper constituency could be found, it seemed that they were thrown back, as it were by a logical necessity, upon some such method as that which he had laid before the Committee. He had now detailed the plan that he proposed, and he confidently expected, looking at the spirit in which these discussions had been hitherto conducted, that it would be considered on its own merits. He hoped that those who took it into consideration would feel as the Government had felt, and would bear in mind, as he had been compelled to bear in mind at every step in the progress of this measure, the extreme difficulties which were involved in the settlement of this question, and at the same time the importance of its being speedily settled.

Motion made and Question proposed,

"That the Members of the nominated portion of the Council shall be selected by Her Majesty, subject, as a general rule, to the qualification above expressed, and one-half at the least of the elected Members shall possess the like qualification."

VISCOUNT PALMERSTON said, that before the Committee were called upon to decide on the new proposition which the noble Lord had just submitted to them it would be desirable that it should be embodied in a Resolution and placed upon the Votes, so that hon. Members might have an opportunity of considering its precise terms. He wished, however, to call the attention of the Committee, and especially of the Government, to what he considered was a most important constitutional principle, which was involved in the whole of the points under consideration. He thought, with great deference, that hon. Members had conjured up a sort of imaginary bugbear in respect of the question of the constitution of the Council. It appeared as if they supposed that India was a separate planet inhabited by human beings not constituted like ourselves, not impelled by the same passions, governed by the same feelings, and amenable to the same general principles as regulated the conduct of all mankind; and as if the Government of India were some peculiar mystery which men of good capacity, of honest intentions, and accustomed to deal with human affairs, would be incompetent to direct, and for the management of which some mysterious knowledge was absolutely required. With great deference to the opinions of other persons he was not of that opinion. It appeared to him that the people of India were very much like the rest of the human race with regard to the passions, feelings, and interests which guided them. There was this difference—that there were peculiar circumstances of caste, religion, and institutions in India, a knowledge of which might be necessary in order to apply to the people of that country those general principles by which the conduct of the human race was directed. There was no great difficulty in obtaining gentlemen who were perfectly acquainted with all those matters, and who would give that information to the Government which was necessary for the application of general principles to the good government of India. The general feeling of the House was not in accordance with the opinion of the hon. Member for Birmingham (Mr. Bright), and other hon. Gentlemen of the Manchester school, and, therefore, he (Viscount Palmerston) was quite ready to abide by the Council. But he entreated the Committee to deal with the Council upon the established principles of the British constitution. Why should they have such peculiar jealousy of the Government of the day with respect to the selection of the Members of the Council? Was it the

principle of the British constitution that the responsible advisers of the Crown should be divested of that peculiar responsibility which appertained to the selection of persons for executive and administrative functions? Jealousy of the Government was not felt with regard to any such appointments. He reposed no particular confidence in Her Majesty's present advisers, but he was perfectly ready to repose that confidence in their conjoint position which he, perhaps, should not repose in their individual judgment. So long as they held the responsible position of advisers of the Crown he was perfectly ready to give them all that discretion which belonged to the constitutional position which they held. Now, was there anything in the functions of a Member of a Council of fifteen, or of the whole of the fifteen, which was so peculiar, so important, or so mysterious as to render necessary the taking of such unconstitutional precautions with regard to his or their appointment? Was not the function of a Judge infinitely more important than that of one of these Councillors, and yet they did not require a Judge to be elected by some hocus-pocus contrivance—whether by the other Judges, or by any other machinery which would violate the responsibility of the Ministers of the Crown in the selection of the Judges? Was a Councillor more important than a Governor General or a Colonial Governor? And yet the latter were appointed by the Crown. If these appointments were bad, you could lay your finger upon the person who was responsible for them, and punish him if necessary. He therefore entreated the Committee not to introduce into the Indian Council, without the slightest necessity or advantage, a principle entirely foreign to the fundamental rules by which the British constitution was worked. He appealed to the Government themselves. He was sure that no one could have heard the speeches of the noble Lord on this subject without being satisfied that, in his own mind and judgment, the noble Lord was against the proposal which he had made. The noble Lord's mind was too candid to be able to conceal the independent judgment which he had formed upon the subject. He was sure that the rest of Her Majesty's Majesty's Government only supported that proposal because they fancied that they were yielding to what was the fair sense of the Committee; but that sense was come to because hon. Members thought they were voting according to the wishes of Her Majesty's Government. He was quite sure that if Her Majesty's Government had declared boldly that they adhered to the constitutional principle of responsible nomination by the Ministers of the Crown, the decision of the Committee would have been very different from what it was the other evening. He need not say that there had been cases not very long ago in which the Government had a very strong opinion one way, and in which they did not think it necessary to follow exactly a Resolution in favour of which the House had pronounced a strong opinion. Some hon. Gentlemen thought that the Government then acted rather cavalierly; but the conduct of the Government at all events proved that, when they were of opinion that upon constitutional grounds a particular Resolution, come to by a single vote of the House, was not one to which it was their duty to conform, they had no difficulty in saying that they would follow the impulse of their own judgment. He, therefore, most earnestly entreated the Committee and Her Majesty's Government to give to this matter a more serious consideration than he thought had hitherto been given to it. If it were thought that the passage of the Bill would be smoothed — that feelings which were entitled to respect would be better consulted by adopting the proposition of the right hon. Baronet the Member for Carlisle, and making the first Council to consist of persons who were now members of the Court of Directors, he should be perfectly ready to agree to that proposition. But let that be the act of the Government. Let not the responsibility of the Government in such a matter be shared by any person. Let the Government say at once that it was their intention so to propose the first Council. But he objected to the subsequent appointments being made by a hocus-pocus plan of alternate nominations of the Council, because it embodied a principle which had been exploded by universal consent, even with regard to the local administration of municipal corporations. The principle of self-elected bodies was so objectionable that it was put an end to, and yet the Committee were now going, with their eyes open, and deliberately, to reintroduce into the general composition of the Executive Government that very principle. He thought the method now proposed would not afford any additional security for the efficient discharge of the functions of the Council. He was quite satisfied that the Government would be as

capable as any other body of persons to select proper and efficient Councillors. If the noble Lord were called upon to form a Council what would he do in the first instance? He would consult his colleagues in the Cabinet of course. The Committee could not suppose that any Minister would be so blind and so headlong in his decisions as not to consult those whom he had around him, and in whose opinions he placed confidence. He would also consult other persons, who, from their knowledge of India, would be likely to assist him in considering his choice. He would then, upon the responsibility of himself and of the Government at large, make his appointment, and he (Viscount Palmerston) ventured to say that that appointment would generally be better than one made in either the manner suggested by the noble Lord or in that suggested by the right hon. Baronet. The noble Lord had not explained whether the alternate nominations to be made by Council were to be made by the whole Council, including that portion which was nominated by the Crown, or simply by those who had been otherwise nominated. That was an important matter and required explanation. [Lord STANLEY: By the whole Council.] Well, then, if it came to that, the Crown would always have the majority. That would substantially place the nomination in the hands of the Minister. Then let that be done openly which they were about to do substantially. Let them not violate a constitutional principle in order to come back in practice to that from which they were departing in theory. He gave the Government credit for having endeavoured, against he was sure their own honest and deliberate opinion, to conform to what they imagined to be the wish of the Committee; but he entreated them to follow their own judgment in this matter, and not to violate, for the purpose of catching a vote here or there from parties who might be personally interested, one of the fundamental principles of the constitution.

MR. WALPOLE said, he was surprised at the observations addressed to the Committee by the noble Viscount which were intended to induce a belief that the course proposed by the Government in reference to the future administration of the affairs of India was a departure from what he called the true principles of the British constitution. The experience of the last seventy or eighty years, however, ought rather to convince the House and the country that the principles of the British constitution, as applied to the Government of India, were especially adhered to in the proposition of his noble Friend, who recommended, instead of leaving all the appointments of the Council entirely in the hands of the Crown, with all the corrupting influences which might possibly be exercised by the Minister of the day, there should be interposed a sufficient guard and control as to those appointments. He would remind the noble Lord (Viscount Palmerston) that when the great struggle first began between Mr. Pitt and Mr. Fox, upon the question of India, the issue raised was distinctly whether the Crown, through the Minister of the day, should possess the power of influencing, to an uncontrolled extent, the government of India, or whether that government should not be to a certain extent left independent of the Crown in the hands of those who were better acquainted with the circumstances and wants of India than any mere Minister could be. The contest was decided in favour of the latter principle, and after having been recognized in Mr. Pitt's Bill, the same principle was confirmed without a dissentient voice in 1793, when the Charter was renewed. Again, in 1813, the same principle was continued, when the Charter of exclusive trade was nullified, and when, in 1833, the East India Company ceased to be a trading company, so impressed was Parliament with the truth of that principle that the governmental authority over our Indian possessions was retained in the hands of the East India Company, for the sole reason that it was not expedient to give to the home Government of the day all the influence which they would have if the administration of Indian affairs was left absolutely in their hands. In 1833, when the noble Lord was a Member of the Government, that principle was adhered to, as it was also in 1853, when he was again a member of the Government, the last time when the Government of India was settled upon a new basis, and when the right hon. Member for Halifax (Sir C. Wood), the noble Lord's colleague, proposed really what was the substance of the present Resolutions—that there should be a Council partly nominated by the Crown and partly elected by those acquainted with India, her interests, and her necessities. The noble Lord said he thought his noble Friend the President of the Board of Control, with his candid mind, was hardly satisfied with the proposition which he now made. The noble Lord

the President of the Board of Control was one of those able and independent spirits who always speak in this House the sentiments they entertain, and he would scorn to utter sentiments or to propose any measure which he did not believe to be best fitted for the object he had in view. The noble Lord, however, was not insensible, and no one could be insensible, to the enormous difficulties by which the question was surrounded: he had pointed them out with fairness and frankness, and he had explained the reasons which led him to believe that it would be best to adhere in regard to the future government of India to the principles that had been found the best for that as well as for this country. The noble Lord opposite (Viscount Palmerston) then said what was somewhat astonishing from such a quarter, that the influence of the Government was so great, the confidence of the House in the Government was so unbounded, that they would accept any proposition which the Government might think proper to make. If that were so, it was very gratifying to the Government, but it must be owing to the circumstance that the House and the country were convinced that the present Government had applied their minds to this Indian question with all the honesty and ability they could bring to bear, in order to enable them to submit such a plan as would command the confidence and the approval of the House and the country, and form a basis for the future good government of India. He (Mr. Walpole) cordially supported the proposition of his noble Friend, because he thought that in dealing with the great interests of a great country it was not wise, as a general rule, to depart more than could be avoided from principles which had been found to be beneficial, such departure being likely to lead to inconveniences of a most serious character. Another reason for supporting the proposition of his noble Friend was, that by a Council partly nominated and partly chosen, as was proposed, they would provide for more independence of action on the part of the Council than by a Council appointed in any other manner. A third and equally strong reason for supporting the proposition was, while in all our other propositions it was possible to bring to bear by means of representative institutions something like the public opinion of the country upon the administration of its affairs in India, that could only be done by means of the knowledge and experience possessed by others, and if those who possessed that knowledge and experience were admitted to the Council of India, independently of any nomination on the part of the Crown, there would be a provision to some extent for the application of public opinion in regard to the administration of Indian affairs by the Minister of the day. For those reasons he supported the proposition of his noble Friend as one most likely to conduce to the welfare and good government of India.

SIR JAMES GRAHAM said, he wished in the first place to know whether they were proceeding in a regular manner, for he believed the President of the Board of Control had not concluded his speech by making any Motion.

THE CHANCELLOR OF THE EXCHEQUER said, there was a Resolution before the Committee.

SIR JAMES GRAHAM said, in that case they were proceeding regularly, but the plan of the noble Lord was a new plan, and had not been so fully developed at present as to justify the Committee in coming to a decision upon it at once. The noble Lord had not told them, supposing his mixed plan of nomination and election should be adopted, what tenure of office he proposed, what the salaries were to be, nor had he touched in the slightest degree upon the question of patronage. Those matters were all most important questions that must be embraced in the scheme before the Committee could decide upon the new plan. It might be supposed that he was somewhat piqued at the rejection of the suggestion which he made on a former evening, but it was not so. That suggestion was rather harshly repudiated by the great body of hon. Members opposite without deliberation, and it had now, after some deliberation, been rejected by the Government. He, therefore, considered the proposition entirely got rid of, but he did not at all regret having mooted it, for he had been desirous, as far as he was able, and, without reference to party feeling, to afford an opportunity for escaping from the great difficulties with which the question was surrounded. He bowed cheerfully to the decision of the Committee upon the points which he had raised. Before any assent could be given to the proposed plan he thought it but reasonable that ample opportunity for considering it should be afforded. The Seventh Resolution being now withdrawn he thought it was not expedient that any decision whatever should be come to until the Resolu-

tion to be substituted for the Seventh Resolution had been proposed in a tangible shape. He had no desire again to argue a point which he thought had been decided by a majority in the House, but the noble Lord the Member for Tiverton had again raised the question of nomination by the Crown, and invited the Committee to adopt that course as the only one that would be consistent with constitutional law. The Secretary for the Home Department had already touched upon that point. The noble Lord, in 1833, when he (Sir J. Graham) had the honour of being his colleague, and again in 1853, when he was also his colleague, had no constitutional objections to a similar cause. According to the provisions then made, the Governor General of India was appointed by the East India Company. That high functionary was nominated and appointed by the East India Company without any violation of constitutional principles, and the Crown had only a veto upon the appointment. All the difficulties which were attached to the plan that he ventured to sketch out already existed in the power of veto possessed by the Crown at present. A veto was the only power which the Crown had hitherto exercised in respect to the Governor General of India and the Presidents of the various Councils. With respect to the Commander in Chief the Crown had power to appoint to the command of Her Majesty's forces in India, but it rested with the East India Company to confer upon him the command of their forces in that country. A mixed power had therefore existed, without any violation of the British constitution, in respect to these great appointments. The noble Lord said that the people of India were our fellow-creatures, with passions and feelings like our own, and that there could be no difficulty in governing them. It should, however, be borne in mind that the people of India, who were 200,000,000 in number, had peculiar prejudices, strong but strange religious feelings, and that extraordinary doctrine of caste to which the noble Lord had himself adverted, all of which rendered the task of governing them no easy or light one. When he heard such opinions from the noble Lord he could not help thinking that the attraction of Birmingham was becoming very strong upon him, and that the more the noble Lord discussed this question the more and more he gravitated towards the hon. Member for that constituency. Indeed if they went on debating this matter much longer he feared that the views of the hon. Members for Birmingham and Sheffield would gain the ascendant, and that if the task of governing 200,000,000 of men was to be treated as an easy one, the ordinary rules in respect to other Government departments must be applied to it. But his own opinion was widely different. He did not think that an English Minister appointed to the supreme rule in reference to Indian affairs, and who held his office in accordance with the vicissitudes of domestic politics, would be competent, without the very best advice, to govern India. And if that experiment was tried, his conviction was that it would end in the most fatal disasters. It only then remained to consider the constitution of the Council. The Committee having deliberately determined that it should be a Council partly nominated and partly elected, he could not shut his eyes to the difficulties of election, and he had stated his strong opinion that the existing constituency ought not to be continued, and that its enlargement would only aggravate the evil. He was glad therefore, that the Government had decided to withdraw the Seventh Resolution, while at the same time it would be premature to make any remarks upon the new suggestions of the Government. Every scheme they had put forward approached nearer and nearer to the principle of direct nomination, and in the one just submitted the principle of election was feebly recognized. The noble Lord proposed at once to nominate eight Members by the Crown, which would be a majority of the Council, and the Court of Directors eighteen in number, were to nominate the remaining seven out of their own body; and that Court, it should be remembered, already contained five Crown nominees. As to the filling up of vacancies, and the probability that the Minister would consult his Council on that point, his decision would, of course, much depend on the confidence which he might think fit to repose in the body whose advice he was to take. The Minister for India, being a party man, could hardly altogether divest himself of prejudices, whether just or unjust, against the nominees of the party to which he was bitterly opposed in politics. He feared, therefore, that the practical working of this large preponderance of nominees would not be so smooth and easy as the noble Lord seemed to suppose. He would not, however, be led further into a premature dis-

cussion of the measure, but he earnestly appealed to Her Majesty's Government not to press a decision upon this question to-day. He thought that the Committee were entitled to time for consideration, and if would be most expedient that the scheme now advanced by Her Majesty's Government should be put into a tangible shape, and should include the mode of appointment, patronage, salary, and all the other matters to which he had adverted. No great delay would necessarily result; the Resolution might be drawn up and printed by to-morrow morning, when it could be brought on for discussion on Monday next, without interrupting the true course of our proceedings.

THE CHANCELLOR OF THE EXCHEQUER said, that he would confine himself to the state of the business before them and the mode in which the Government proposed to deal with the question. The House, at its last meeting, resolved by the Fifth Resolution that the Council should not be composed by pure nomination. As far as the Government were concerned they might have rested on that Resolution, and confined to the Bill the mode in which they proposed to carry it into effect, but they thought it due to the House, after the course which the discussion took on Monday, that they should not proceed with the subsequent Resolutions without in candour communicating to the House the outlines of the new plan they intended to propose to give effect to the determination already arrived at. The Government then proposed, if it were agreeable to the Committee, to omit the Sixth and Seventh Resolution, and not to submit any Resolution to carry into effect the propositions just made by his noble Friend, but to defer the discussion upon them until they appeared in the Bill. If this plan were adopted he did not despair of getting through all the Resolutions to-day, in which case the Bill might be introduced at once, and the second reading fixed for Monday next. With regard to the observations of the right hon. Gentleman the Member for Carlisle, (Sir James Graham) who complained that the important subjects of tenure, salary, and patronage, had been omitted, the right hon. Gentleman would find that the subject of patronage was referred to in a subsequent Resolution. It had been already decided and announced that the Government would recommend the appointment of the Council *quamdiu se bene gesserint*, but he thought that it would be obviously premature to come to any Resolution at present with respect to the amount of salary. He hoped that the House would be satisfied with the statement made by the noble Lord, and proceed with the remaining Resolutions, which would give them a fair chance of obtaining Legislation at the earliest possible period. Under these circumstances he should not attempt to reply to the observations of the noble Lord the Member for Tiverton, which seemed to him to be based upon that fallacy which might be termed the "constitutional fallacy." They had been answered by his right hon. Friend the Home Secretary and the right hon. Gentleman the Member for Carlisle, and still more satisfactorily by the policy which the noble Lord himself as a Minister had recommended and sanctioned. There was only one more point to which it was necessary to allude. The noble Lord had triumphantly concluded his observations by the assumption that the nominee Members of the Council were more or less likely to become tools of the Minister. The noble Lord told them that if they filled up the vacancies by nomination, it was clear that the Minister would always have a majority, but the noble Lord must have been thinking of the nominees that he had himself proposed. The objection to the noble Lord's plan was that his Councillors must necessarily be the tools of the Minister, seeing that they would owe their appointments entirely to the favour of the Crown. He believed that the Councillors chosen under the plan of his noble Friend the President of the Board of Control would be independent Members of the Council. Though they would owe their position in the first instance to the favour of the Crown, yet the moment they obtained their seats under the conditions provided by the Bill they would be just as independent as if they had been appointed by the most popular system of election. There was, therefore, a wide distinction between the class of nominees suggested by the noble Lord and those to whom the Committee were now asked to give their sanction. In conclusion he would suggest that the Motion before the Committee be withdrawn, and that the Resolutions should be omitted.

MR. BRIGHT said, that the right hon. Gentleman the Chancellor of the Exchequer had hardly done justice to the noble Lord the Member for Tiverton. The great objection to nominee Members of the Council, because they would not be inde-

pendent, came, with few exceptions, from the Ministerial side of the House, and not from the Opposition. The noble Lord in proposing the appointment of eight Members to be nominated by the Crown, had just the same idea of those eight Members as the right hon. Gentleman said he had of the eight whom he proposed to nominate. But hon. Gentlemen on the Ministerial side of the House, and especially when the right hon. Gentleman introduced his Bill, strongly urged the necessity of having more independent Councillors than nominees could be expected to be. Therefore, the argument which the Chancellor of the Exchequer had employed against the noble Lord ought to have been turned against the great body of those by whom the right hon. Gentleman was himself surrounded. The difficulties in which they were involved with respect to this question were more curious than considerable, and for a great many of them the right hon. Baronet the Member for Carlisle was responsible. He brought forward a Motion the other night which he now seemed quite glad that the House had decided to be altogether impracticable. He then persisted in voting for a Resolution which did not mean in the least what he meant. And by the force of an argument, which was very subtle and very convincing to those who had not much studied the question, he involved them in voting a Resolution which they now all saw to be a positive absurdity, and with respect to which the Government and those who supported them entertained very different views, for there was no doubt that the Resolution of the Government meant a kind of election entirely different from that proposed by the right hon. Baronet. Some portions of the House voted for one sort of election, and some for the other, and now the Government had come to the conclusion, which the House would, no doubt, sanction, that both kinds were inadmissible, and that it would be much better to get out of the difficulty by adopting some simpler plan. The right hon. Gentleman the Chancellor of the Exchequer had suggested a mode of escape which was as judicious as it was ingenious—namely, that they should say nothing more about it, but should drop the Resolutions. They all knew that they first agreed to proceed by Resolutions, in order that they might have a great many days' discussion of the Indian question, without exciting hopes in the minds of hon. Gentlemen who sat on those (the Opposition) benches that they might damage the Government by rejecting its propositions. They had now got rid of that difficulty, because it was by that time pretty well agreed that they were not to change the Government on account of anything which might arise out of this discussion. They had discussed the Resolutions until they knew as much about them as they were ever likely to know, and, considering the time of the year, the state of the weather, and that of the Thames—which, instead of answering the purpose of a river to cleanse and refresh the shores which it washed, only conveyed unsavoury smells into the House—he thought it better that the Bill should be introduced at once, and that what remained to be settled should be decided upon the discussion of its clauses. When the measure came before them on its second reading, he wished to give notice that he should offer some suggestions to the Government, which he had hitherto not had opportunity of doing. At the same time, he must say that he thought all their discussions had tended to the one point, that in this case ingenious contrivances were of no use whatever. The noble Lord the Member for Tiverton was perfectly right when he said that the Home Government, being intended not for the purposes of Indian legislation, but for the check, control, and supervision of the government in India, ought to be as simple as possible; and he (Mr. Bright) was of opinion, that unless you could get rid of nine-tenths of the matters which were referred to this country, you could never have a Government of India worth calling a Government. It must be a Government of circumlocution, of delay, and of neglect. He had recently seen some evidence taken before a Committee upstairs, with which he would not detain the Committee, but which went to confirm the opinions which he had always entertained on this subject. The real Government must be in the Presidencies, and he should be quite willing to trust its control to any Gentleman who was a Member of that or the other House of Parliament—certainly to the noble Lord (Lord Stanley)—whether as President of this Council or of the Board of Control, or Secretary of State for India, with such helps as were necessary in an office of that nature. His own opinion was, that in five years' time they would abolish this Council, either because it was obstructive, or because it had fallen into contempt.

VISCOUNT PALMERSTON said, he rose to make an explanation. He had been told

by the right hon. Gentleman opposite (Mr. Disraeli) that he had adopted an exploded constitutional fallacy in regard to the assertion of the principle that the Sovereign ought to nominate the persons who were invested with the executive government of India, and it was said also that he had for a long time pursued a contrary system of policy. He begged leave to say that the fallacy was upon the opposite side. The Company were really the Sovereign of India for the time being in trust for the Crown, and all the appointments of the Directors were made by that Sovereign in the only manner in which it could make such appointments, being an aggregate body—namely, by the aggregate votes of its members. Therefore, there was no fallacy whatever in his argument, which was strictly in accordance with the principle for which he contended.

MR. GLADSTONE said, that the explanation of his noble Friend was extremely tempting, and it was difficult to resist following him on the important question he had raised. He had not succeeded in showing that no peculiar circumstances existed with respect to India which rendered a departure from the ordinary rule justifiable, but, on the contrary, he had shown that the peculiarities of the position of India were so great as to have required the introduction of an anomaly tenfold greater than that which now shocked him so much—namely, the construction of an artificial sovereignty in India in order to bar what the noble Lord called the exercise of the principles of the British constitution. He would not enter upon that question now, nor would he say more upon the general question than that, as the hon. Member for Birmingham had founded his plan for the home government of India upon the expectation that we could get rid of nine-tenths of the business, it was not likely that those who did not share his anticipations would approve his scheme. With regard to the present position of the question it seemed to him, that as there was to be no decision with respect to the new plan submitted by the Government, it would be worth considering whether they had not better defer the other Resolutions, which had reference chiefly to matters of detail, until they knew whether the plan of the Government would be accepted or rejected. After having laid down the general principle respecting the construction of the Council, they were now about to drop the consideration of how that Resolution should be applied; and it was, therefore, obvious that they could not give their votes with respect to other matters on the mere assumption that the change indicated by the Government would take place. If they were to omit the sixth and seventh Resolutions, if they were not to decide upon the plan of nomination and election, upon the tenure of offices by the members of the Council, whether they were to have seats in Parliament, whether there was to be a Secret Committee, what were to be the salaries of the Councillors—a most important point as affecting the rank, dignity, and consideration of the Councillors, and the class of men who would hold that office—it would not be advantageous to proceed with the eighth, ninth, and tenth Resolutions regulating the mode of transacting business. Nor did he think that, without knowing, how the Council was to be composed, they could satisfactorily dispose of the eleventh and twelfth Resolutions, which dealt with the question of patronage; and he could see no object in proceeding with the thirteenth, which referred to the transfer of the real and personal property of the Company. Therefore, he thought they had better at once drop the discussion of the Resolutions and allow all these matters to be settled when the Bill was brought in.

LORD JOHN RUSSELL said, he quite concurred in what had fallen from the right hon. Gentleman the Member for the University of Oxford, that if the Resolutions as to the mode in which the Council was to be nominated and elected were to be withdrawn it was not necessary to go on with the remaining Resolutions until the Government had placed before the House the whole of the details of their plan embodied in a Bill. There were, however, some points upon which he thought the Government might be personally asked for explanations at the present moment. He was not in the House when the noble Lord the President of the Board of Control made his statement with regard to the constitution of the future Government of India, and therefore he was not prepared to give any decisive opinion upon it, but if that which was stated by the right hon. Gentleman the Member far Carlisle was true, that according to that plan the principle of election entered very slightly into the constitution of the Council, he regarded it as a very great recommendation indeed. It would come, as it appeared to him to this — that nomination by the

Crown would be so far checked and guarded that it should be effectual. It had always appeared to him that the patronage of India was very different from the general patronage of the Crown, and when, therefore, Parliament declared that the greater portion of the Council should consist of men who had either served in India or resided there for a certain number of years, they did put a check upon the exercise of the patronage of the Crown by admitting only certain classes of persons with respect to whom such patronage should be exercised. There would be many men coming from India with such recommendations and such high claims upon the Government that practically it would be precluded from passing them over, and whatever Government might be in office at the time they would feel equally bound to recognise their general services. Nor would there be found any inconvenience in a Government giving a post to a competent person, though he might be a political opponent, because such persons would find themselves in a similar position to Judges, who were chosen from a certain class of persons in high position at the bar; and whether such men had been appointed by one Lord Chancellor or another, it was always found that men of eminence, admirably fitted to the performance of their duty, had been chosen. He thought that the House and the country must be highly gratified by the mode in which the noble Lord the President of the Board of Control had discharged his important duties. There was a fairness and candour about him, coupled with an evident determination to apply his high abilities to the consideration of this most important question, which eminently entitled him to the best confidence of the House and the country. Although, possibly, some errors might be made both with respect to the Resolutions and the subsequent Bill, he felt convinced that if the noble Lord continued to apply himself as he had done to this question, he was likely to arrive in the end at a decision which would be most advantageous both to India and England. As he (Lord J. Russell) understood, the Chancellor of the Exchequer had admitted the principle that the Members of the Council should be appointed during good behaviour, and so far his (Lord J. Russell's) proposal had been accepted. On the other hand, he understood the noble Lord the President of the Board of Control to say, the other night, that he did not object to the introduction of the principle of competition as regarded the cadets in one portion of the Indian army. There were very considerable authorities in favour of this experiment, and he had in his pocket a letter written by Sir John Lawrence to a friend, which contained a decided opinion that competition was the best mode of obtaining cadets for the Indian army. If the noble Lord would be willing to admit the principle, he must allow, in return, that the experiment was somewhat new, and he was quite ready to leave the question of the extension of the principle to the future observation and judgment of the noble Lord. But he wished to know whether he was right in considering that the noble Lord was of opinion that it would be expedient that the secret despatches should be submitted to the future Council, as well as those despatches which related to foreign affairs, war with independent States, and those which had reference to the administration of justice. He was a Member of the Cabinet at the time of the Affghan war, and concurred in that war, but he was convinced that if at that time the Cabinet had been assisted by an Indian Council, composed of twelve or fifteen members, thoroughly informed on Indian affairs, and having cognizance of all the secret despatches which had been sent out, it would have been a very great advantage. No one, indeed, could overrate the benefit which would be derived in the Government of India if the Secretary of State were assisted by eminent men intimately acquainted with Indian matters, as well foreign as domestic. Such questions went to the foundation of the prosperity of British rule in India. They could not have wars with Native States without armies, they could not have armies without pay, and they could not have pay without taxation, and often they could not have taxation without considerable discontent. He knew very well that the question as to the manner in which we should repel aggression was a matter which must frequently be settled in India, but at the same time anything upon which depended the ultimate prosperity and good government of India ought to be submitted to the Council. The House might say that no war in India should be undertaken until Parliament had been called together, but it was very doubtful whether this power of undertaking a new war could be limited and restrained by such provisions. Mr. Pitt and Mr. Fox were both agreed in the pro-

priety of restraining wars in India, yet there had been nothing but conquest ever since. But, while he doubted the efficacy of any provision in an Act of Parliament in checking wars in India, he relied much upon the influence of a Council at home, which would not be swayed by those passions, excitements, and warlike instincts of different interests that sometimes impelled the Governors General of India to undertake war. If the noble Lord were not now prepared to accede to his views, he would on a future occasion raise a discussion whether the whole of the Council should not be admitted to a knowledge of all the despatches now referred to the Secret Committee. He trusted that the remaining Resolutions would be set aside, that the five Resolutions agreed to by the House would be reported, that the Government would introduce their Bill as soon as possible, and that the noble Lord would move the second reading on an early day, in order that the new principles introduced should be fully discussed, and that they should be enabled to legislate on the matter during the present Session.

LORD STANLEY said, that Government did not, of course, propose to ask the Committee to come to a final decision, or, indeed, to any decision, upon the plans he had then for the first time laid before them. It was the intention of Government that full time should be given for its consideration, but after the vote come to the other night they thought it right to take the earliest opportunity of stating the manner in which they proposed to give effect to the principle then adopted. He would not, therefore, enter into objections which had been made to it further than to make one remark as to its operation. He had been told by the noble Lord (Viscount Palmerston) that although the Government might call this an elective body, yet that the members of the Council would be really nominated by the Crown. He supposed that the noble Lord, in stating that objection, was thinking rather of a Council nominated for such a term of years as he himself proposed than of a Council appointed for the more permanent tenure recommended by the present Government. A Council of fifteen gentlemen, holding office virtually for life, would be an independent body, and would exercise its functions with little reference to the wishes of any particular Minister. It was extremely improbable, after the first creation of the Council, that the Minister who actually presided over it would be the same person by whom any large number of its members had been selected; on the contrary, the Council at any given period would consist of gentlemen nominated by successive Ministers, and would therefore contain a fair representation of all political parties. The noble Lord the Member for the City (Lord J. Russell) had asked how Government intended to deal with the important question of patronage. In reply he might state that the principle of open competition was in his eyes so valuable, and likely to lead to such beneficial results, that even in the distribution of military patronage it ought to have a fair trial. But it was only an experiment, and, although Sir John Lawrence and other eminent authorities had expressed themselves in its favour, there were many distinguished persons who doubted its value. Government, therefore, would not be justified in undertaking to do more than to give it a fair trial on a scale sufficiently large to allow its worth to be properly tested. What they proposed with respect to other kinds of patronage was in the main a continuance of the existing arrangement. The Minister, as at present, would have a share, but the great mass would be placed in the hands of the Council. The noble Lord had also asked a question relative to the appointment of a Secret Committee and the powers which it was to possess. He could not give a definitive answer to that question at the present moment. He fully appreciated the advantages which the noble Lord expected to accrue from giving to every member of the Council a knowledge of all that was passing; but, at the same time, the Committee were bound to consider that there were, from time to time, pressing matters which required to be decided upon in the utmost haste, and delay would arise if it were necessary upon every question, however urgent, to consult a numerous body of advisers. The noble Lord had likewise referred to the expediency of not making war in India without the consent of Parliament. He agreed in theory with the noble Lord, but the Committee had to bear in mind that in India wars might often spring up on the spot arising out of local quarrels, and not undertaken in consequence of instructions from home, or capable of being controlled by despatches from England. If, from unforeseen circumstances occurring in India, a war should actually be commenced, it would be too much to say beforehand that the Government ought

not to be at liberty to prosecute it without obtaining the sanction of Parliament, which at a certain period of the year it might be impossible to get. In conclusion, he thought it was the general feeling of the Committee — and, if so, the Government were ready to acquiesce in it —that the Resolutions had answered the purpose for which they were originally introduced. In dealing with a subject on which it would be impossible for the Government to know beforehand what the decision of the House might be upon a variety of important questions, it had been thought expedient to take the sense of the House upon each singly, and then to frame a measure upon the basis so obtained. He thought, however, they had gone far enough in the way of proceeding by Resolution. The House had decided that there should be a Council; it had also determined that that Council should be to some extent elected; and it had expressed its intention in the most decided manner to legislate in a definitive sense for India during the present Session. Upon other questions—such as the questions of tenure of office and of patronage—although the House had not formally expressed its opinion, the Government had heard enough in debate to know what was the general feeling; and therefore they were prepared to acquiesce in the proposal not to proceed further with the Resolutions, but to introduce, without unnecessary delay, a Bill founded upon them.

MR. MANGLES said, that when men were defeated they generally indulged in a spirit of prophecy, and therefore he was not surprised that the hon. Member for Birmingham (Mr. Bright) after his proposal to govern India by a Secretary of State alone had been rejected, had expressed the opinion that in the course of a few years the proposed Council would be discarded, to the satisfaction of the country. He must congratulate him, however, on having made one eminent convert (Viscount Palmerston). The right hon. Baronet the Member for Carlisle had gone too far in stating that his proposition had been rejected, inasmuch as a large portion of it had been adopted by the Government. For his own part he was not without hopes that better Councillors would be selected under the plan sanctioned by the Committee than if the principle either of nomination or election alone had been adopted. He anticipated that there would be an honourable emulation between the Government and the Council as to who should appoint the most competent men. He hoped that in the plan proposed with regard to appointments to the military service the Government would take care that the interests of the officers of the Indian army were not neglected. As they spent the best part of their lives in India few of them had any English interest, and, though he was as opposed as any one could be to the Motion of an hereditary army, he trusted that the claims of their children would not be rejected under the operation of a competitive system. Many of the most eminent men now in India — Sir John Lawrence included—if subjected when young to a competitive examination, would never have been in their present position. Personally, he should be rather indisposed to complain of being relieved from the distribution of patronage, for it had always been to him a source of great anxiety. It seemed to be thought that the members of the Secret Committee had something to do with the despatches which they signed, but there could not be a greater mistake. They merely signed their names to the despatches sent down to them from the Board of Control. They had no power to alter them, nor as a matter of right to remonstrate against them, and, though they had taken upon themselves to do so on occasions, there was no obligation for the President to pay the slightest attention to them. As far as the despatches themselves went, during the two years that he had been a member of the Secret Committee they were of the simplest and most trivial nature, and the greater part of them might have been made public without the smallest inconvenience. The great difficulty which he had found was to keep separate in his mind what he had read in the secret despatches and what in the columns of *The Times* or elsewhere, and he was in perpetual fear of committing perjury by letting out some little nothing or other which had come to his knowledge in his capacity of a member of the Secret Committee.

MR. AYRTON said, he had heard with great satisfaction the announcement of the course proposed to be taken by the Government, as he had, for some time, been of opinion that it would be utterly impossible to proceed to legislate for India this Session, if further time were taken up by their discussing the remaining Resolutions and the Amendments on them. This mode of proceeding by Resolution had had the advantage of disclosing the real views of the

be taken for commissions in the cavalry and infantry, and that some standard, not too high a one, should be agreed upon. He hoped the noble Lord would consider this point, as in many cases, competitive examination would give the commission to the person least qualified for it.

LORD STANLEY said, he agreed in the main with the noble Lord. While generally in favour of the system of competitive examination for commissions for the Indian army he could not shut his eyes to the fact that some men of great practical experience were not in favour of it. It was a subject on which they ought not to dogmatise, but look to experience as the test by which to judge of its working. He was willing to go the length of giving it a fair trial, but no further.

MR. ELLICE (Coventry) said, that he was glad to hear a word of common sense from the noble Viscount. Of late there had been many complaints of the want of education on the part of many of the officers of the army. [*Cries of* "No!"] Certainly the discussions during the last five years on the subject would justify him in that statement. He hoped they would not run to the other extreme, and fancy that a good scholar must always be a good officer. The Marquess of Wellesley, with all his scholarship, would not in all probability have proved so good a general as his brother the Duke of Wellington.

LORD ADOLPHUS VANE-TEMPEST said, he must deny that the education of the officers of the army had been neglected during the last five years, and challenged the hon. Member for Coventry to prove his assertion. Now, as to competitive examination, he knew of an instance of rejection because the applicant had spelled jeopardise without the o—"jepardise"

MR. ELLICE remarked, that he had only stated what the general complaint had been as to the education of our officers during the last few years.

COLONEL SYKES remarked, that no officer could at present enter the Indian army without undergoing an examination sufficient to show that he had received the education of a gentleman.

LORD ALFRED CHURCHILL suggested that commissions should be given to our public schools to be competed for.

Motion, by leave, *withdrawn*.

6. *Resolved*.

That the Chairman be directed to move the House, that leave be given to bring in a Bill pursuant to the said Resolutions.

Viscount Palmerston

SIR HENRY WILLOUGHBY said, he thought that by the withdrawal of the Resolutions the Bill of the Government would be placed in very great peril. What he had risen for was, to ask whether the Government meant to recognise the right of the public creditors of the East India Company?

THE CHANCELLOR OF THE EXCHEQUER said, that what was expressed in the Resolutions on this subject would be introduced into the Bill. The position of the Indian creditor would not, in the least degree, be changed.

MR. SPEAKER resumed the Chair.

THE IRISH LANDED ESTATES COURT. QUESTION.

SIR ERSKINE PERRY said, he wished to ask the right hon. and learned Gentleman the Attorney General for Ireland whether, in the opinion of Her Majesty's Government, it will not be more expedient that Mr. Hargreave be made one of the Judges of the proposed new Landed Estates Court in Ireland, instead of being pensioned off as a Judge of the Incumbered Estates Court on the full amount of his salary?

MR. WHITESIDE said, that the only object of the Government was to make known to the House the facts on which their decision upon that subject must be founded. Since they had last had the question under their consideration a number of country gentlemen had stated to him that as a large amount of new business would rise under the operation of the Bill which he had introduced, they thought it desirable that the services of Mr. Hargreave as a third Judge should be retained. Her Majesty's Government were at present prepared to adopt an arrangement to that effect, and to retain the services of Mr. Hargreave on such terms as Parliament might think fit to sanction.

SALE OF COMMISSIONS.—QUESTION.

LORD BURGHLEY said, he would beg to ask the Secretary of State for War whether the Commander in Chief has the power to direct the sale, on the public account, of such Commissions in the Army as are at present disposed of at the Horse Guards without purchase?

GENERAL PEEL said, he believed that the Commander in Chief had not the power of directing the sale of any Commissions without the authority of the Secretary of State for War.

BREECH-LOADING RIFLES IN THE NAVY. QUESTION.

MR. H. BERKELEY said, he wished to ask the First Lord of the Admiralty, whether, seeing that the Marines and Small-arm Men of the American Navy are armed with Breech-loading Rifles, by which each man can fire three times for once from an opponent armed with the old weapon, whether any steps have been taken to place the Naval Forces of Great Britain on an equality with those of America?

SIR JOHN PAKINGTON said, he entirely concurred in the opinion which had, he believed, induced the hon. Gentleman to put his question—namely, that the Marines and Seamen in the British Navy ought to be armed in the most effective manner, and that any improvements made in the fire-arms of other countries ought not to be neglected in England. With regard to what had been actually done, he had to state that no Breech-loading Rifles had been given out to our Marines and Seamen, but that trials of such rifles were at present being made on board the *Excellent*, the result of which had been that some modifications in the weapon were considered desirable. He had only to add that the Government would not lose sight of the matter.

GOVERNMENT OF INDIA.

RESOLUTIONS REPORTED.—BILL PRESENTED AND READ 1°.

MR. FITZROY brought up the Report.

1. "That as the Territories under the Government of the East India Company are by Law to remain under such Government only until Parliament shall otherwise provide, it is expedient that the transfer of such Government to the Crown should now take place, in order that the direct superintendence of the whole Empire may be placed under one Executive authority."

2. "That for this purpose it is expedient to provide that Her Majesty, by one of the responsible Ministers of the Crown, shall have and perform all the powers and duties relating to the Government and Revenues of India which are or may be now exercised and performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the Affairs of India."

3. "That in order to assist such Minister of the Crown in the discharge of his duties it is expedient that a Council be appointed of not more than fifteen Members and not less than twelve."

4. "That in order to secure the greatest amount of knowledge and experience in the management of the affairs of India it is advisable that the principal portion of the Members of the Council shall have served or resided in India for a term of years to be limited by statute."

5. "That with a view to the efficiency and independence of the Council it is expedient that it should be partly nominated and partly elected."

6. "That the Chairman be directed to move the House, that leave be given to bring in a Bill pursuant to the said Resolutions."

First Five Resolutions *agreed to.*

Bill *ordered* to be brought in upon the Sixth Resolution by Mr. FITZROY, Lord STANLEY, and Mr. CHANCELLOR of the EXCHEQUER.

Government of India (No. 3) Bill,—"for the better Government of India," *presented*, and read 1°; to be read 2° on *Thursday* next, and to be *printed.*

COMMISSIONERS FOR EXHIBITION 1851 BILL.—SECOND READING.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER said, that in moving the second reading of this Bill, he felt it his duty to address to the House a few observations on the general character of the measure. After the termination of the Great Exhibition the Royal Commissioners found themselves in possession of a large surplus, which they were bound, by the terms of their charter, to apply to the encouragement of art and science. The Royal Commissioners, under the circumstances, prepared a Report, in which they reviewed the present condition of the institutions in this country founded for the promotion of that object to which they had to apply their own funds, and expressed their opinion with respect to the causes which had rendered those institutions on the whole less productive of advantage to the public than might reasonably have been anticipated from the magnitude of the resources placed at their disposal. It appeared that there was at present in this country a sum of not less than £250,000 a year received from public and private contributions for the promotion of art and science, but that the outlay of that money was attended with comparatively slight results, in consequence of two main causes—namely, a want of system and a want of space; and, indeed, the latter of those wants was the principal source of the former, in the judgment of the Commissioners. In reviewing the four great heads into which the Exhibition of 1851 was divided, the Commissioners pointed out the advantage which would be gained by concentrating our artistic and scientific institutions, and they then offered to the Government of that day to apply a sum of not less than £150,000 to the purchase of land to be appropriated to the furtherance of art and science provided the Government met them with

a contribution of equal amount, so that there should be devoted altogether to that purpose a sum of £300,000. That proposal having been accepted by the Government and sanctioned by Parliament, the Commissioners proceeded to purchase a considerable piece of land in the vicinity of Kensington. He had, however, to observe that in the year 1851, and previously to that proceeding, a Committee of that House, which had been appointed to inquire into the subject of the National Gallery, had reported that it was not expedient to increase the accommodation which the present building in Trafalgar Square afforded for the accommodation of pictures and works of art, and had expressed their disapproval of the site of that building. In consequence of that Report the Royal Commissioners for the Exhibition of 1851 had proceeded to inquire what would be the best site for a National Gallery, and had selected for that purpose the large space they had subsequently purchased at Kensington Gore. In the year 1853 a new department of science and art had been established, and the Government of that day had applied to the Royal Commissioners for the Exhibition of 1851, who had purchased that site with the sanction of the Treasury, and in copartnership, as it were, with the preceding Ministry, for accommodation for the new school which was about to be established; and the mansion known as Gore House, which had since been pulled down, was given up by the Commissioners at a nominal rent for that purpose, although its real value was rather considerable, and amounted to £600 or £800 a year. At a subsequent period, when the museums of art were obliged to leave Marlborough House, the Royal Commissioners allotted a piece of land, twelve acres in extent, for the purpose of erecting a museum, and the House of Commons voted £15,000 for the purpose. The success of that institution was eminent. As many people, if not more, had visited that museum as visited the British Museum. He mentioned these circumstances to show that the original intention of the Royal Commissioners with regard to art and science was a well-digested scheme, which it was very probable would have succeeded. Subsequently to this period another Committee of the House of Commons was appointed to inquire into the conduct and management of the National Gallery generally. They reported against the present site of the National Gallery; they indicated the conditions which they thought were essential for a good site, and they clearly pointed to the neighbourhood of Kensington, which, if he were not mistaken, they specifically mentioned. A Royal Commission was then appointed to inquire as to a site, and their Report was quite in unison with the plan of the Commissioners; and until 1856 the general tone of their proceedings in Parliament indicated an intention ultimately, if not rapidly, to fulfil the designs of the Royal Commissioners, so that on that large piece of ground which had been purchased by the united funds of the Royal Commissioners and the Government in the vicinity of Kensington, there should have been erected the public museums of science and the galleries of art in juxtaposition, as originally contemplated. But in 1856 a very great change occurred. The noble Lord the Member for Haddingtonshire (Lord Elcho) who took a very active and useful and distinguished part in questions of this nature, moved an Address to the Crown for a Royal Commission to inquire into the best site for the National Gallery. That Motion, which it must be remembered, was made at a time when it was clearly understood that the new National Gallery should be erected at Kensington Gore, was carried, and a Royal Commission was again appointed. Whatever might have been the cause, or the accident, which led to the result of the Parliamentary division, there could be no doubt that the decision of the Royal Commissioners was one gravely arrived at after due deliberation and investigation; and it was not only against building a new National Gallery on the Kensington estate, but against removing it from its present site. Having arrived at that point it became necessary that the Commissioners and the Government should consider what was the advantage of keeping a large amount of money in the unsatisfactory state of investment in which it had been for the last five years. The Commissioners naturally complained of the position in which they were placed. They said that they had not been allowed to fulfil any of the original intentions of the charter under which they acted, and that the only return that they had received for their capital had been a moiety of the scanty rents which a few houses on the estate and some ground let for grazing purposes could

The Chancellor of the Exchequer

yield. At the same time, while they expressed their readiness completely to carry out the original intentions of 1852, they also stated their willingness to put an end to the barren partnership which had existed so long with no beneficial result between the Government and themselves. That was a proposition which appeared to demand the serious consideration of the Government. They were not prepared to take any steps to carry into effect the original plans of 1852, for they looked upon the decision of the Commissioners with respect to the site of the National Gallery as conclusive. They thought it inexpedient that there should be more Committees or Commissions, for they were aware that the national collection had already greatly suffered from the long-continued unsatisfactory state of affairs, and under these circumstances they thought it best to accept the second branch of the proposition of the Commissioners if they could agree to the terms on which the partnership should be terminated. The terms offered by the Commissioners were these:—That the capital which had been advanced by the Government, amounting to about £177,500, should be repaid by the Commissioners, and that there should be added to it half of the rents and other proceeds which had been received during the interval of those five unsatisfactory and unproductive years, making altogether a sum of about £182,000. That proposal Her Majesty's Government had felt bound to accept, and therefore it was the object of the Bill to dissever the partnership between the Commissioners and the Government on the terms which he had just detailed. In the discussion which had taken place upon this subject a short time back in the Committee of Supply, although every one appeared desirous that the partnership should terminate, one hon. Member expressed an opinion that the Royal Commissioners should not be allowed to escape from their engagement unless they consented to pay interest on the money which had been advanced to them more than five years ago; but that was a position which in his (the Chancellor of the Exchequer's) opinion could not be sustained. The money had been lying useless all that time, as the Commissioners complained — and justly complained — in consequence of no fault upon their parts, and the Government had no right to expect interest on a sum held under such circumstances. Another proposition had also been made which he thought would not bear the test of a close examination. It was that the Government should receive not merely their capital back, but a sum which bore a nearer relation to the increased value of the land since it had been originally purchaded, five years ago. There could be no doubt that the land had very much increased in value, but it was only as applicable to building purposes that it had done so. It was more valuable to any speculative builder who was going to cover it with streets and squares and crescents; but it was not more valuable to the Royal Commissioners or to any one who was going to act in pursuance of the object of their charter for the encouragement of art and science; because, although the connection between the Government and themselves was about to cease, the Royal Commissioners had by no means given up the fulfilment of their original design, and it was still their object to achieve as nearly as possible the plan which he, on the part of the Government, had explained to the House in 1852. It would therefore be most unfair and ungenerous to exact from the Royal Commissioners an increased sum upon the assumption that the value of land in the neighbourhood had increased. Moreover, if they did so they would prevent the Royal Commissioners from accomplishing those public objects which, but for the interference of the House, would have been sooner accomplished. It would be difficult enough for the Royal Commissioners to execute all their plans, left as they now were to their own resources. There was only one other point to which he wished to call the attention of the House. The first clause proposed the general arrangements which he had explained. The second referred to that plot of ground—about twelve and a half acres—which had been used by the Government for the erection of those museums and schools of art which were originally located at Marlborough House. By the second clause it was proposed that the land occupied by the Department of Science and Art, which was a public department of the administration of this country, might be retained for that department under certain conditions. The Government recommended the House to adopt this arrangement—that as long as that land was occupied by that department, as at present, no rent should be paid for it; the Royal Commissioners deducting from

the purchase money were about to repay a certain sum representing the value of those twelve and a half acres. He was advised that the sum which might thus be deducted would be about £60,000. That value of the land was founded, not on the principle of paying for the land at an increased value, but upon the estimate formed when it was originally purchased. The original price paid for this plot was about £50,000 and at a subsequent period, it being of importance that a portion of the land near the Oratory towards the Brompton road should be purchased by the Commissioners, and the Government not being at the time prepared to make any further advances, a plot of land which cost about £2,000 was purchased. After that it became necessary to make roads throughout this property, and a sum of £20,000 had been expended upon those roads. He was sure that any hon. Gentleman who had seen those roads —and he had no doubt that most present had—would bear testimony to the admirable manner in which they had been executed. Of that sum of £20,000 the Royal Commissioners had supplied £14,000, the rest having been contributed by private individuals. That expenditure must have increased the value of that portion of the 12½ acres where the museums were established by £7,000 or £8,000. In addition to that the Royal Commissioners had, he believed, expended £5,000 or £6,000 upon the museums, besides £15,000 voted by Parliament, and it had been given to him as a fair estimate, without the slightest reference to the increase in the value of the land since the original purchase, that a sum of about £60,000 should be thus temporarily deducted from the purchase-money to be re-paid by the Royal Commissioners. He had now placed before the House generally the object of the Bill. He thought that the termination of this partnership would be of great public advantage, and hoped that when it was terminated the Royal Commissioners of the Exhibition of 1851 would be freed from the trammels which had existed too long, and be able to accomplish their original purposes. He was confident that the accomplishment of those purposes would tend to advance the interests of art and science in this country.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. BRISCOE said, he wished to express his satisfaction at hearing that the site of the National Gallery was not to be changed. At least he hoped he might take it for granted that such was the determination of the Government. Such an announcement would be received by the public with the greatest possible satisfaction; if the collection was removed to Kensington the rich might be able to enjoy it, but the great object of public improvement would be entirely defeated.

MR. SPOONER said, he had imagined that the partnership with the Royal Commissioners was entirely to be dissolved, but he was sorry to hear from the Chancellor of the Exchequer that that was not the fact, inasmuch as the country was to pay £60,000 at least for continuing that system of promoting art and science which ought to be maintained solely at the expense of the Royal Commissioners. He did not wish at all to discourage art, but the advantages of its promotion were so remote, so far as the working classes of this country were concerned, that he thought they ought not to be taxed for its promotion. Without going further into the subject just now, he would only say he should not oppose the second reading, but when they came to consider it in Committee he should certainly object to the second clause, and should move to terminate that partnership by which arts and sciences were to be supported at the expense of the working classes of the whole empire. He should also desire to know the exact sum that had been expended upon the land and buildings in question. The original sum voted was £150,000, which they were told would be the final demand; but since then there had been two other grants. He must protest against the money raised by taxation on the working classes being expended in such schemes as those which the partnership between the Exhibition Commissioners and the Government had led them into.

MR. KINNAIRD remarked, that the Chancellor of the Exchequer in one part of his speech had stated that the partnership was an unsatisfactory arrangement for the Commissioners, but in the later portion of his speech the right hon. Gentleman showed that the partnership had not been so unfortunate for them, considering the increased value of the land which they had bought. The Chancellor of the Exchequer had not stated how the money was to be raised by the Commissioners to repay the advances made by the nation;

The Chancellor of the Exchequer

but it was rumoured that they intended to borrow the money and then to sell some portion of the land to repay the loan. He thought the Government would best consult the interests of the country if having become possessed of a valuable site for national building purposes, they abstained from parting with it. After allowing the Royal Commissioners all the ground they would require, there would still remain sufficient to be applied to national purposes, and when they remembered the amount given for Burlington House and the continual demands of the Government for further accommodation, he thought this was an opportunity that ought not to be allowed to escape them. In the name of the whole country he protested against all the advantages accruing from dissolution of partnership going to one party—the Commissioners; and he certainly should feel inclined, in Committee, to take the sense of the House upon the subject.

MR. PALK said, he could not agree with the observations of the hon. Member for North Warwickshire (Mr. Spooner) to the effect that it was a misapplication of public money to expend it in objects of art or science. Upon the contrary, he believed the efforts made of late years by the Government, the nation, and private individuals had done much to improve the tastes of the people, and to advance the education of the industrial portion of the community. The more the arts and sciences were fostered the more would the education of the working classes be improved and their employment increased, and by that means alone would the standing reproach against our manufactures—our inferiority of taste and design, be removed. He would be glad if some arrangement could have been made whereby all the objects of art belonging to the nation could have been collected together in some place accessible to all classes, and as Trafalgar Square was inadequate for that purpose, he had hoped that the site at Brompton would have been available for that purpose, and the objection to its remoteness from the centre of London could have been obviated by the projected railway system throughout London. However, as the House desired to break up the partnership, he hoped they would at least deal fairly and liberally with the Exhibition Commissioners, and not haggle about the increased value of the land, for it should be remembered that if the land at Kensington had increased in value, that was owing to the judicious roads which the Royal Commissioners had constructed, and the way in which the grounds were laid out, and therefore he did not think the country ought to demand an advantage from this property which it did not possess when it was first bought, and which they had done nothing to improve. He looked upon this as a working man's question, and he, for one, would give every facility to the education of the working man.

MR. ALCOCK said, he was glad to learn that the partnership with the Royal Commissioner was now about to be dissolved, but he thought some allowance ought to be made for the increased value of the land. That land, which was bought for £300,000, was now worth £600,000. But if the land was to be devoted to public purposes he would not be disposed so much to complain. He might take that opportunity of asking what was now proposed to be done with respect to the public offices. He repeated, if the land were to be devoted to that purpose, or to purposes of science and art, he would not complain, but he certainly thought that every penny of the money paid by the Treasury ought to be reimbursed to them; and secondly, that if this partnership were to be dissolved, it ought to be dissolved totally and entirely.

LORD JOHN RUSSELL said, when the House went into Committee no doubt full explanations would be given as to those various items. He thought, however, the hon. Member for Warwickshire (Mr. Spooner) was mistaken in the view he took of the second clause. The ground purchased by the Royal Commissioners had been paid for partly with money granted by the State, and partly with money collected at the Crystal Palace. It surely could not be expected that the Commissioners should be obliged to give up to the State land that they had purchased with the money derived from the latter source. Yet, such would be the effect of the hon. Member's proposal. Whether or not it was desirable that the whole estate should be purchased, or whether a part should be left in the way suggested by the second clause, was a point worthy of consideration. Whatever course was taken, fair terms ought to be given to the Commissioners, who had a public object in view. Having received this money in trust,

the Commissioners were desirous of using it first to repay what was owing to the state, and next to lay out the rest in a mode that would enable them to meet the cost of erecting such buildings for the purposes of science and art as would be useful to the public. Of course they could not do this without disposing of a part of the land upon building leases or otherwise. When the Bill came to be discussed in Committee, he believed it would be found that the transaction proposed by the Chancellor of the Exchequer was a perfectly fair one.

MR. JOSEPH LOCKE said, he had, like his hon. Friend the Member for Warwickshire, been rather misled as to the object of this Bill. He certainly thought that the object was the entire dissolution of the partnership between the Commissioners and the State; but it now appeared that that was not the case. The buildings stood upon ground purchased by the Royal Commissioners, and if the partnership was to be dissolved, he thought the buildings ought to go with the land. If he understood the proposition, it was that £60,000 should be set apart by the Commissioners, and be repaid by a deduction to that amount from the capital to be repaid to the country. If that were so, instead of getting interest on their capital, they would not get back the capital itself. He thought they should not have any further connection with the land. The Royal Commissioners had improved the land, and now that the partnership was to be dissolved, they would be entitled to the whole value of it, and also the buildings upon it, and in his opinion it would be well to let the Commissioners take those buildings off their hands. The project was that of the Commissioners, and not that of the State. He had divided against the expenditure of this public money, and he should now call for an entire dissolution.

MR. DRUMMOND said, wherever the subject of buildings for national purposes was discussed there was always great confusion as to the objects for which they were required. In this case it appeared that the Royal Commissioners had made the mistake of compounding together two things than which none could be more dissimilar—he meant science and art. In science everything was capable of demonstration; in art nothing was capable of demonstration. The country at large had a direct interest in science, which could be made immediately profitable. For example, the building which had been erected in Piccadilly for the cultivation of geology was unquestionably one of the best mining schools in the kingdom, and was of immense practical utility. What, however, had that to do with art? The cause of all the mischief was owing to people who had got, he knew not how, a great reputation for understanding art—a reputation which, nevertheless, did not last long, for they soon committed some egregious blunder, and then their reputation went down as fast as it had risen. These persons came to mix together two things that were wholly distinct, and, of course, spoilt the one without benefiting the other. The buildings appropriated to science ought to be kept entirely separate from those devoted to art.

MR. CONINGHAM said, he could not but agree with preceding speakers that this dissolution of partnership was a mere dissolution in name. He would remind the House that the Sheepshanks' Collection of Pictures was national property, and yet formed the nucleus of a collection at Kensington. There had been so much juggling in this whole matter that he could not avoid viewing every step that was now taken with some suspicion, though he thought they might now rest satisfied that the National Gallery would remain in Trafalgar Square. He thought the retention of the piece of ground alluded to most objectionable, and he would, therefore, divide against the second clause in Committee.

MR. ADDERLEY said, his hon. Friend the Member for North Warwickshire (Mr) Spooner) and other hon. Members had complained in effect that the proposed dissolution of partnership did not do away with the Department of Science and Art, They appeared to forget that the Department of Science and Art existed long before the Exhibition. The partnership which was about to be dissolved arose merely from the advance of a certain sum of money by the Government to the Royal Commissioners to enable them to purchase land for a certain purpose. On repayment being made the partnership would be dissolved, although the Government might retain a portion of the land as part payment. He might also remark, that nothing had occurred year by year, in the continuance of the grants that had been made to the Department of Science and Art, that did not lead them to suppose that the

country had been greatly benefited by them. The interests of the country in the promotion of art, manufacture, and trade, had been materially benefited by the stimulus that the liberality of Government had given. The present debate, however, was departing from the strict limits of the proposition contained in the Bill before the House, and would more appropriately take place when the Vote was moved for the Department of Practical Science and Art. He (the hon. Member) hoped on that occasion to give a satisfactory statement to the House to as the present condition of that department, and one which he thought would not lead to the confirmation of what the hon. Member for Warwickshire had said.

LORD ELCHO said, he was of opinion that the Government had acted wisely in not transferring the National Gallery to Kensington Gore. Wether the site it at present occupied was the best he would not enter on at that moment, but as he (the noble Lord) understood this Bill, it was simply to dissolve partnership between the Commissioners and the Government. The clause to which objection had been taken in no way militated against the principle, because it was a question whether the clause would ever come into operation. The clause only enabled the country, in the event of its being desirable to retrain a portion of the ground for the purpose of the Department of Science and Art at Kensington, to purchase that portion of the land so much less by receiving money from the Royal Commissioners. That question must depend on the further question whether it was desirable that the country should have that department. It had been stated that the Department of Science and Art sprung out of the Great Exhibition of 1851, but in reality it arose out of a Committee, appointed some years ago, to inquire into the arts and manufactures of this country. He would not say that Kensington was the proper place for such a department, but he thought the Government ought to retain in its hands the power of being able to take land for this or any other purpose, or in the event of its being desirable to remove the present inconvenient barracks at Knightsbridge. The question as to whether it was desirable to do this or to go to the expense of a locality for the Department of Practical Art was foreign to the question before the House.

MR. COWPER said, that no doubt there was something plausible in the idea suggested by the hon. Member for Honiton (Mr. J. Locke), that when Government gave up the interest in the land, it should give up all interest in the buildings, at South Kensington; but a few minutes' consideration would show that this was impossible and out of the question, as there were a number of art institutions in connection with the department that could not be dissociated from the central establishment. There were also normal schools, in which elementary knowledge of drawing and other arts were taught, and afterwards disseminated throughout local schools of art throughout the country. It had been said that South Kensington was situated at an inconvenient distance from the centre of the metropolis. The schools of art must have a locality, and as regarded the working classes, it had been found that the numbers attending the department were quite as great as when it was at Marlborough House. It should also be remembered that they could not give up the other collections without committing a breach of trust with Mr. Sheepshanks, who granted his noble collection of pictures on the condition that it should not be within town, but at South Kensington. The hon. Member for West Surrey (Mr. Drummond) had said that the combination of science and art in this department was improper. It was true they were two branches of study, and that they were not to be confounded together, but it was a mistaken inference that they were not to be combined together; and he believed that there were few public museums—such as the British Museum, the South Kensington, and the Geological—in which this was not the case. Any one who read the Reports and traced the practical progress of these departments would discover that they had given an impetus to practical art and manufacture in this country since their establishment such as could not be claimed by any other country in Europe. In fact, such advances had been made in this respect that persons who had the direction of the art schools in France had signified their intention of copying some portions of our system which they considered better than their own.

MR. W. EWART said, he could confirm the statement that the Department of Practical Art had sprung out of a Committee, which had been appointed at his instance, in 1836, and not out of the Great Exhibition; and its normal schools were the in-

strumentalities by which masters were provided for the provinces. Through them, in process of time, he thought that this country, from being one of the lowest in the sphere of art and manufacture, would become one of the highest.

MR. AYRTON said, that he could not help remarking that the assertion of the right hon. Gentleman (Mr. Cowper), that South Kensington was a convenient site for the central school of art, appeared to him contrary to common sense. The fact was, that the South Kensington Museum had been established where it was because it was convenient to a few privileged people connected with the department of science and art. He quite understood that there were some people, and very great people, who would not like to go into the centre of London—into Smithfield for instance—but who did not mind driving through the park to South Kensington; but in his (the hon. Member's) opinion, the museum had been planted there without any regard to the wants or convenience of the industrious classes. He thought it would be to the public advantage that they should entirely get rid of the museum at South Kensington, and that the money should be employed under the direction of Government, so that we might have a school of art and manufacture in the centre of the metropolis, and within a reasonable distance of those who devoted there lives to the pursuits which the institution was specially intended to foster.

MR. BERESFORD HOPE said, he concurred in what had fallen from the hon. and learned Member (Mr. Ayrton), and he could testify to the fact that the distance of the Architectural Museum and its casts from the metropolis was most inconvenient to the working men of the metropolis, although, rather than not study them at all, the students would tramp to Kensington, though they would rather, to suit their convenience, they had remained at Cannon Row. He did not think that this discussion was at all premature or fruitless, although the desirability of a national school of design, and its lodgment at Kensington, were two distinct questions.

MR. WILSON observed, that the second clause appeared not to be clearly understood. The Bill really did provide for the ultimate and permanent dissolution of partnership, subject only to the proviso as to the land and buildings. If the House of Commons determined next year that the museums should be removed, it would be perfectly consistent with the clause that this should be done, although there were certain conditions connected with the erection of these buildings which it would be necessary should be seen into. Another reason why the House of Commons should retain an interest in the land was on account of the large sum of money they had already expended on these buildings. He (Mr. Wilson) was of opinion that whatever money was paid on the part of the public ought not to be in the ratio of its present value, but according to its original price. No one would begrudge the Royal Commissioners any profit they might make on the transaction, provided it was clearly understood that the objects for which this property were to be used should be purely public objects.

MR. A. SMITH was understood to say that it seemed to be indefinite whether the Commissioners had not the power of still selling part of the estate. He understood the reason why they were to have this land at the original price was, that they were to be restricted from making it available for other purposes.

MR. CROSSLEY said, it had been laid down by hon. Members that thay were very much indebted to these schools of design for the advancement of manufactures. Now, as a manufacturer of considerable experience, he could not help expressing his conviction that these departments for the promotion of art and manufacture were perfectly useless; and although he was in favour of that House dealing liberally with them, he thought they were going out of their beat when they began to be manufacturers; for it was notorious that the Government were the worst manufacturers and farmers, as well as designers, in the country. He thought they should leave the manufacturers to furnish their own designs, in which case it would be found that they would succeed quite as well without, while a great deal of expense would be saved in the high salaries paid to the teachers at these schools.

THE CHANCELLOR OF THE EXCHEQUER assured his hon. Friend the Member for Warwickshire (Mr. Spooner) that he had misconceived what he said. What he (the Chancellor of the Exchequer) stated, and what really was the fact, was that this Bill was a complete dissolution of partnership. There was not the slightest connection between the Royal Commissioners

and the Museum and schools located at South Kensington. The Commissioners had no more to do with the institutions than had his hon. Friend the Member for Warwickshire; and so far as this arrangement was concerned, the Commissioners would be perfectly willing to fulfil to the letter the arrangement for which he (the Chancellor of the Exchequer) was responsible; but they, of course, demand, as a condition, that if they gave the Government the whole of the money, and took the whole of the land, they should have the use of the land; and therefore they required from the Government that they should find a museum for the Sheepshanks' Gallery, that they should find receptacles for the schools, and places where all these artistic and scientific collections should be lodged. It was not in the power of the Government to do this at present. They had not the means of finding accommodation available for museums and schools and galleries of a character similar to those that were at the South Kensington Museum, and therefore he made an arrangement and was responsible for the second clause which had been drawn up solely with a view to the interests of the public. One of the objects of that clause was to provide against injury to these public collections arising from any sudden change in that convenience that had been hitherto enjoyed; and that whenever it terminated, the public should be guarded from any too large sum being demanded for the land. If this clause were not included, they would not only not have this convenience, but they might have a demand for £90,000 made upon them; but by leaving the complete power to the Treasury, the public interest would be secured. He only mentioned the sum of £60,000, because he wished there should be perfect candour towards the House upon the question of carrying this into effect, and he took it as the maximum price, but the principle on which the sum was to be settled was an approximation as near as possible to the original price given. They could not fix the precise sum, because there had been additional purchases since by the Royal Commissioners, and there had been considerable outlay on the roads connected with the land; therefore, he only wished the House to understand that the dissolution of partnership was complete, that all these collections of science and art that had been the subject of so much criticism had nothing to do with the Royal Commissioners, who would be the landlords of their own property. Unless he had made this condition on the part of the Government, the country would have been obliged to pay an enormous rent, and to make a provisional arrangement that might terminate in six or twelve months. The object of the Royal Commissioners was virtually to carry into effect the original plans which, on the part of the Government and Royal Commissioners, he explained in 1852; but Government could not tie down the Commissioners by severe restrictions in the difficult and delicate position in which they were now placed. They must trust to the general expression of their charter. They must recollect their conduct and declarations as individuals; and if they could not trust to the declarations of those who were now acting on the Royal Commission, they could not trust to the engagement of any men. There was one condition in connection with this matter which was always contemplated, and for which he (the Chancellor of the Exchequer) was responsible, that the outlying portion of the estate should be let out on building leases, in order that there should be sufficient income arising from the land to secure the advantages that the Government desired. The main plot of ground would be applied solely for this purpose. No part of the property would be sold. If some of the outlying portions were let on building leases, it was always contemplated, and it was a condition that the amount of the rents should be appropriated to the purposes of art and science. But the great design would, he hoped, be effected—a design it was the intention of the Royal Commission to accomplish, and for which object their plans were prepared. There would be a space of ground, an ornamental park or garden, not less in size than the enclosed area of St. James's Park, and around it would be grouped museums and galleries, the receptacles of valuable artistic and scientific collections. These results would be brought about by private and individual enterprise and energy, and if these objects were accomplished he was sure the House would never regret assenting to the Bill, the more especially as it would secure, as had been stated, a self-supporting institution. In conclusion, he would repeat that there was no wish nor intention on the part of the Royal Commissioners or the Government which was not frankly expressed in the Bill. It was a *bonâ fide* proposition, and he trusted the House would give it its support.

Bill read 2°, and *committed* for *To-morrow.*

JOINT-STOCK COMPANIES ACTS AMENDMENT BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 7.

MR. WILSON said, no general statement had been made of the objects of this Bill, but as he understood the law, there were at present two modes of winding up joint-stock companies; one compulsory, through the agency of the Court of Chancery, and the other optional, by the creditors themselves. But then, he believed it was provided by another measure, that the optional mode might be rendered compulsory by going into the Court of Chancery. If he understood rightly there were different views as to the legality of that proceeding; and the object of this Bill, he believed, was to clear away those doubts by stating the means by which the optional process of winding up should be rendered compulsory through the Court of Chancery.

THE SOLICITOR GENERAL said, this Bill was read a second time at a very late hour in the evening, because it was considered desirable that there should be no delay in the legislation of the House on the subject, and therefore no explanation of the measure had been given. The circumstance which led to its introduction were shortly these. The legislation of this country in reference to joint-stock companies was by no means in a creditable state. There were a number of Acts in existence which were not altogether consistent with one another, and difficulties had occasionally arisen in consequence of the extent to which the contradictions went between them; but he hoped that another Session would not elapse without every one of those Acts being swept away, once and for all, and one general consolidated Act passed in their place, which creditors and shareholders would be able to read and understand without having to arm themselves with a number of small volumes for the purpose of searching out what was the law on the subject, and perhaps after all take a view of the law, which upon going into a court of justice they found was altogether incorrect. The immediate object of the clause and of the measure was this. In the Act of 1856 certain clauses were introduced which enabled the companies to whom that Act was applicable, when they got into difficulties to wind themselves up by a voluntary process, and that was a very convenient process so far as the shareholders were concerned. So long as the matter rested with them alone they might ascertain their liabilities, make contributions, raise as much money as was necessary to pay off their creditors, and so close up and liquidate the affair. But then the difficulty arose, that a creditor might not be content with that process and might desire to come into court and have a compulsory winding up over which he would have some control. The Act of 1856, therefore, left matters in this position, that they must either have a compulsory winding up, in which the creditors had nearly all the control, or else a winding up that was purely voluntary, and which might be superseded any day by an application on the part of a creditor for a compulsory winding up. To remedy that state of things a short Act was passed in 1857, containing a clause which provided that where there was an incipient voluntary winding up, and a creditor applied for a compulsory winding up, and the court was of opinion that the voluntary winding up was a *bonâ fide* proceeding, and for the interest of the creditors and shareholders, and would be well conducted and worked out by the liquidators appointed by the shareholders, it had power to take into its own hands that voluntary winding up, and make it available for the protection of the creditors. The clause to which he alluded was the 19th, and upon reading it the hon. Gentleman would see that it was one of the most meagre description, and gave rather the idea of instructions for a clause to be hereafter drawn than of a clause itself. When therefore, companies which subsequently fell into difficulties endeavoured to avail themselves of the clause, they found that it was most imperfect in its operation; that it did not go far enough; and that it was rather a hint for a future clause than a clause which contained within itself the provisions which were necessary. Now, what the Bill before the House proposed to do was simply this. It supplemented that 19th clause in the Act of 1857, and went in detail through the various matters with which, in winding up, liquidators, creditors or shareholders had to do, and in every one of these cases it provided that where the Court had taken into its hands one of those voluntary proceedings in winding up a company, there should be on the part of the liquidator and the Court the power of completely exhausting the proceeding, compromising debts, ascertaining liabilities, and settling all suits and

actions which might interfere with the complete liquidation of the company, and which would have existed had there been a winding up that was from the beginning compulsory.

SIR RICHARD BETHELL said, the hon. and learned Gentleman had given a correct explanation of the object of the Bill, and it was not his intention to oppose it, because he regarded it as an unfortunate but necessary result of past legislation. It was a result, too, which would constantly occur until such time as Parliament should awake to the necessity of appointing some department to take a comprehensive view of legislation on such matters. Piecemeal legislation had taken place from time to time without reference to any general principle, and at present there were several winding-up acts which proceeded in parallel directions; but so great was the natural antagonism of the different processes that parties were obliged to go to one tribunal to accomplish one object, and to another tribunal to accomplish another. The fact was, that the whole state of the law in reference to this subject was not only unworthy of the greatest commercial community in the world, but was really unworthy of any body of men who conceived that the administration and improvement of the law were among the first duties of the Legislature. He would recommend the establishment of one general tribunal armed with all the powers now possessed by different tribunals for the disposal of these cases.

Clause *agreed to*, as were also Clauses 8 to 18 inclusive.

Clause 19 (Prosecution of delinquent Directors, &c., in case of compulsory winding up).

MR. AYRTON said, that as he read the clause its effect would be to compel the Attorney General to establish a sort of State prosecution against the directors when any creditor required it. Considering the great expense of these prosecutions, as had been evidenced in a recent case, which was said to have cost £10,000, he thought that the Bill should not render it compulsory upon the Attorney General to undertake them, but that the matter should be left to be dealt with in ordinary course of law.

THE SOLICITOR GENERAL said, that the clause did not make it compulsory on the Attorney General or the Court to undertake these prosecutions. On the contrary, it left it entirely in the discretion of the Court to say whether the offence which was laid to the charge of any director, manager, public officer, or member of the company was of so grave a nature that a report of it should be laid before the Attorney General, in order that proper proceedings might be taken for its punishment. After the laying of such report before the Attorney General that officer would be responsible for the prosecution if it were undertaken.

MR. AYRTON said, in charges of perjury the Attorney General did not prosecute; the Judge sent the case to a police court like ordinary cases, and instead of costing thousands of pounds it only cost a few pounds. His objection was to those being made State prosecutions.

Clause *agreed to*.

Clause 20.

MR. MALINS suggested, that this clause should undergo further consideration, and that shareholders and liquidators should not have the power given them of rushing into criminal proceedings. Where fraudulent acts had been committed —where, for instance, dividends had been declared when there were no profits, and directors went to work systematically to deceive those who had entrusted their interests to their care—no doubt there ought to be a short inexpensive proceeding by which such men might be brought to punishment; and it would be a great national calamity if that end could not be obtained without such cumbrous proceedings as had been instituted in the case of the British Bank Directors. It was a disgrace to the administration of justice in this country that in a case so simple it became necessary to spend as much as £10,000 to convict men who had been guilty of declaring a dividend of 6 and 7 per cent at a time when they were struggling with difficulties, and did not know from day to day that they would be able to open the bank again. The proceedings ought to be more simple; but as they were not, he would not consent to trust shareholders, or liquidators, with the absolute power of deciding whether there should be a criminal prosecution or not. It would too frequently happen that they would be disposed to institute prosecutions with a view to obtaining costs rather than bringing delinquents to justice, and he would recommend, therefore, that the clause should either be further considered on the next stage of the Bill, or that it should be so altered as to place those prosecutions under the control of the Court.

SIR RICHARD BETHELL said, he was not aware of the expense of the proceedings in the case of the British Bank, but he had to observe that that prosecution had taken place under the old state of the law, but that under the, he hoped beneficial, Act which he had brought in, and which was passed in the last Session of Parliament, the cumbrous proceeding by indictment for conspiracy would no longer be resorted to. Every step, however, in connection with that prosecution, was taken under the immediate direction of eminent Members of the late and present Governments, and he believed no expense was incurred beyond what was necessary to ensure a conviction. He approved the suggestion of the hon. and learned Gentleman that no prosecution of such a nature should be undertaken without the previous sanction of the Court.

MR. BRAMLEY-MOORE said, he thought liquidators ought not to have the power of instituting prosecutions against delinquent directors, for a colourable prosecution might be got up and the guilty parties might escape. Neither did he think that the expense should be paid out of the funds of the company. He thought it would be as well if the clause were omitted.

MR. ADAMS said, he thought it would be an unsafe power to leave in the hands either of liquidators or of a meeting of shareholders. The difficulty might, however, be removed by adding to the words "It shall be lawful for the liquidators," the words "after they have obtained the sanction of the Court, as provided by section 13 of this Act."

The SOLICITOR GENERAL:—The hon. and learned Member for the Tower Hamlets (Mr. Ayrton), has suggested upon Clause 19 that some less expensive and solemn mode of instituting a prosecution of this kind than through the medium of the Attorney General might be adopted. Now under the Bankrupt Act there was a less formal and expensive mode, and the Court might direct a prosecution of a bankrupt for any of the offences therein specified. Upon the next stage of the Bill, therefore, he should propose that the nineteenth clause should run something like this:—That it should be lawful for the Court, on application, to direct the liquidators to institute and carry on a prosecution for any of those offences in a manner similar to that which was provided in the Bankrupt Act. With regard to the clause now before the Committee, he agreed that it would be undesirable to trust to a general meeting of shareholders the power of sanctioning or refusing such prosecution.. Therefore, in line 42, he should propose to insert the words "it shall be lawful for the liquidators with the previous sanction of the Court."

Clause, as amended, *agreed to.*

Clause 21,

SIR RICHARD BETHELL said, that he did not think there was any necessity for its retention.

THE SOLICITOR GENERAL said, that as he believed that the object sought to be obtained by this clause was secured by clause No. 5, he would agree to its being struck out.

Clause *struck out.*

Remaining Clauses *agreed to.*

House resumed.

Bill *reported,* as amended, to be considered *To-morrow.*

WILLS &c., OF BRITISH SUBJECTS ABROAD BILL.

SECOND READING.

Order for Second Reading read.

SIR RICHARD BETHELL said, he thought his learned Friend the Attorney General agreed with him that it would be inconvenient to take the discussion on this Bill upon the present occasion. He himself should have to ask leave of the House to introduce a Bill founded upon a different principle. The question was a most important one, and it was extremely desirable that England should not be insular in its legislation. Upon the understanding, then, that the discussion should come on on a future occasion, he would consent to the Bill being read a second time *pro formâ.*

THE SOLICITOR GENERAL said, that on the part of the Attorney General, he was willing to assent to the suggestion to take the discussion on the Motion for going into Committee.

MR. MALINS said, that as one of the promoters of the Bill, he would also cheerfully accede to the suggestion to tako the discussion on a future occasion, but as the evil to be remedied was a great one he hoped no unnecessary delay would occur to the passage of the Bill.

Bill read 2°, and *committed* for *Monday* next.

BRISTOL MUNICIPAL CHARITIES BILL.

SECOND READING.

Order for Second Reading read.

MR. ADAMS said, he must express his

opinion that Bills of this nature were being unnecessarily multiplied. He thought that consolidation might in such cases be very beneficially applied.

The SOLICITOR GENERAL said, that the subject referred to by his hon. and learned Friend the Member for Boston (Mr. Adams) was one which would require mature consideration. Under the existing law separate Bills were necessary.

Mr. BAINES said, no doubt the mode of proceeding in these cases was a great deal more round about than need be; but as the law now stood every scheme was bound to be sanctioned by a separate Bill, so that all parties interested in the matter might have due notice of what was about to be done. Nor were these precautions entirely without their advantages, because last year, in the case of the Dulwich Hospital Bill, there was a violent opposition raised that eventually led to various changes being made in the scheme.

Bill read 2°, and *committed* for *To-morrow.*

CLERKS OF PETTY SESSIONS (IRELAND) BILL.—SECOND READING.

Order for Second Reading read.

Mr. BAGWELL said, he approved of the provisions of the Bill generally, but thought it would require some amendment in Committee. He thought that each bench of magistrates ought to have the appointment of its own clerk, instead of those appointments being vested in the magistrates at quarter sessions. There were some other alterations which he should desire to see made in the Bill.

Mr. SULLIVAN said, he thought that there were no defects in the Bill which could not be remedied in Committee. He, as an Irish Member, felt obliged to the noble Lord the Chief Secretary for Ireland for having introduced this measure; and he was sure that the suggestions of the hon. Member for Clonmel, and other Irish Members, would receive due consideration from the noble Lord when the Bill was in Committee.

Mr. GREGORY said, he was of opinion that much credit was due to the noble Lord the Chief Secretary for Ireland for having solved a question which had long been one of difficulty, and solved it in a manner satisfactory to both the Irish Members and the petty sessions clerks themselves.

Lord NAAS said, it was exceedingly satisfactory to him to find that the main provisions of this Bill were so generally approved of by the Irish Members. With regard to the provision for the appointment of the clerks by the magistrates at quarter sessions, that was indispensable, because it was proposed that in some districts the clerks should do duty in two or three courts of petty sessions; and therefore, unless the appointments of clerks were placed in some other hands than those of the magistrates at petty sessions, their appointments might lead to unpleasant differences. It was also provided that no clerk should be removed from his office without the sanction of the Lord Lieutenant. This was intended as a security to clerks, that they should not be removed except in cases where there was ample reason for their removal. He thought there was no doubt that there would be sufficient funds under this Bill to provide retiring allowances for such clerks as should enter office after the passing of the Act. There were one or two minor points which he would amend in Committee.

Mr. DE VERE congratulated the noble Lord on the success the Bill had met with, and asked whether it would be necessary to require an oath to be taken from the clerks? If so, it ought to be framed in clear and intelligible terms.

Bill read 2°, and *committed* for *Monday* next.

NISI PRIUS COURT (IRELAND) BILL. SECOND READING.

Order for Second Reading read.

Mr. BAGWELL said, that this was a Bill to give Mr. Thomas Courtenay, the registrar of the Nisi Prius Court, £300 a year for doing duties which he now performed for nothing. He thought that this required some explanation.

Mr. WHITESIDE said, he had received a communication from the Lord Chief Justice in Ireland informing him that the late Attorney General for Ireland had, at his (the Lord Chief Justice's) desire, promised to bring in such a Bill as this, and asking him (Mr. Whiteside) if he would do so. He replied that he would. Some three or four years ago a new court, called the Consolidated Nisi Prius Court, was established in Dublin. That court was, of course, created by Act of Parliament, but no officer was created to receive records, to swear witnesses, and to sit under the Judge from the commencement to the close of the business. That duty had hitherto been discharged by the Registrars of the Chief Judges in turn, but without payment. The present Bill was to provide payment of £300 a year for that which he did not

think any English solicitor would like to do for nothing.

Bill read 2°, and *committed* for *To-morrow.*

DURHAM COUNTY PALATINE JURISDICTION BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

MR. A. SMITH said, he must object to the extensive and arbitrary powers which it was sought to confer upon the Crown under the provisions of the Bill.

MR. G. A. HAMILTON explained, that the object of the Bill was merely to carry out an arrangement made in 1857 between the Crown and the Bishopric of Durham. The sixth clause saved to all persons and bodies corporate and politic the same rights which they had before the Bill, and there was therefore no aggression on the rights of the public whatever.

Bill, as amended, passed through Committee.

House *resumed.*

Bill *reported,* as amended; to be *considered To-morrow.*

PUBLIC HEALTH BILL.—COMMITTEE.

Order for Committee read.

MR. PALK said, that he should have had no objection to the principle of the Bill had it been such as announced by his right hon. Friend (Mr. Adderley) on introducing it. But it appeared to him that the Bill contained greater powers than were then stated. He therefore wished to know for what purpose the Bill had been introduced—whether in fact it was for the purpose of transferring the sanitary powers of the Board of Health from the general Board to local Boards; or re-constituting the old Board of Health, which had been condemned so frequently by that House. If the right hon. Gentleman would inform him that, in order to meet any particular emergency, or to check any aggravated form of disease which might arise, he asked for dictatorial powers under the provision of the measure, to such a proposition he should have no objection to accede. Indeed, some such pressing occasion might be said to have arrived, for the state of the Thames at the present moment imperatively demanded that to the abatement of the nuisance a remedy should be applied. So great was that nuisance that it had, he had been told, attracted the attention of every hon. Member who happened to have been in the library in the course of that evening. Now, if such were the case in the building in which they were sitting, how much worse must be the state of things in those alleys of the metropolis which adjoined the river! He should not, therefore, object to giving a Board of medical officers the power to take summary steps in a case of that kind. The first clause to which he particularly objected was the third, which enabled the Privy Council to make inquiries which they thought necessary with respect to the public health; but it did not enable the Privy Council to do anything in consequence of those inquiries. He wished to know whether that clause meant something or nothing. By another clause the present Medical Officer of the Board of Health was to become the Medical Officer of the Privy Council. He wished to know what duties this officer had to perform sufficient to justify his being paid a salary of £1,500 a year, especially taking into consideration the fact that the gentleman who now held the office had other offices, besides a considerable private practice. The Bill also gave power to appoint a medical board, but he understood that there was no intention of appointing a paid medical board. It was quite competent to the Government to appoint a medical board in case of an epidemic, and afterwards to apply to Parliament to grant them a Bill of indemnity for so doing; but he must object to the taking of these indefinite powers, which opened a door to jobbery, and for paying large salaries to officers whose posts were sinecures under ordinary circumstances. The whole course of legislation on the subject of the public health was, indeed, a disgrace to this House. In spite of all their Commissions and Health Bills, the Thames, which was the mainspring of the power and wealth of London, had been allowed to become one vast sewer, which would surely spread disease and death around. He really thought it was high time for any men of humanity, who felt for the position of the working classes in London, to protest against the present system of legislation on this question. In conclusion, he must object to the system of bringing on Bills containing a variety of details which required discussion at a late hour in the evening, when it was impossible to discuss them satisfactorily.

MR. ADDERLEY said, that the Bill had nothing to do with the larger questions which were embraced in the Local Government Bill, and with which the hon. Gentleman appeared to have confounded it. The Bill then before the House simply enacted that the services of the Medical

Officer of the Board of Health should be transferred to the Privy Council. The appointment and salary of that gentleman would remain when the Board of Health expired, but he would have no duties if this Bill did not pass. The main object of the Bill was to provide for the emergency of an epidemic. That such powers were required was, he thought, proved by the pestilential state of the great river which flowed close by, and which really might soon come to be a terror to this House, and to those who lived on its borders. He hoped the hon. Gentleman would allow the Bill to go into Committee, and then raise his objections upon its details.

House in Committee.

Clauses 1 to 3 *agreed to.*

Clause 4.

MR. PALK said, he wished to know what were to be the duties of the Medical Officer under this Bill, and why it was to be turned into a patent office. If he did not receive satisfaction on this point he would move the omission of that part of the clause.

MR. ADDERLEY said, he could not see what objection was to be urged to the retention of the Medical Officer, whose position was not altered from what it was before.

MR. JOSEPH LOCKE remarked, that this Bill was about to make a very great change by transferring the powers under the Bill from a Board over which the House had power to the Privy Council, over which the House had no power. He was not prepared to go on with the Bill, and in the absence of the hon. Member for Finsbury, who had Amendments on the paper, if the Bill were persisted in he would move that the Chairman report progress. The clause also gave the Privy Council the power of fixing the salaries, and took from the House the power over the purse. He thought the Bill should not be passed in that loose manner.

VISCOUNT DUNCAN said, he agreed with the hon. Member for Honiton (Mr. Locke), and he thought the House was at least entitled to know what would be the probable estimate of the salaries of the men that were to be engaged.

MR. JACKSON said, he should not be content with knowing the salaries. He objected altogether to the House of Commons giving up the purse-strings out of their hands into those of the Privy Council.

MR. SOTHERON ESTCOURT said, there was no danger of the House losing hold of the purse strings, because no salaries could be given except out of the money voted annually for that purpose by Parliament. Then, as to the objection of other medical officers being appointed, he understood the clause to mean, that in case an epidemic broke out in five or six towns at the same time, the Privy Council should not be limited to one medical officer, but should have power to send down an inspector to each, while for years together, perhaps, there might not be occasion for the employment of one. What they wanted was to have one medical officer always at the disposal of the Board, with power to engage more when it was thought necessary.

MR. P. O'BRIEN contended, that they ought to fix the salaries first, as it would be too late to object to the salaries after the officers were appointed.

MR. GILPIN said, he conceived that the measure had not been well considered, and that it had come on unexpectedly in the absence of hon. Gentlemen who took interest in the subject. He was disposed to support the suggestion that the Chairman should report progress. The Privy Council was not the right body to have power proposed to be vested in it.

MR. MONSELL said, that there could be no doubt that no money could be spent without an estimate being laid before the House. The root of the objection seemed to be that the Medical Officer was of no use. Now, Mr. Simon, last year, prepared a report on vaccination, proving that the smallpox could be absolutely eradicated by a practical system of vaccination ; and the result was that a clause had been introduced into the Bill to give greater effect to the provisions for carrying out vaccination in this country. Therefore the result of the report of that Medical Officer would be to save many thousands of human lives, and that was a sufficient reason to justify the appointment of a permanent medical officer, and the empowering of the Privy Council to appoint a sufficient number of persons to make inquiries.

SIR ARTHUR ELTON protested against the doctrine that they were not to proceed with the further business because an hon. Member chose to absent himself. He could not understand how hon. Gentlemen could resist the progress of a measure which was loudly called for by the sanitary condition of the country.

VISCOUNT EBRINGTON said, he was also in favour of proceeding with the Bill.

Hon. Gentlemen grudged the salary of £1,500 a year to the medical officer; but they did not consider that there were now 150,000 preventible deaths every year in the country, and it was a moderate computation that for every preventible death there were twenty-eight cases of preventible illness, of an average duration of a fortnight each. Let them think of the enormous loss of industry which these preventible deaths and preventible cases of illness produced in the country. It was a new doctrine to hear that the Privy Council had nothing to do with the health of the country, when they knew that the whole quarantine regulations were under their control. He thought it advisable, therefore, that that body should have the power of habitually and quietly, without exciting alarm, making inquiries into any manifestation of disease in any part of the United Kingdom.

MR. COX said, as there seemed to be some doubt about the matter, he now intended to move that the Chairman do report progress. His hon. Colleague (Mr. Duncombe) had given notice of several Amendments on the Bill, and he was sure he would have been in his place to move them if he thought that the Bill would have been brought on. They were now discussing a clause which, in his opinion, would create as great a job as had ever been perpetrated.

MR. SPOONER said, he rose to order. As the hon. Gentleman had moved that the Chairman do report progress, he thought he ought not to delay the Committee by discussing the clause itself.

THE CHAIRMAN remarked, that he had only understood the hon. Member to say, that he intended to move that the Chairman do report progress.

MR. COX said, it appeared to him that the Bill was one of a very important character, and required much discussion. He would, therefore, give an opportunity for further discussion by moving that the Chairman do report progress, and ask leave to sit again.

Motion made, and Question put—"That the Chairman do report progress and ask leave to sit again."

The Committee *divided:* Ayes 32; Noes 140; Majority 108.

MR. WALPOLE said, with regard to the first objection, if hon. Gentlemen would but refer to the 7th clause they would find that that clause delegated the power to three persons, being Privy Councillors, of whom the Vice President of the Committee of Education was to be one. Consequently, instead of referring the matter to the Judicial Committee of the Privy Council, the reference would be made to that portion of it which had always a certain supervision of it. With regard to the other objection urged, he thought there was some force in it. He wished, therefore, to remind the Committee, what was the state of the law at present, and what it would be under the operation of this clause. The state of the law now was this: the Board of Health had the power of appointing not a medical officer, but a medical council, and they had the power of appointing inspectors with very large powers, which were now vested only in the Board. The powers introduced in the clause were, however, somewhat less. His right hon. Friend at the head of the Poor Law Board had given cogent reasons why the medical officers should have certain powers given to them when infectious complaints were spreading, in order that they might be enabled to point out the mode by which those diseases could be best dealt with. The provisions of the Bill would always be subjected to the revision of the House when they came to deal with the annual Estimates. He would suggest that in the clause relating to remuneration and salaries it should be specified that there should be one paid Medical Officer, who should be the only person entitled to salary, and that the remuneration of other persons he might appoint as inspectors, should be such as the Commissioners of the Treasury should from time to time direct. Thus, there would be only one permanent salary.

MR. JACKSON inquired what was the amount of the Medical Officer's salary?

MR. WALPOLE: £1,500 a year.

VISCOUNT DUNCAN said, what they wanted was that one of the principal Secretaries of State should take the place of the Privy Council, in order that there might be some one responsible to the House for the appointments which might be made.

MR. PALK said, he was of opinion that if the salary of the Medical Officer was £1,500 a year he ought to devote his services exclusively to the Board, and not derive emoluments from private practice or perform other duties.

MR. ADDERLEY said, that the efficiency of medical officers was very much curtailed by the adoption of the principle

of isolating them from all other practice. He was not precluded from private practice by his employers, and it would be better not to restrict him by Act of Parliament.

MR. JACKSON said, he thought that if £1,500 a year was not sufficient they should make it £2,000, but that he ought to be debarred from private practice.

Clause 4, as amended, *agreed to.*

The remaining Clauses were then *agreed to.*

The House resumed.

Bill *reported*, as amended; to be considered *To-morrow.*

JURIES (IRELAND) (No. 2) BILL.
SECOND READING.

Order for Second Reading read.

MR. WHITESIDE, in moving that this Bill be read a second time, said it consolidated and amended the law with regard to juries. It made partial juries impossible, converted the sheriff from a judicial into a ministerial officer, and compelled him to go through the book in regular order, giving gentlemen who had served a certificate to that effect, and not calling upon them again till others had taken share of duty.

Bill read 2°, and *committed* for *Monday* 28th June.

STANHOPE AND WOLSINGHAM RECTORIES BILL—COMMITTEE.

Order for Committee read.

House in Committee.

MR. WALPOLE said, he thought it very desirable that the House should be made aware of the objects of this Bill. Stanhope rectory being, as was well known, a very wealthy rectory, five or six new rectories were created out of its revenues, and the surplus would be applied to small livings.

MR. INGHAM said, he could confirm the statement of the right hon. Gentleman, and he desired to express the thanks of the county to the Bishop and the Ecclesiastical Commissioners, by whom this arrangement had been made.

Bill passed through Committee.

House resumed.

Bill *reported*, without Amendment; to be read 3° *To-morrow.*

TRANSFER OF LAND BILL.
SECOND READING.

Order for Second Reading read.

SIR RICHARD BETHELL said, he would not delay the Second Reading of the Bill at that hour further than to observe upon two circumstances—one, that in the other House of Legislature the Bill had received the support of Her Majesty's Government: and the other, that the principle of the Bill had been so much discussed and so generally approved in the Bill brought in by the learned Attorney General for Ireland, that it was only necessary to apply the same principle to the present measure. He should suggest, therefore, that the Bill be read a second time *pro formâ*, on the understanding that it be left to go into Committee after the committal of the Transfer of Lands Bill in Ireland.

MR. WALPOLE said, he should be unwilling to discourage any attempt to facilitate the transfer of land, and still more unwilling to discourage any attempt to accomplish that object by a measure which would give what was termed a "Parliamentary title." But this Bill, as it had come down from the other House, was in two respects materially different from the recommendations which the recent Commission on the registration of titles submitted to Her Majesty. In the first place, it gave the Court of Chancery jurisdiction in questions relating to the transfer of land; and, in the second place, it did not deal at all with mortgages, leases, or encumbrances. Now, he knew his hon. and learned Friend was strongly of opinion that the object contemplated by the Bill was too limited in its scope, and that the Court of Chancery was not the tribunal by which questions affecting the transfer of land ought to be determined. Still, there could be no harm in reading the Bill a second time *pro formâ*, provided the hon. and learned Gentleman had no objection to refer it to a Select Committee, who might be able, upon a consideration of the whole subject, to suggest a more comprehensive measure.

SIR RICHARD BETHELL intimated that he would consent to the Bill being referred to a Select Committee.

Bill read 2°, and *committed* for Monday, 28th June.

GALWAY FREEMEN DISFRANCHISEMENT BILL—COMMITTEE.
ADJOURNED DEBATE.

Order read, for resuming adjourned debate on Question (15th June), "That the Order for the Committee on the said Bill be discharged."

Question again proposed.

MR. G. CLIVE said, he would suggest

the further adjournment of the debate to some future day.

THE CHANCELLOR OF THE EXCHEQUER said, that he should have no objection to its being taken at a morning sitting on Tuesday week.

MR. BRADY said, that the day named by the right hon. Gentleman would be inconvenient to many of the Irish Members who would be then at the assizes.

MR. P. O'BRIEN said, that considering the late period of the Session, and that the Government was about to bring in a large measure of reform, it would be better to give up the Bill, and let the subject come into the discussion on Parliamentary Reform next year.

MR. M'CANN moved the adjournment of the debate.

Motion made, and Question proposed, "That the debate be now adjourned."

MR. G. CLIVE said, for himself he was willing to accept the day named by the Chancellor of the Exchequer; but as he was anxious that the Irish Members should be present during the discussion, he was equally willing to accept any other day which might be more convenient to them.

MR. BUTT said, that it was impossible to make this Bill consonant with justice. Something was due to the hon. Member who brought forward the measure on public grounds, but something was also due to the large body of electors over whom this Bill of pains and penalties was kept hanging. It ought to be fully and fairly argued before any decision was come to. It ought either to be thrown out, or an early day fixed for a full and fair discussion.

LORD LOVAINE said, he was opposed to the abandonment of the Bill, and would therefore recommend the acceptance of the day offered by the Government for the purpose of discussion of the measure.

MR. G. A. HAMILTON said, the discussion came before the House in a very inconvenient form. It would be better that the Motion to discharge the order for going into Committee, and the Motion for adjournment should be both withdrawn, and then the discussion could be taken on the simple question of going into Committee.

MR. MAGUIRE said, he knew well what was the object of the Bill, though it was not the intention of the hon. Member for Hereford, but those who were his backers and supporters. He should be ready to prove, if necessary, that the real object was not so much the vindication of purity of election — not so much the cutting off the rotten members of a constituency — as to make the borough of Galway a pocket borough in the hands of one of the great autocrats of the country. As the measure was forced upon the House he should prove from the evidence which was given before the Commissioners that the rich and the powerful were more to blame, more corrupt, and had a greater amount of responsibility upon their heads, than the poor ragged, wretched victims of their political profligacy. If they intended to force a decision upon the House, he would give them enough of it on Tuesday week. With the amiable purpose, then, of furthering the object of those hon. Gentlemen who were the real promoters of the Bill, he would withdraw the Motion of which he had given notice, and would have a field-day, with the permission of the Committee, on Tuesday week.

Motion and Original Question, by leave *withdrawn* — Committee *deferred* till Tuesday, 29th June at Twelve o'clock.

INSURANCE AND ASSURANCE INSTITUTIONS BILL.

SECOND READING—ADJOURNED DEBATE.

Order read for resuming Adjourned Debate on Amendment proposed to Question [16th June]—

"That the Bill be read a second time upon Wednesday the 7th day of July next;" and which Amendment was, to leave out the words "Wednesday the 7th day of July next," in order to insert the words "this day six months," instead thereof.

Question again proposed,

"That the words proposed to be left out stand part of the Question."

MR. G. A. HAMILTON said, it would be unreasonable to have this Bill hanging over the House at this late period of the Session. If the hon. Member the mover of the Bill (Mr. Sheridan) would consent to withdraw it after a discussion had taken place on it, the Government would give a day for that discussion.

Amendment by leave *withdrawn*; Main Question put, and *agreed to*; Second Reading *deferred* till *Wednesday*, 7th July.

House adjourned at half after One o'clock.

COUNTY FRANCHISE BILL.

List of the AYES and NOES on the Second Reading of the "County Franchise Bill," June 10, 1858, *omitted from Page* 1881.

List of the AYES.

Adair, H. E.
Alcock, T.
Anderson, Sir J.
Ayrton, A. S.
Bagshaw, J.
Bagshaw, R. J.
Bailey, C.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Baring, T. G.
Barnard, T.
Baxter, W. E.
Beale, S.
Berkeley, hon. H. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, J.
Black, A.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brand, H. H.
Bright, J.
Briscoe, J. I.
Brown, J.
Brown, W.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buckley, General
Buller, J. W.
Bury, Viscount
Butler, C. S.
Buxton, C.
Caird, J.
Calcutt, F. M.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Cavendish, hon. W.
Cheetham, J.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clive, G.
Codrington, General
Colebrooke, Sir T. E.
Collier, R. P.
Colvile, C. R.
Coningham, W.
Conyngham, Lord F.
Cowper, rt. hon. W. F.
Corbally, M. E.
Cowan, C.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Dalglish, R.
Davie, Sir H. R. F.
Deasy, R.
Denison, hon. W. H. F.
Dent, J. D.
De Vere, S. E.
Dillwyn, L. L.
Duff, M. E. G.
Duff, Major L. D. G.
Dunbar, Sir W.
Duncan, Viscount
Dundas, F.
Dunkellin, Lord
Dunlop, A. M.
Dunne, M.
Ebrington, Viscount
Ellice, E. jun.
Elliot, hon. J. E.
Elton, Sir A. H.
Ennis, J.
Evans, Sir De L.
Evans, T. W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Fergus, J.
Ferguson, Colonel
Finlay, A. S.
FitzGerald, rt. hn. J. D.
FitzRoy, rt. hon. H.
Foley, J. H.
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fox, W. J.
French, Colonel
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Glyn, G. C.
Glyn, G. G.
Goderich, Viscount
Graham, rt. hon. Sir J.
Greene, J.
Greenwood, J.
Gregson, S.
Grenfell, C. W.
Greville, C. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Gurney, J. H.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, Captain
Hanbury, R.
Handley, J.
Hankey, T.
Hardcastle, J. A.
Harris, J. D.
Hatchell, J.
Hayter, rt.hn. Sir W.G.
Headlam, T. E.
Henchy, D. O'C.
Herbert, rt. hon. H. A.
Herbert, rt. hon. S.
Hodgson, K. D.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hutt, W.
Ingham, R.
Ingram, H.
Kershaw, J.
Kinglake, A. W.
Kinglake, J. A.
Kinnaird, hon. A. F.
Knatchbull - Hugessen, E.
Labouchere, rt. hon. H.
Langton, H. G.
Laslett, W.
Lewis, rt. hon. Sir G. C.
Lindsay, W. S.
Lowe, rt. hon. R.
Luce, T.
M'Cann, J.
MacEvoy, E.
M'Mahon, P.
Mangles, R. D.
Martin, C. W.
Massey, W. N.
Melgund, Viscount
Mellor, J.
Milnes, R. M.
Monsell, rt. hon. W.
Morris, D.
Napier, Sir C.
Nicoll, D.
Norreys, Sir D. J.
Norris, J. T.
Ogilvy, Sir J.
Osborne, R.
Paget, C.
Paget, Lord C.
Palmerston, Viscount
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Pilkington, J.
Power, N.
Pryse, E. L.
Pritchard, J.
Proby, hon. G. L.
Puller, C. W. G.
Ramsden, Sir J. W.
Rebow, J. G.
Ricardo, O.
Rich, H.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Salisbury, E. G.
Schneider, H. W.
Scholefield, W.
Shelley, Sir J. V.
Smith, J. A.
Smith, J. B.
Smith, rt. hon. R. V.
Somerville, rt. hn. Sir W.
Stanley, hon. W. O.
Stapleton, J.
Steel, J.
Stuart, Lord J.
Sullivan, M.
Sykes, Colonel W. H.
Taylor, S. W.
Thompson, General
Thornely, T.
Tite, W.
Tollemache, hon. F. J.
Tottenham, C.
Townsend, J.
Trelawny, Sir J. S.
Trueman, C.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Waldron, L.
Weguelin, T. M.
Westhead, J. P. B.
Whatman, J.
Whitbread, S.
White, H.
Willcox, B. M'G.
Williams, W.

Wilson, J.	Young, A. W.
Wingfield, R. B.	
Wood, rt. hon. Sir C.	TELLERS.
Wood, W.	Byng, G. H. C.
Woods, H.	King, J. L.
Wyld, J.	

List of the NOES.

Adams, W. H.	Disraeli, rt. hon. B.
Adderley, rt. hon. C. B.	Dobbs, W. C.
Alexander, J.	Dod, J. W.
Arbuthnott, hon. Gen.	Drummond, H.
Baillie, H. J.	Duncombe, hon. Col.
Ball, E.	Dundas, G.
Baring, H. B.	Du Pre, C. G.
Baring, T.	Dutton, hon. R. H.
Bernard, T. T.	Egerton, E. C.
Bernard, hon. Colonel	Elphinstone, Sir J.
Barrow, W. H.	Estcourt, rt. hon. T. S.
Beach, W. W. B.	Farquhar, Sir M.
Bective, Earl of	Fellowes, E.
Beecroft, G. S.	Ferguson, Sir R.
Bennet, P.	FitzGerald, W. R. S.
Bentinck, G. W. P.	Forde, Col.
Blackburn, P.	Forester, rt. hon. Col.
Boldero, Colonel	Forster, Sir G.
Botfield, B.	Gard, R. S.
Bovill, W.	Gilpin, Col.
Bramley-Moore, J.	Gladstone, rt. hon. W.
Bramston, T. W.	Goddard, A. L.
Bruce, Major C.	Gore, W. R. O.
Buller, Sir J. Y.	Griffith, C. D.
Burghley, Lord	Grogan, E.
Cairns, Sir H. M'C.	Hamilton, Lord C.
Calcraft, J. H.	Hamilton, G. A.
Cardon, Sir R. W.	Hardy, G.
Carnac, Sir J. R.	Heathcote, Sir W.
Cartwright, Colonel	Henley, rt. hon. J. W.
Cayley, E. S.	Henniker, Lord
Charlesworth, J. C. D.	Hill, hon. R. C.
Child, S.	Hodgson, W. N.
Christy, S.	Holford, R. S.
Clive, hon. R. W.	Hopwood, J. T.
Close, M. C.	Horsfall, T. B.
Coote, Sir C. H.	Hotham, Lord
Corry, rt. hon. H. L.	Hudson, G.
Deedes, W.	Hume, W. W. F.
Hunt, G. W.	Palk, L.
Inglis, J.	Peel, rt. hon. General
Jermyn, Earl	Pennant, hon. Colonel
Johnstone, hon. H. B.	Philipps, J. H.
Jolliffe, Sir W. G. H.	Powell, F. S.
Jolliffe, H. H.	Pugh, D.
Jones, D.	Pugh, D.
Kelly, Sir F.	Robertson, P. F.
Kendall, N.	Rolt, J.
Kerrison, Sir E. C.	Rushout, G.
King, J. K.	Rust, J.
King, E. B.	Sandon, Viscount
Knatchbull, W. F.	Sclater-Booth, G.
Knight, F. W.	Seymer, H. K.
Knightley, R.	Shirley, E. P.
Langton, W. G.	Somerset, Colonel
Legh, G. C.	Spooner, R.
Lennox, Lord H. G.	Stanhope, J. B.
Liddell, hon. H. G.	Stanley, Lord
Lisburne, Earl of	Steuart, A.
Lockhart, A. E.	Taylor, Col.
Lopes, Sir M.	Tollemache, J.
Lovaine, Lord	Trollope rt. hn. Sir J.
Lowther, hon. Col.	Vance, J.
Lowther, Capt.	Vansittart, W.
Lyall, G.	Verner, Sir W.
Lytton, rt. hon. Sir G. E. L. B.	Waddington, H. S.
Mackie, J.	Walcott, Admiral
M'Clintock, J.	Walpole, rt. hon. S. H.
Malins, R.	Walsh, Sir J.
Manners, Lord J.	Welby, W. E.
Maxwell, hon. Col.	Whiteside, rt. hon. J.
Miller, T. J.	Whitmore, H.
Miller, S. B.	Williams, Colonel
Mills, A.	Willoughby, J. P.
Montgomery, Sir C.	Willson, A.
Morgan, O.	Woodd, B. T.
Mowbray, rt. hon. J. R.	Wortley, rt. hon. J. S.
Naas, Lord	Wrightson, W. B.
Neeld, J.	Wyndham, General
Newport, Viscount	Wyndham, H.
Noel, hon. G. J.	Wynne, W. W. E.
North, Colonel	Yorke, hon. E. T.
Ossulston, Lord	TELLERS.
Packe, C. W.	Du Cane, C.
Pakenham, Colonel	Miles, W.
Pakington, rt. hn. Sir J.	

ROMAN CATHOLIC CHARITIES.—QUESTION.

COMMONS, MAY 21.

MR. MONSELL said, it would be in the recollection of the House that in 1853, when the Charities Act passed through the House, the Roman Catholic charities were exempted for two years, on the ground that, without some previous legislation on the subject, those charities would be confiscated if they were brought under the operation of that Act, by reason of the disclosures that would thus be made. Since then there had been several Bills continuing the exemption. The exemption at present existing was on the point of expiring, and he wished to know if there was to be any legislation this year.

MR. ADDERLEY said, Her Majesty's Government had not contemplated the necessity of another Act for continuing the exemption of these Roman Catholic charities, in the hope that by further conference with Roman Catholic Members a Bill might have been passed this Session for dealing permanently with the subject. At this late period, however, there was no hope of passing a Bill this Session, but he trusted it would be possible in the next. He, therefore, proposed to introduce a Bill continuing for one year longer the exemption of the Roman Catholic charities.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES.

VOLUME CL.

THIRD VOLUME OF SESSION 1857-8.

EXPLANATION OF THE ABBREVIATIONS.

1R. 2R. 3R. First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

ABERDEEN, Earl of
Slave Trade, The, 2214

ABINGER, Lord
Land, Transfer of, 3R. 424
Liturgy, Revision of the, Commission moved for, 177

ADAMS, Mr. W. H., *Boston*
Bristol Municipal Charities, 2R. 2276
Joint Stock Companies' Acts Amendment Com. *cl.* 20, 2275
Land, Sale and Transfer of (Ireland), Com. 1564
Supply—Royal Parks, 1115;—County Courts, 1478
Weights and Measures, 2R. 915

ADDERLEY, Rt. Hon. C. B. (President of the Board of Health, and Vice President of the Committee of Privy Council for Education), *Staffordshire, W.*
Commissioners for Exhibition (1851), 2R. 2264
Health, Board of—Medical Staff, 1197
Health, Public, Com. 2280; *cl.* 4, 2281, 2284
New Zealand, 361
Roman Catholic Charities, 2292
Vaccination—Small Pox, 1196

Administration of Justice Bill
c. 1R.* 2220

Administration of Justice (Dublin) Bill
c. 1R.* 2098

Admiralty Court, Registrar—Supply,
c. 1472

ADVOCATE, The LORD (Rt. Hon. J. Inglis), *Stamford*
County Franchise (Scotland), Leave, 209
County Voters, Registration of (Scotland), Com. 2190
Edinburgh Annuity Tax, 2R. 2181
Marriage Law Amendment, 2R. 135
Sheriffs Court (Scotland), 1611
Supply—County Courts, 1480;—General Register House (Edinburgh), 1494, 1495, 1497, 1498
Under Secretary of State for Scotland, Res.
Universities (Scotland), 336; 2R. 1881, 1903 2134

African Slave Trade, see *Slave Trade.*

AGNEW, Sir A., *Wigtonshire*
County Voters, Registration of (Scotland), Com. 2191
Westminster Hall, 335

AIRLIE, Earl of
"Cagliari," Case of the, 1848

AKROYD, Mr. E., *Huddersfield*
Church Rates, 3R. 1710
Marriage Law Amendment, 2R. 143

ALBEMARLE, Earl of
Annexation of Native States, Motion postponed, 326
India, Governor General, Papers moved for, 1514
Oude, Restoration of the Royal Family of, 858

ALCOCK, Mr. T., *Surrey, E.*
Chelsea Bridge Act Amendment, 2R. 1992
Church Rates, Com. *cl.* 1, 568
Commissioners for Exhibition (1851), 2R. 2262
Real Property, &c.—Probate Duty, Res. 869

ANNESLEY, Hon. Capt. H., *Cavan Co.*
Army Estimates, 399
Army, Sanitary Condition of the, Res. 482

ARGYLL, Duke of
Oude, Confiscation of Land in—Lord Canning's Proclamation, Papers moved for, 238; Res. 608

Army,
Accounts, Auditing of, c. Question (Mr. Macartney), 178
Captains in the, c. Address moved (Sir De L. Evans), 1100; Motion withdrawn, 1103
Commissions, Sale of, c. Question (Lord Burghley), 2252
Estimates, c. 371; Amend. (Major Wortley), 398; Amend. neg. 399, 1105
Highlanders, The 78th, c. Question (Mr. Campbell), 1612
King, Captain, of the Depot Battalion, c. Question (Mr. Brady), 429
Kitchens for the, c. Question (Viscount Ebrington), 921
Lasso, Use of the, by the Cavalry, c. Question (Captain Vivian), 1061
Medical Officers, c. Question (Colonel Kingscote), 334
Military Education, c. Question (Mr. Monsell), 1103
Military Organization, c. Res. (Captain Vivian), 1328, [A. 106, N. 104, M. 2] 1358; Question (Sir J. Walsh), 1447
Officers' Servants, c. Question (General Codrington), 1921
Presbyterian and Roman Catholic Chaplains for the, c. Question (Mr. Hume), 2014; Observation (Mr. Serjeant Deasy), 2150
Recruiting System, c. Observations (General Codrington), 363
Sanitary Condition of the, c. Res. (Viscount Ebrington), 473
Woolwich Academy, Admission to, c. Question (Mr. P. O'Brien), 251;—see *Barracks—Militia—Weedon.*

Art Unions Act Amendment Bill
c. 1R.* 2220

Ascension Day
c. Motion (Lord R. Cecil), 496; Motion withdrawn, *ib.*

ATHERTON, Mr. W., *Durham City*
Common Law Procedure Act Amendment, 2R. 928.

[*cont.*

ATHERTON, Mr. W.—*cont.*
Durham County Palatine Jurisdiction, 2R. 222
Lancaster, Duchy of—Mining Operations, Com. moved for, 454.
Mortmain, Law of, 1801
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 818

ATTORNEY GENERAL, The (Sir F. Kelly), *Suffolk, E.*
Land, Sale and Transfer of (Ireland), Com. 1556
Law Reforms, 924
Legitimacy Declaration, Leave, 2156
Supply—Lord Advocate, &c. (Scotland), 1492

Audit, Commissioners of—Supply, c. 1262

Australian Postal Service
c. Question (Mr. H. Berkeley), 2015

AYRTON, Mr. S. A., *Tower Hamlets*
Ballot, Leave, 1768
Breach of Privilege—Washington Wilks, 1326
Chelsea Bridge Act Amendment, 2R. 1996
Church Rates, 3R. 1722
Commissioners for Exhibition, (1851), 2R. 2267
India, Despatches from, 931
India, Government of, Com. Res. 3, 1614; Res. 6, 2246
Joint Stock Banking Companies, Com. *cl.* 3, 1911
Joint Stock Companies Acts Amendment, Com. *cl.* 19, 2273, 2274
Marriage Law Amendment, 2R. 120
Poor Rates (Metropolis), 2R. 496, 515
Stamp Duties on Drafts, Com. Preamble, 291
Supply—Poor Law Board, 1134, 1137;—Police Courts (Metropolis), 1487;—Metropolitan Police, 1489;—British Museum, 1581

BAGWELL, Mr. J., *Clonmel*
Clerks of Petty Sessions (Ireland), 2R. 2277
Endowed Schools (Ireland), 428
Nisi Prius Court (Ireland), 2R. 2278
Peace Preservation (Ireland) Act Amendment, 2R. Amend. 2086
Reformatory Schools (Ireland), 2R. 522, 523
Secretary, The Irish, Office of, 1455, 1465
Supply—Officers of Lord Lieutenant (Ireland), 1253;—Secretary to Lord Lieutenant (Ireland), 1257;—Inspectors of Lunatic Asylums (Ireland), 1259, 1260, 1261;—Board of Public Works (Ireland), *ib.*

BAILLIE, Mr. H. J., (Secretary to the Board of Control), *Inverness-shire*
India, Government of, Com. Res. 5, 2056
India—Reinforcements for the Army, 524;—Private Correspondence, 764
Kurrachee, Suppression of the Mutiny at, 924
Lucknow, Property taken in, 333
Oude, Confiscation of Land in—Lord Canning's Proclamation, 180; Res. 731, 1035;—European Regiments in, 427

BAINES, Rt. Hon. M. T., *Leeds*
Bristol Municipal Charities, 2R. 2277

[*cont.*

BAINES, Rt. Hon. M. T.—*cont.*
Lancaster, Duchy of—Mining Operations, Com. moved for, 446
Marriage Law Amendment, 2 R. 129

BALL, Mr. E., *Cambridgeshire*
Church Rates, 3R. 1719

Ballot, The
c. Leave, 1733, [A. 197, N. 294, M. 97] 1793

Bankers' Drafts
c. Question (Mr. Caird), 1311

Bankruptcy and Insolvency Laws
l. Petition (Lord Chancellor), 1997

Barber, William Henry, Case of,
c. Com. moved for (Mr. Brady), 2114; Amend. (Sir J. Pakington), 2117

BARING, Rt. Hon. Sir F. T., *Portsmouth*
Government Property—Exemption from Rates, Com. moved for, 1798
India, Government of, Com. Res. 5, 2075
Supply—Prosecutions, 1468.

BARING, Mr. T., *Huntingdon*
India, Government of, Com. Res. 2, 316; Res. 3, 1682, 1685, 1966

Barracks,
c. Question (Mr. Warren), 1449;—*at Chatham,* Question, (General Buckley), 1921

BARROW, Mr. W. H., *Nottinghamshire, S.*
India, Government of, Com. Res. 5, 2085
Land, Sale and Transfer of (Ireland), Com. 2106
Navy, Manning the, Com. moved for, 910

BASS, Mr. M. T., *Derby*
Weights and Measures, 2R. 916

BAXTER, Mr. W. E., *Montrose, &c.*
County Franchise (Scotland), Leave, 206
Edinburgh Annuity Tax, 2R. 2173
Joint Stock Banking Companies, 2R. 550
Supply—Public Buildings, 1113;—Harbours of Refuge, 1120; Amend. 1124, 1126;—Queen's Remembrancer (Scotland) 1251;—Secretary to Lord Lieutenant (Ireland), Amend. 1254, 1258;—Commissioners of Lunacy, (Scotland), Amend. 1263;—Police, 1471;—General Register House, Edinburgh, 1495, 1497, 1499
Under Secretary of State for Scotland, Res. 2118, 2150
Universities (Scotland), 2R. 1909

Belfast, Riots in,
l. Question (Viscount Dungannon), 1591
c. Roman Catholic Magistrates in, Question (Mr. Deasy), 523;—*Riots in,* Question (Mr. J. D. FitzGerald), 1534

Belgrade, Outrage at—Consul Fonblanque,
c. Question (Viscount Bury), 1946

Bell for the Clock Tower,
c. Question (Mr. Hankey), 274

Belvoir, Agricultural Model School at,
c. Question (Mr. Calcutt), 332

BENTINCK, Mr. G. W. P., *Norfolk, W.*
Ballot, Leave, 1754
National Defences, The, 1935, 1940
Navy, Manning the, Com. moved for, 895, 901
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1036
Property Qualification, 2R. 223; Com. adj. moved, 576, 1421; *cl.* 1, 1431, 1437; 3R. 1506
Supply—New Houses of Parliament, 1203

BERKELEY, Hon. F. H. F., *Bristol*
Australian Postal Service, 2015
Ballot, Leave, 1733, 1736
Cemeteries, Metropolitan, 250
Rifles, Breech-loading, in the Navy, 2253

BERNERS, Lord
Markets, Metropolitan, 761

BETHELL, Sir R., *Aylesbury*
Joint Stock Companies Acts Amendment, Com. *cl.* 7, 2273; *cl.* 20, 2275; *cl.* 21, 2276
Lancaster, Duchy of—Mining Operations, Com. moved for, 453
Land, Sale and Transfer of (Ireland), Com. 1553
Land, Transfer of, 2R. 2285, 2286
Oaths, Lords' Amends. 341
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1003, 1101
Probate Court, The, 258
Wills, &c., of British Subjects Abroad, 2R. 2276

BIGGS, Mr. J., *Leicester*
Church Rates, Com. *cl.* 1, 568

Bishop's Trusts Substitution Bill,
c. 1R.* 108

Bishop's Trusts Substitution (No. 2) *Bill,*
c. 1R.* 920

Bishop's Trusts Substitution (No. 3) *Bill,*
c. 1R.* 1194

BLACK, Mr. A., *Edinburgh*
Church Rates, Com. *cl.* 3, 570
County Franchise (Scotland), Leave, 214
Edinburgh Annuity Tax, 2R. 2157
Edinburgh Castle, 860
Joint Stock Banking Companies, 2R. Amend. 534
Medical Practitioners, 2R. 1408; Com. 1409; Amend. 1410, 1421
Supply—Queen's, &c. Remembrancer (Scotland), 1252;—Officers of Lord Lieutenant (Ireland), 1253;—Printing, &c., Houses of Parliament, 1265;—County Courts, 1480
Universities (Scotland), 2R. Amend. 1881, 1909

BLACKBURN, Mr. P., *Stirlingshire*
Army Estimates, 386, 388
Chelsea Bridge Act Amendment, 2R. Amend. 1992

[*cont.*

BLACKBURN, Mr. P.—*cont.*
County Franchise (Scotland), Leave, 214
County Voters, Registration of (Scotland), Com. 2191
Edinburgh Annuity Tax, 2R. Amend. 2174
Prince Edward Island Loan, Com. Res. 403
Stamp Duties on Drafts, Com. *cl.* 2, 290

BLAKE, Mr. J. A., *Waterford City*
Tenants' Compensation (Ireland), 2R. 1810

BLAND, Mr. L. H., *King's Co.*
Conspiracy to Murder (Ireland), Leave, 879, 883
Secretary, The Irish, Office of the, 1464
Supply—Queen's, &c. Remembrancer, (Scotland), 1252;—Secretary to the Lord Lieutenant (Ireland), 1256
Tenants' Compensation (Ireland), 2R. 1816

BOLDERO, Lt. Col. H. G., *Chippenham*
Army Estimates, 373, 381, 385, 386, 393
Army, Sanitary State of the, Res. 486
Recruiting System, 368
Weedon Establishment, Commission moved for, 1799, 1801

Bombay, Chief Justice of, Bill,
l. 1R.* 147; 2R.* 403; 3R.* 761

BOOTH, Mr. G. S., *Hampshire, N.*
Poor Law System of Medical Relief, 1854

BOVILL, Mr. W., *Guildford*
Barber, W. H., Case of, Com. moved for, 2118
India, Government of, Com. Res. 3, 1664
Joint Stock Banking Companies, 2R. 539
Patent Law Amendment, 2R. 520

BOUVERIE, Rt. Hon. E. P., *Kilmarnock, &c.*
Breach of Privilege—Washington Wilks, 1320
Church Rates, Com. *cl.* 3, 570
Government Property—Exemption from Rates, Com. moved for, 1798
Joint Stock Banking Companies, Com. 1505
Limerick City, New Writ moved, 336
Oaths, That Baron de Rothschild be a Member of the Committee, 351
Poor Removal, Com. moved for, 1914
Property Qualification, Com. 578
Supply—Poor Law Board, 1134
Under Secretary of State for Scotland, Res. 2125

BOWYER, Mr. G., *Dundalk*
County Franchise (Scotland), Leave, 207
Howard, Mr., his Departure from Florence, 1732, 1849
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1028
Tenants' Compensation (Ireland), 2R. 1817

BRADY, Mr. J., *Leitrim*
Barber, W. H., Case of, Com. moved for, 2114, 2118
British Bank, Royal, 1404, 1517
Ellis, Mr., Murder of, 1311
Galway Freemen Disfranchisement, Com. 2287

[*cont.*

BRADY, Mr. J.—*cont.*
King, Captain, of the Depôt Battalion, 429
Medical Practitioners, Com. 1410
Registration of Births, &c. (Ireland), 1610
Stamp Duties on Drafts, Com. *cl.* 1, 289
Tenants' Compensation (Ireland), 2R. 1814
Thames, State of the, 1921
Western Bank of Scotland, 19

Brazil—Messrs. Swan and Smallpage.
c. Question (Mr. Rich), 1851

Breach of Privilege—Hudson Scott and Washington Wilks,
c. Motion (Mr. G. Clive), 1022; Examination, 1066: Res. 1068; Hudson Scott discharged, 1069; Petition (Mr. M. Gibson), 119; That Washington Wilks be discharged (Mr. M. Gibson), 1313; Amend. (Solicitor General), 1318, 1404

BREADALBANE, Marquess of
India—Governor General and Commander in Chief, Papers moved for, 1511

BRIDGES, Sir B. W., *Kent, E.*
Church Rates, 3R. Amend. 1706
Marriage Law Amendment, Com. adj. moved, 1689

BRIGHT, Mr. J., *Birmingham*
Ballot, Leave, 1774
Barber, W. H., Case of, Com. moved for, 2117
China, Relations with, 1529
Church Rates, Com. *cl.* 3, 570; 3R. 1402
India, Government of, Com. Res. 3, 1979; Res. 6, 2236
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1605, 1606
Magisterial Appointments, 266
National Defences, The, 1937
Oude, Confiscation of Land in—Lord Canning's Proclamation, 180, 181, 927; Res. 944, 1055
Real Property, &c.—Probate Duty, Res. 870
Suez, Isthmus of, Canal, 1399
Winding-up Acts, 1517, 1518

BRISCOE, Mr. J. I., *Surrey, W.*
Army Estimates, 1109
Commissioners for Exhibition (1851), 2R. 2260
Public Grounds and Playgrounds, Leave, 886
Supply—Harbours of Refuge, 1126;—Secretary to Lord Lieutenant (Ireland), 1257

Bristol Municipal Charities Bill,
c. 2R. 2276

British Bank, Royal,
c. Question (Mr. Brady), 1404, 1517

British Museum—Supply,
c. 1570, 1583

BROUGHAM, Lord
Bankruptcy and Insolvency Laws, 1997
Chancery Amendment, 2R. 1443; Rep. 1690, 1691
India—Governor General, Papers moved for, 1516

[*cont.*

BROUGHAM, Lord—*cont.*
Jews, 1999
Kerry County, Assistant Barrister of, 1590, 1591, 2098
Navy, Manning the, 2088, 2089
Oaths, Report, 1171, 1193
Property Qualification, Com. 1917; 3R. 2095
Slave Trade, The, 1700, 2202

BROWNE, Lord J. T., *Mayo Co.*
Mayo Priests, Prosecution of the, 1850
Supply—Holyhead Harbour, 1126;—Poor Law Board, 1133, 1137

BRUCE, Mr. E. L. C., *Elginshire, &c.*
Church Rates, Com. *cl.* 1, 564; *cl.* 3, 570
County Franchise (Scotland), Leave, 206
County Voters, Registration of (Scotland), Com. 2191
Edinburgh Annuity Tax, 2R. 2180
India, Government of, Com. Res. 3, 1653, 1678, 1684, 1685, 1989; Res. 5, 2060
Supply—General Register House, Edinburgh, 1496, 1498
Universities (Scotland), 2R. 1884

BUCCLEUCH, Duke of
Kingston, Earl of—Questions, 1599
Militia, Organization of the, 2002

BUCHANAN, Mr. W., *Glasgow*
County Voters, Registration of (Scotland), Com. 2190
Edinburgh Annuity Tax, 2R. 2176
Joint Stock Banking Companies, Com. Adj. moved, 1503, 1505; *cl.* 3, 1911

BUCKLEY, Major Gen. E. P., *Salisbury*
Army Estimates, 1108
Chatham Barracks, 1921

BURGHLEY, Lord, *Northamptonshire, N.*
Army, Sanitary Condition of the, Res. 495
Commissions, Sale of, 2252

BURY, Viscount, *Norwich*
Belgrade, Outrage at—Consul Fonblanque, 1946
Marriage Law Amendment, 2R. 144; Com 1689
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 976

Business, Public,
c. Notice (Chancellor of the Exchequer), 673, 1199; Question (Sir G. Lewis), 1438

BUTLER, Mr. C. S., *Tower Hamlets*
Confessional in Belgravia, 2016, 2017
Drainage, Main, Question, 333
Supply—Secretary to Lord Lieutenant (Ireland), 1258;—Court of Probate, &c., 1473

BUTT, Mr. I., *Youghal*
Galway Freemen Disfranchisement, Com. 2287
Land, Sale and Transfer of (Ireland), Com. 1562; *cl.* 3, 2110
Supply—Poor Law Board, 1134, 1137

BUXTON, Mr. C., *Newport, Isle of Wight*
Marriage Law Amendment, 2R. 125

BYNG, Hon. G. H. C., *Middlesex*
Gas, Supply of, Com. moved for, 321
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 811
Poor Law (Metropolis), 2R. 510
Turnpike Tolls (Metropolis), Commission moved for, 495

"Cagliari," Case of the,
l. Question (Earl of Minto), 1022; (Earl of Airlie), 1848; Observations (Earl of Malmesbury), 1915
c. Question (Mr. Kinglake), 106, 277; Postponement of Motion, 220;
Question (Mr. Kinnaird), 428; (Mr. Headlam), 1195; (Mr. Ridley), 1947; (Mr. Serjeant Deasy), 2112

CAIRD, Mr. J., *Dartmouth*
Bankers' Drafts, 1311
County Franchise (Scotland), Leave, 195, 215
Supply—General Register House, Edinburgh, 1494

CAIRNS, Sir H. M., *see* SOLICITOR GENERAL, The,

CALCUTT, Mr. F. M., *Clare Co.*
Belvoir, Agricultural Model School at, 332
County Franchise (Scotland), Leave, 213

CAMBRIDGE, Duke of, (General Commanding in Chief)
Militia, Organization of the, 2009

Cambridge University Matriculation and Degrees Bill,
l. Royal Assent, 403

CAMPBELL, Lord
Bankruptcy and Insolvency Laws, 1998
Chancery Amendment, 1444
Divorce and Matrimonial Clauses, Recom. 2002; Report, 2194, 2195
Jews, 1R. 1600, 2000
Kerry County, Assistant Barrister of, 2097
Kingston, Earl of, Notices of Questions by the, 1439, 1598, 1599
Oaths, Report, 1171
Oaths Substitution, 1R. 1600
Poisons, Sale of, 2R. 1510
Property Qualification, 2R. 1847; Com. 1916; 3R. 2096
Registers, Non-Parochial, 2R. 1440

CAMPBELL, Mr. R. J. R., *Weymouth*
Highlanders, The 78th, 1612

Canning's Lord, Proclamation, see *Oude, Confiscation of Land in,*

CANTERBURY, Archbishop of
Liturgy, Revision of the, Commission moved for, 163

Cape of Good Hope Mails,
c. Question (Mr. Macartney), 429

CARDEN, Ald., Sir R. W., *Gloucester*
Joint Stock Banking Companies, 2R. 537

CARDWELL, Rt. Hon. E., *Oxford City*
Canning's, Lord, Proclamation—Confiscation of Land in Oude, 332, 426, 427, 530; Res. 674, 1000, 1019, 1029, 1030, 1042
Lancashire and Yorkshire, &c. Railway, Companies, Consid. 1602
Manchester, &c. and Great Northern Railways Companies, Consid. 1195

CARLISLE, Earl of
Belfast, Riots in, 1594, 1596
Kerry County, Assistant Barrister of, 1591
Slave Trade, The, 2209

CARNARVON, Earl of (Under Secretary for the Colonies)
New Zealand, Diocese of, 1445
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 614, 619

CARTER, Mr. J. B., *Winchester*
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1036

CASHEL, Bishop of
Liturgy, Revision of the, Commission moved for, 170

CAYLEY, Mr. E. S., *Yorkshire N. Riding*
Breach of Privilege—Washington Wilks, 1067

CECIL, Lord, R. T. G., *Stamford*
Ascension Day, 496
Church Rates, Com. *cl.* 1, 567; *cl.* 3, Amend. 570
Danubian Principalities, Address moved, 76
India, Government of, Com. Res. 4,320
Private Bills, Res. 455, 472

Cemeteries, Metropolitan,
c. Question (Mr. H. Berkeley), 250

CHANCELLOR, The LORD (Rt. Hon. Lord Chelmsford)
Bankruptcy and Insolvency Laws, 1997
Chancery Amendment, 2R. 1440; Rep. 1690
Divorce and Matrimonial Causes Act Amendment, 2R. 579; Recom. 2000
India, Vote of Thanks to the Governor General, Acknowledgment of, 2193
Kerry County, Assistant Barrister of, 2097
Land, Transfer of, 3R. 422
Oaths, Report, 1185, 1191, 1192, 2219
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. Previous Question moved, 622, 627, 663
Probates and Letters of Administration Act Amendment, 2R. 579
Registers, Non-Parochial, 2R. 1439

CHANCELLOR of the EXCHEQUER (Rt. Hon. B. Disraeli), *Buckinghamshire*
Army, Government of the, 1447
Bankers' Drafts, 1311
Breach of Privilege—Washington Wilks, 1068, 1069, 1324
Business, Public, 673, 1199, 1200
"Cagliari," Case of the, 220, 280, 1196
Chelsea Bridge Act Amendment, 2R. 1996
Cheques, Adhesive Stamps on, 1310
China, Negotiations with, 1448; Relations with, 1526
Church Rates, 3R. 1403
Commissioners for Exhibition (1851), 2R. 2254, 2268
Confessional in Belgravia, 2017
Danubian Principalities, Address moved, 97
Educational Estimates, 1197
Ellenborough, Lord, Resignation of, 524
Funded Debt, Leave, 1507
Galway Freemen Disfranchisement, Com. 2287
Government Property—Exemption from Rates, Com. moved for, 1798
India, Government of, Com. Res. 2, 314, 316; Res. 3 (4), 319, 320, 1681, 1682, 1985, 1989; Res. 4 (5), 1990; Res. 5 (6), 2080, 2085, 2086; Res. 6 (7), 2232, 2235, 2250, 2252
Joint Stock Banking Companies, 2R. 554; Com. 1503, 1913, 1914
Lancaster, Duchy of—Mining Operations, Com. moved for, 443
Marriage Law Amendment, Com. 1689
National Defences, The, 1931, 1935
Oaths, That Baron de Rothschild be a Member of the Committee, 354
Oude, Confiscation of Land in—Lord Canning's Proclamation, 181, 427, 530; Res. 682, 742, 761, 857, 860, 861, 862, 864, 928, 929, 1007, 1021, 1025, 1026, 1046, 1059
Portugal, Mission to, 20
Property Qualification, Com. 577
Real Property, &c.—Probate Duty, Res. 873
Speech at Slough, 1078, 1089, 1095, 1216
Stamp Duties on Drafts, Com. *cl.* 1, 288, 289; *add. cl.* 291
Suez, Isthmus of, Canal, Res. 1392, 1400, 1447
Supply—Office of Works, 1132;—Poor Law Board, 1135;—Civil Contingencies, 1138;—Secretary to the Lord Lieutenant (Ireland), 1255;—Prosecutions, 1468;—County Courts, 1483;—General Register House, Edinburgh, 1499, 1500, 1502, 1585;—British Museum, 1578, 1582
Turkey, Commercial Relations with, 179
Under Secretary of State for Scotland, Res. 2147
Valuation (Ireland), Com. moved for, 912
Ways and Means, Com. 399
Weedon Establishment, Commission moved for, 1801
Western Bank of Scotland, 20
York, Deanery of, 1524

Chancellor of the Exchequer's Speech at Slough,
l. Notice (Earl of Clarendon), 1193; Observations (Earl of Clarendon), 1270
c. Observations (Lord J. Russell), 1069; (Viscount Palmerston), 1204

Chancery Amendment Bill,
c. 3R.* 920
l. 1R.* 1021 ;
2R. 1440 ;
Rep. 1690 ; 3R.* 1997

CHEETHAM, Mr. J., *Lancashire, S.*
Joint Stock Companies, Com. *add. cl.* 1912
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1705

CHELMSFORD, Lord, *see* CHANCELLOR, The LORD

Chelsea Bridge Act Amendment Bill,
c. 1R.* 332 ;
2R. 1991 ; Amend. (Mr. Blackburn), 1992 ; Adj. moved (Mr. Spooner), 1995, [A. 139, N. 51, M. 88] 1996

Cheques, Adhesive Stamps on,
c. Question (Mr. Nicoll), 1310

CHICHESTER, Earl of
Durham, Patronage of the See of, 1269
Ecclesiastical Commission, 2R. 11

China,
Atrocities in, c. Question (Mr. Robertson) 1611
Negotiations with, c. Question (Mr. Kinglake), 1448
Relations with, c. Question (Lord J. Russell), 1519, 1526
Yeh, Commissioner, c. Question (Mr. Laurie), 1532

CHRISTY, Mr. S., *Newcastle-under-Lyme*
Oregon, Gold in, 1059

Church Rates,
c. Motion withdrawn (Mr. Lygon), 221

Church Rates Bill,
c. Com. *cl.* 1, 557, [A. 227, N. 153, M. 74] 570 ; *cl.* 3, Amend. (Lord R. Cecil), 570 ; *cl.* neg. 571
add. cl. (Sir A. Elton), 571 ; Amend. (Mr. Gladstone), *ib.* ;
2nd *add. cl.* (Sir A. Elton), 571 ; *cl.* withdrawn, 575 ;
3R. Adj. moved (Mr. Drummond), 1402, [A. 103, N. 150, M. 47] 1403 ; Adj. moved (Mr. Hume), [A. 78, N. 136, M. 58] *ib.* Adj. Debate, 1706 ; Amend. (Sir B. Bridges), 1708, [*o. q.* A. 266, N. 203, M. 63] 1727
l. 1R.* 1829

Churches Metropolitan, Sanitary State of the,
c. Question (Mr. Laurie), 1924

Churches, &c., (Ireland) Bill,
c. 3R.* 2157
l. 1R.* 2193

CHURCHILL, Lord A. S., *Woodstock*
India, Government of, Com. Res. 6, 2251
New Zealand, 923

Civil Contingencies—Supply,
c. 1138

Civil Service Commisson—Supply,
c. 1131

Civil Service Estimates,
c. 1111, 1466, 1570

Civil Service Superannuation Commissioners,
c. Question (Sir J. Elphinstone), 922

CLANCARTY, Earl of
Belfast, Riots in, 1596
Jews, 1998
Oaths, Report, 1149
Property Qualification, 3R. 2091

CLANRICARDE, Marquess of
Canning's, Lord, Proclamation—Confiscation of Land in Oude, 324
Excise Duties, 3R. 328, 329
Kerry County, Assistant Barrister of, 2096, 2097, 2098
Militia, Organization of the, 2008

CLARENDON, Earl of
"Cagliari," Case of the, 1915
Chancellor of the Exchequer's Speech at Slough, Notice, 1193, 1270, 1280, 1293, 1305
Slave Trade, The, 2217
United States, Relations with the, 1701

CLAY, Mr. J., *Kingston-upon-Hull*
Breach of Privilege—Washington Wilks, 1067, 1313
Galway Freemen Disfranchisement Com. 2157,
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1026

Clerks of Petty Sessions (Ireland) Bill,
c. 1R.* 1705 ;
2R. 2277

CLEVELAND, Duke of
Militia, Organization of the, 2004

CLIVE, Mr. G., *Hereford*
Breach of Privilege—Washington Wilks, 1022, 1063, 1065, 1404
Galway Freemen Disfranchisement, Com. 2286, 2287

CODRINGTON, Lt. Gen. Sir W. J., *Greenwich*
Army Estimates, 373, 374, 381, 382, 383, 384, 386, 399, 1106, 1110
Army, Sanitary Condition of the, Res. 493
Government Property—Exemption from Rates, Com. moved for, 1799
Military Organization, Res. 1352
Officers' Servants, 1921
Poor Law (Metropolis) 2R. 515
Recruiting System, 363
Supply—Harbours of Refuge, 1126

COGAN, Mr. W. H. F., *Kildare Co.*
St. James's Park, 1852
Tenants' Compensation (Ireland), 2R. 1817

COLEBROOKE, Sir T. E., *Lanarkshire*
County Franchise (Scotland), Leave, 211
County Voters, Registration of, (Scotland), Com. 2190
Edinburgh Annuity Tax, 2R. 2181
India, Government of, Com. Res. 3, (4), 318, 319, 1973

COLLIER, Mr. R. P., *Plymouth*
Breach of Privilege—Washington Wilks, 1066, 1067
Chancellor of the Exchequer's Speech at Slough, 1095
Church Rates, 3R. 1403
Marriage Law Amendment, 2R. 126
Oaths, Lords' Amends, That Baron de Rothschild be a Member of the Committee, 437
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. Adj. moved, 857, 962
Poor Law (Metropolis), 2R. 516
Probate Courts, The, 258

COLLINS, Mr. T., *Knaresborough*
Church Rates, Com. *cl.* 1, 568 ; *add. cl.* 575
Limerick City, New Writ moved, 336

Commissioners for Exhibition 1851 *Bill,*
c. 1R.* 1849 ;
2R. 2254

Common Law Procedure Act Amendment Bill,
c. 1R.* 523 ;
2R. 928

Competitive Examination for the Civil Service,
l. Question (Lord Lyttelton), 1691

Confessional in Belgravia,
c. Question (Mr. Butler), 2016

CONINGHAM, Mr. W., *Brighton*
Army Estimates, 383
Commissioners for Exhibition (1851) 2R. 2264
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1030
Supply—British Museum, 1582

Consolidated Fund (£11,000,000) *Bill,*
c. 1R.* 496 ; 2R.* 523 ; 3R.* 763
l. 1R.* 761 ; 2R.* 858 ; 3R.* 919
Royal Assent, 1021

Conspiracy to Murder (*Ireland*),
c. Leave, 879 ; Motion withdrawn, 883

CONYNGHAM, Lord F. N., *Clare Co.*
Tenants' Compensation (Ireland), 2R. 1815

Cooper v. *Slade, Case of,*
c. Explanation (Mr. Serjeant Deasy), 276

COPELAND, Mr. Ald. W. T., *Stoke-upon-Trent,*
Lancaster, Duchy of—Mining Operations, Com. moved for, 446, 449

Copyhold Acts,
c. Question (Mr. Hankey), 1517

Copyhold Acts Amendment Bill,
c. 1R.* 1601 ; 2R.* 2014

Copyhold, Inclosure and Tithe Commission —Supply,
c. 1262

Copyright of Designs Bill,
c. 1R.* 763

County Courts—Supply,
c. Amend. (Visct. Duncan), 1475 ; Amend. neg. 1486

County Franchise Bill,
c. 2R. 1857 ; Previous Question moved (Mr. Du Cane), 1871, [A. 226, N. 168, M. 58] 1881

County Franchise (*Scotland*),
c. Leave 195, [A. 84, N. 103, M. 19] 215

County Gaols—Supply,
c. 1503

County Management Bill,
c. 2R.* 2157

County Roads, South Wales, Superintendent of—Supply
c. 1263

County Voters, Registration of, (*Scotland*) *Bill,*
c. Com. Amend. (Mr. G. Dundas), 2190, [*o. q.* A. 96, N. 108, M. 12.] 2191

COWAN, Mr. C., *Edinburgh*
County Franchise (Scotland), Leave, 201
Edinburgh Annuity Tax, 2R. 2178
Joint Stock Banking Companies, Com. 1504, 1505, 1913
Public Houses, (Scotland), 1856
Supply—County Courts, 1478 ;—General Register House, Edinburgh, 1494, 1495, 1497, 1501, 1533, 1534, 1585
Universities, (Scotland), 335 ; 2R. 1898

COWPER, Rt. Hon. W. F., *Hertford*
Commissioners for Exhibition (1851), 2R. 2266
Medical Practitioners, 2R. 1406 ; Com. 1409, 1410
Supply—British Museum, 1581

COX, Mr. W., *Finsbury*
Health, Public, Com. *cl.* 4, Adj. moved, 2283
Stamp Duties on Drafts, Com. *cl.* 2, 290
Supply—Police Courts (Metropolis), 1487

CRANWORTH, Lord
Chancery Amendment, 2R. 1444 ; Rep. 1691
Divorce and Matrimonial Causes Act Amendment, 2R. 579 ; Re-com. 2001 ; Report, 2194, 2195
Ecclesiastical Commission, 2R. 18
Kerry County, Assistant Barrister of, 1591, 2098

[*cont.*

CRANWORTH, Lord—*cont.*
Land, Transfer of, 3R. 418, 425
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 629
Probates and Letters of Administration Act Amendment, 2R. 579
Settled Estates Act, 1022

CRAUFURD, Mr. E. H. J., *Ayr, &c.*
"Cagliari," Case of the, 287, 428, 429
County Franchise (Scotland), Leave, 213
Medical Practitioners, Com. 1421
Supply—Printing, &c., Houses of Parliament, 1265
Under Secretary of State for Scotland, Res. 2133

CRAWFORD, Mr. R. W., *London*
Mediterranean, &c. Telegraphic Communications, Papers moved for, 21
Oude—The Proclamation (Colonel Franks), 865

CROSS, Mr. R. A., *Preston*
Church Rates, Com. *add. cl.* 575
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1602, 1705
Poor Law Amendment, Consid. Amend. 575

CROSSLEY, Mr. F., *Halifax*
Church Rates, Com. *add. cl.* 574
Commissioners for Exhibition (1851), 2R. 2268
Joint Stock Companies, Com. *add. cl.* 1913
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1603

Crown Office, Chancery and Queen's Bench—Supply,
c. 1471

Customs Duties Bill,
l. Royal Assent, 403

Customs Duties (No. 2) Bill,
l. 2R.* 147; 3R.* 323
Royal Assent, 403

DAMER, Captain L. S. D., *Portarlington,*
Tenants' Compensation (Ireland) 2R. 1819

Danubian Principalities,
c. Address moved, (Mr. Gladstone), 44, [A. 114, N. 292, M. 178] 106

DEASY, Mr. Serjt. R., *Cork Co.*
Belfast, Roman Catholic Magistrates in, 523
"Cagliari," Case of the, 2112
Cooper *v.* Slade, Case of, Explanation, 276
Danubian Principalities, Address moved, 71
Land, Sale and Transfer of (Ireland), Leave, 41; Com. 2104; *cl.* 3, 2110
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 686
Peace Preservation (Ireland), Act Amendment, 2R. 2087
Reformatory Schools (Ireland) 2R. 520
Roman Catholic Chaplains, 2150

[*cont.*

DEASY, Mr. Serj. R.—*cont.*
Tenants' Compensation (Ireland), 2R. 1802
Townsend, Mr., Case of, 2104
Voters' Travelling Expenses, Papers moved for, 216

DEEDES, Mr. W., *Kent, E.*
Durham, Church Patronage in the See of, 1855, 1856

DENISON, Rt. Hon. J. E., *see* SPEAKER, The,

DENMAN, Lord
Oaths, 2218
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 583
Property Qualification, 3R. Amend. 2095

DERBY, Earl of (First Lord of the Treasury)
Belfast, Riots in, 1592
Chancellor of the Exchequer's Speech at Slough, 1194, 1286, 1293, 1303
Competitive Examination for the Civil Service, 1693
Ecclesiastical Commission, 2R. 1, 10
Excise Duties, 3R. 329
India, Governor General of, 1267; Papers moved for, 1512
Jews, 1R. 1600
Kingston, Earl of, Question, 1597
Liturgy, Revision of the, Commission moved for, 173
Oaths Report, 1156, 1169, 1175
Oaths Substitution, 1R. 1600
Oude, Confiscation of Land in—Lord Canning's Proclamation, Papers moved for, 232, 233, 325, 405, 413, 414, 415, 418; Res. 583, 645; Observations, 919, 920
Poisons, Sale of, 2R. 1507
Property Qualification, 2R. 1838, 1839; Com 1918

Derby Day, Adjournment over the,
c. Motion (Captain Vivian), 865

DE ROS, Lord
Oaths, Report, 1185

DE VERE, Mr. J. E., *Limerick Co.*
Clerks of Petty Sessions (Ireland), 2R. 2278
Land, Sale and Transfer of (Ireland), 43

Dhar, Annexation of,
c. Question (Mr. J. B. Smith), 1919

DILLWYN, Mr. L. L., *Swansea*
Envelopes and Writing Paper, Drawback on, 1610
Kurrachee, Suppression of the Mutiny at, 924
Oaths, That Baron de Rothschild, be a Member of the Committee, 349; Res. Amend. 727
Oude, Confiscation of Land in,—Lord Canning's Proclamation, Res. Amend. 727, 864, 1033

DISRAELI, Rt. Hon. B., *see* Chancellor of the Exchequer

DIVETT, Mr. E., *Exeter*
Australian Postal Service, 2016

Divorce and Matrimonial Causes Bill,
l. 1R.* 227;
2R. 579;
Re-com. 2000;
Report, Amend. (Lord Redesdale), 2194

DOBBS, Mr. W. C., *Carrickfergus*
Conspiracy to Murder (Ireland), Leave, 882
Land, Sale and Transfer of (Ireland) Leave, 42

DONOUGHMORE, Earl of, (Paymaster of the Forces and Vice President of the Board of Trade)
Divorce and Matrimonial Causes, Recom. 2002
Excise Duties, 3R. 328
Kerry County, Assistant Barrister of, 1587, 2096
Land, Transfer of, 3R. 421
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 633

Drafts on Bankers Law Amendment Bill
c. 1R.* 1308; 2R.* 1849

Drainage, Main, Question
c. Question (Mr. C. S. Butler), 333

DRUMMOND, Mr. H., *Surrey, W.*
Church Rates, 3R. Adj. moved, 1402, 1403
Commissioners for Exhibition (1851), 2R. 2263
India, Government of, Com. Res. 3, 1648
Joint Stock Banking Companies, 2R. 536
Marriage Law Amendment, 2R. 132
Oaths, Lords' Amends., That Baron de Rothschild be a Member of the Committee, 438
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1029
Property Qualification, Com. 1426; 3R. 1507
Suez, Isthmus of, Canal, Res. 1398

Dublin,
Communication with London, c. Question (Mr. H. Herbert), 921
Police Force, c. Question (Captain Esmonde), 21

DU CANE, Mr. C., *Essex, N.*
County Franchise, 2R. Previous Question moved, 1860

DUFF, Mr. M. G., *Elgin, &c.*
Danubian Principalities, Address moved, 83
Supply—Harbours of Refuge, 1123;—British Museum, 1573
Universities (Scotland) 2R. 1902

DUNBAR, Sir W., *Wigton, &c.*
Joint Stock Banking Companies, 2R. 537
Supply—County Courts, 1486
Universities (Scotland), 2R. 1892

DUNCAN, Viscount, *Forfarshire*
Edinburgh Annuity Tax, 2R. 2188
Health, Public, Com. *cl.* 4, 2281, 2284
Ordnance Survey Commission, 335
Sheriffs Court (Scotland), 1611
Supply—Prosecutions, 1468;—County Courts, Amend. 1475, 1477, 1479, 1484, 1486;—Police Courts (Metropolis), 1487

[*cont.*

DUNCAN, Viscount—*cont.*
Under Secretary of State for Scotland, Res. 2140
Universities (Scotland), 2R. 1900
Weedon Establishment, Commission moved for, 1801

DUNCOMBE, Hon. Rear Adm. A., *Yorkshire E. Riding*
Navy, Manning the, Com. moved for, Amend. 894, 1612, 1613

DUNCOMBE, Mr. T. S., *Finsbury*
Breach of Privilege—Washington Wilks, 1065
Jenner, Dr., Statue of, 354
Medical Practitioners, Com. 1418
Medical Profession and Medical Corporations, 2R. 1421
Oaths, Lords' Amends. 347; That Baron de Rothschild be a Member of the Committee, 348, 353
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1030
Patent Law Amendment, 2R. 516, 517, 519
Poor Law (Metropolis), 2R. 514

DUNDAS, Mr. G., *Linlithgow*
County Voters, Registration of (Scotland), Com. Amend. 2190
Supply—General Register House, Edinburgh, 1496, 1498

DUNGANNON, Viscount
Belfast, Riots in, 1591, 1595
Kingston, Earl of—Questions, 1599
Oaths, 2220
Paris, English Church in, 247

DUNKELLIN, Lord, *Galway*
India, Government of, Com. Res. 3, 1680
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 801

DUNLOP, Mr. A. M., *Greenock*
India, Government of, Com. Res. 3, 1989; Res. 6, 2249
Limerick City, New Writ moved, 336
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1018, 1034
Supply—County Courts, 1479;—General Register House, Edinburgh, 1496
Under Secretary of State for Scotland, Res. 2146
Universities (Scotland), 2R. 1894

Durham County Palatine Jurisdiction Bill
c. 2R. 221; Com. 2279

Durham, Patronage of the See of
l. Question (Lord Ravensworth), 1269
c. Question (Lord A. Vane-Tempest) 1855

DUTTON, Hon. R. H. *Hampshire, S.*
Government Property—Exemption from Rates, Com. moved for, 1798

EBRINGTON, Viscount, *Marylebone*
Army Estimates, 394
Army, Sanitary Condition of the, Res. 473, 495;—Kitchens for the, 921

[*cont.*

EBRINGTON, Viscount—*cont.*
Health, Public, Com. *cl.* 4, 2282
Private Bills, Res. 470

EBURY, Lord
*Liturgy, Revision of the, Commission moved for, 148, 177
Property Qualification, 2R. 1837

Ecclesiastical Commission Bill
l. 2R. 1

Ecclesiastical Corporations, Aggregate (Estates) Bill
l. 2R.* 1

Ecclesiastical Corporations Leasing Bill
c. 1R.* 108; 2R.* 673; 3R.* 1447
l. 1R.* 1507

Edinburgh Annuity Tax
c. 2R. 2157; Amend. (Mr. Blackburn), 2176, [*o. q.* A., 129, N. 130, M. 1] 2189

Educational Estimates
c. Question (Mr. M. Gibson), 1197

EDWARDS, Major H., *Beverley*
Ladies' Gallery, The, 1920
Property Qualification, 2R. 225
Supply—New Houses of Parliament, 1203

EGERTON, Sir P. de M. G., *Cheshire, S.*
Supply—British Museum, 1573

EGERTON, Mr. W. T., *Cheshire, N.*
Private Bills, Res. 471

ELCHO, Lord, *Haddingtonshire*
Army Estimates, 382, 385, 386, 388
Commissioners for Exhibition (1851), 2R. 2265
County Franchise (Scotland) Leave, 214
Jenner, Dr., Statue of, 275
Medical Practitioners, Com. 1419
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 821
Supply—British Museum, 1572, 1583
Universities (Scotland), 2R. 1909

Election Committees Scrutiny Bill,
c. 1R.* 426

ELLENBOROUGH, Earl of (†President of the Board of Control)
† Annexation of Native States, 327
† Canning's, Lord, Proclamation—Confiscation of Land in Oude, 147, 148; Papers moved for, 228, 229, 230, 231, 240, 323, 324, 325, 407; Res. 600, 919, 920
Competitive Examination for the Civil Service, 1697
Resignation of, 409, 414, 415

ELLESMERE, Earl of,
Oaths, Report, 1170

ELLICE, Rt. Hon. E., *Coventry*
India, Government of, Com. Res. 2, 301, 313, 317; Res. 3, (4), 319, 1956, 1982; Res. 6, 2251

ELLICE, Mr. E., *St. Andrews*
County Franchise (Scotland), Leave, 208
Supply—Commissioners of Lunacy (Scotland), 1263
Under Secretary of State for Scotland, Res. 2130
Universities, (Scotland), 2R. 1902

ELLIOT, Hon. J. E., *Roxburghshire*
Breach of Privilege—Washington Wilks, 1324, 1405

Elliot, Mr., Absconding of—see *Weedon, Establishment at,*

ELPHINSTONE, Sir J. D. H., *Portsmouth*
Civil Service Superannuation Commissioners, 922
Government Property—Exemption from Rates, Com. moved for, 1797
Oude—The Proclamation, 863
Suez, Isthmus of, Canal, Res. 1400

ELTON, Sir A. H., *Bath*
Ballot, Leave, 1752
Church Rates, Com. *cl.* 1; *add. cl.* 571, 572, 575
Health, Public, Com. *cl.* 4, 2282
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 974

Embassy Houses abroad—Supply,
c. 1120

Enfield Muskets,
c. Question (Colonel Williams), 2111

Envelopes and Writing Paper, Drawback on,
c. Question (Mr. Dillwyn), 1610

ESMONDE, Captain J., *Waterford Co.*
Dublin Police Force, 21

ESTCOURT, Rt. Hon. J. H. S., (Chief Commissioner of the Poor Law), *Wiltshire, N.*
Ballot, Leave, 1748
Health, Public, Com. *cl.* 4, 2281
Insurance and Assurance Institutions, 2R. Amend. 2192
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1605, 1705
Patent Law Amendment, 2R. 520
Poor Law Amendment, Consid. 575
Poor Law (Metropolis), 2R. Amend. 503, 512
Poor Law System of Medical Relief, 1854
Poor Removal, Com. moved for, 1914, 1915
Supply—County Courts, 1480
Workhouses, Metropolitan, Com. moved for, 107

EVANS, Lieut. Gen. Sir De L., *Westminster*
Captains in the Army, Address moved, 1100
India, Transport of Troops to, 2113
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1029

EWART, Mr. J. C., *Liverpool*
Joint Stock Banking Companies, 2R. 553
Stamp Duties on Drafts, Com. *cl.* 2, 289
Suez, Isthmus of, Canal, Res. 1384, 1385

EWART, Mr. W., *Dumfries, &c.*
Commissioners for Exhibition (1851) 2R. 2266
Private Bills, Res. 471
Supply—Lord Advocate, &c. (Scotland), 1491
Under Secretary of State (Scotland), Res. 2125
York, Deanery of, 1522

EXCHEQUER, CHANCELLOR OF THE, *see* CHANCELLOR OF THE EXCHEQUER

Exchequer Bills (£20,911,500) *Bill,*
l. Royal Assent, 403

Exchequer Bonds (£2,000,000) *Bill,*
c. 3R.* 108
l. 1R.* 147; 2R.* 227; 3R.* 323
Royal Assent, 403

Exchequer, Comptroller General of—Supply,
c. 1131

Excise Duties Bill,
l. 2R.* 147;
3R. 327
Royal Assent, 403

Executors, Confirmation of, Bill,
c. 2R.* 1022

Factories, Inspectors of—Supply,
c. 1250

False Pretences, Law of, Bill,
l. 1R.* 1829; 2R.* 2088

FARQUHAR, Sir W. M. T., *Hertford*
Oude, Confiscation of Land in—Lord Canning's Proclamation, 528
Property Qualification, Com. 1430

Female Children, Protection of, Bill,
l. 1R.* 1;
2R. 249; 3R.* 919
c. 1R* 2157

FINLAY, Mr. A. S., *Argylshire*
Joint Stock Banking Companies, 2R. 536; Com. *cl.* 3, 1910

Fisheries,
c. Papers moved for (Sir G. Pechell), 215

FITZGERALD, Rt. Hon. J. D., *Ennis*
Belfast, Riots at, 1534
Land, Sale and Transfer of (Ireland) Leave, 38; 2R. 1060; Com. Amend. 1538, 1569, 2106
Moore's, Mr. Cecil, appointment, 1920
Police Force (Ireland), Leave, 2155
Secretary, The Irish, Office of the, 1463
Supply—Insolvent Debtors, 1473;—County Courts, 1480
Townsend, Mr., Case of, 2103
Voters' Travelling Expenses, Papers moved for, 219

FITZGERALD, Mr. W. R. S. (Under Secretary for Foreign Affairs), *Horsham*
Belgrade, Outrage at—Consul Fonblanque, 1947
Brazil—Messrs. Swann and Smallpage, 1851
"Cagliari," Case of the, 106, 283, 285, 428, 1947, 2112
Chancellor of the Exchequer's Speech at Slough, 1247
China, Atrocities in, 1611
Danubian Principalities, Address moved, 66, 73
Howard, Mr., his Departure from Florence, 1731, 1732, 1849
Mobile, Consulship at, 1465
Persia—Herat, 1850
Slave Trade—French "Free Emigration" Scheme, 1854
Suez, Isthmus of, Canal, Res. 1373
United States, Differences with the, 1312, 1532, 1947
Yeh, Commissioner, 1533

FITZROY, Rt. Hon. H. (Chairman of Committees), *Lewes*
Army Estimates, 1105, 1106
Breach of Privilege—Washington Wilks, 1199, 1327
Health, Public, Com. *cl.* 4, 2283
India, Government of, Com. Res. 3, 1614, 1615 1668, 1948, 1969; Report, 2253
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1603, 1606
Stamp Duties on Drafts, Com. *cl.* 2, 290
Supply—Secretary to the Lord Lieutenant (Ireland), 1258;—Inspectors of Lunatic Asylums (Ireland), 1261;—General Register House, Edinburgh, 1497, 1499, 1502, 1534
Townsend, Mr., Case of, Papers moved for, 1857, 2098, 2099

Foreign and other Secret Services—Supply,
c. 1263

FORESTER, Rt. Hon. Col. G. C. W. (Comptroller of the Household), *Wenlock*
Turnpike Tolls (Metropolis), Her Majesty's Answer to Address, 763

FORTESCUE, Earl
Property Qualification, 2R. 1829, 1841; Com. 1917; 3R. 2095

FORTESCUE, Mr. C. S., *Louth Co.*
India, Government of, Com. Res. 2, 315; Res. 6, 2248
New Zealand, 362

[*cont.*

FORTESCUE, Mr. C. S.—*cont.*
Peace Preservation (Ireland), Act Amendment, 2R. 2087
Slave Trade — French "Free Emigration" Scheme, 1854
Tenant Right (Ireland), Com. moved for, 195
Tenants' Compensation (Ireland), 2R. 1815

Four Courts (Dublin) Extension Bill,
c. 1R.* 2220

FOX, Mr. W. J., *Oldham*
Church Rates, Com. *cl.* 1, 565

Franchise Prisons Bill,
c. 3R.* 250
l. 1R.* 323; 2R* 1021; 3R.* 1267
Royal Assent, 1997

FRASER, Sir W. A., *Barnstaple*
Bell for the Clock Tower, 276
Mediterranean, &c., Telegraphic Communications, Papers moved for, 22
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 697

FRENCH, Col. F., *Roscommon Co.*
Belfast, Riots in, 1538
Conspiracy to Murder (Ireland), Leave, 882
Insurance and Assurance Institutions, Leave, 879; 2R. 2192
Land, Sale and Transfer of (Ireland), Com. 2105
Limerick City, New Writ moved, 336
Manchester, &c. and Great Northern Railway Companies, Consid. 1195
National Defences, The, 1942
Secretary, The Irish, Office of the, 1464
Supply—Prosecutions, 1468
Townsend, Mr., Case of, 2104

Friendly Societies Act Amendment Bill,
c. 1R.* 763; 2R.* 1601

Friendly Societies, Registers of—Supply,
c. 1263

Funded Debt Bill,
c. Leave, 1507; 1R.* *ib.*

Furniture for Public Departments — Supply,
c. 1113

Galway Freemen Disfranchisement Bill,
c. Com. Adj. moved (Mr. B. Hope), 2157; Adj. Debate, 2286; Motion withdrawn, 2288

Galway Harbour and Port Act Amendment Bill,
c. 1R.* 1849

Game Laws (Ireland) Bill,
c. 1R.* 763

GARNETT, Mr. W. J., *Lancaster*
Church Rates, Com. *cl.* 1, 564

Gas, Supply of,
c. Com. moved for (Mr. Byng), 321

GIBSON, Rt. Hon. T. M., *Ashton-under-Lyne*
Breach of Privilege—Washington Wilks, 1198, 1199, 1313, 1319, 1327, 1404
Chancellor of the Exchequer's Speech at Slough, 1093
Educational Estimates, 1197
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1705
Manchester, &c. and Great Northern Railway Companies, Consid. 1607
Oude, Confiscation of Land in—Lord Canning's Proclamation, 530; Res. 728, 773, 1020
Suez, Isthmus of, Canal, Res. 1367, 1377, 1447
Supply—Harbours of Refuge, 1124

GILPIN, Col. R. T., *Bedfordshire*
Army Estimates, 385, 398

GILPIN, Mr. C., *Northampton*
Church Rates, Com. *cl.* 1, 562
Edinburgh Annuity Tax, 2R. 2179
Health, Public, Com. *cl.* 4, 2282
Oaths, Lords' Amends. 338
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 978
Supply—Metropolitan Police, 1488
Universities (Scotland), 2R. 1902

GLADSTONE, Rt. Hon. W. E., *Oxford University*
Breach of Privilege—Washington Wilks, 1322
"Cagliari," Case of the, 284
Church Rates, Com. *add. cl.* Amend. 571; 3R. 1402, 1723
Civil Service Superannuation Commissioners, 922
Danubian Principalities, Address moved, 44, 104
India, Government of, Com. Res. 3, Amend. 1615; Res. 5, 2069, 2081; Res. 6, 2239
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1026, 1042, 1059
Prince Edward Island, 1948
Real Property, &c.—Probate Duty, Res. 869
Suez, Isthmus of, Canal, Res. 1384, 1385
Supply—British Museum, 1571, 1576

Gloucester Gate Bridge,
c. Question (Mr. Wyld), 333

GLYN, Mr. G. C., *Kendal*
Supply—Holyhead Harbour, 1126

GODERICH, Viscount, *Yorkshire, W.R.*
India, Government of, Com. Res. 5, 2052; Adj. moved, 2085
Slave Trade — French "Free Emigration" Scheme, 1854
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 932

Government Property—Exemption from Rates,
c. Com. moved for (Sir J. Elphinstone), 1797

GRAHAM, Rt. Hon. Sir J. R. G., *Carlisle*
Church Rates, 3R. 1713
India, Government of, Com. Res. 3, 1955; Res. 5, 2027, 2078; Res. 6, 2232
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 985, 1001, 1011
Real Property &c.—Probate Duty, Res. 878

GRANVILLE, Earl
Canning's, Lord, Proclamation—Confiscation of Land in Oude, 147, 148, 177; Papers moved for, 228, 229, 230, 233, 324, 407, 414, 418; Res. 627, 661, 664, 919
Chancellor of the Exchequer's Speech at Slough, 1301, 1303
Competitive Examination for the Civil Service, 1696
Ecclesiastical Commission, 2R. 17
India, Governor General of, 1267
Liturgy, Revision of the, Commission moved for, 176
Oaths, Report, 1174, 1192, 2219
Poisons, Sale of, 2R. 1510
Property Qualification, 2R. 1845; Com. 1917

GRAY, Capt. W., *Bolton*
Militia at Aldershot, 19

GREER, Mr. S. M., *Londonderry Co.*
Conspiracy to Murder, Leave, 881
Tenant Right (Ireland), Com. moved for, 181, 195

GREGORY, Mr. W. H., *Galway Co.*
Clerks of Petty Sessions (Ireland), 2R. 2277
Persia—Herat, 1850
Supply—British Museum, 1573

GREGSON, Mr. S., *Lancaster*
India, Government of, Com. Res. 4, Amend. 1990

GREVILLE, Col. F. S., *Longford Co.*
Land, Sale and Transfer of (Ireland), Com. 1567
Tenants' Compensation (Ireland), 2R. 1828

GREY, Earl
Competitive Examination for the Civil Service, 1697
Divorce and Matrimonial Causes, Report, 2195
Ecclesiastical Commission, 2R. 11
Kingston, Earl of—Questions, 1597
Liturgy, Revision of the, Commission moved for, 169
Militia, Organization of the, 2006
Oaths, Report, 1168; Adj. moved, 1169
Oude, Confiscation of Land in—Lord Canning's Proclamation, Papers moved for, 243, 324, 412, 413; Res. 635
Property Qualification, 2R. 1832, 1839; Com. Instruction, 1916, 1918
Slave Trade, The, 2204, 2212, 2213, 2214

GREY, Rt. Hon. Sir G., *Morpeth*
Chancellor of the Exchequer's Speech at Slough, 1226
India, Government of, Com. Res. 3, 1686, 1688

[*cont.*

GREY, Rt. Hon. Sir G.—*cont.*
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1606
Sasines, Register of the, Keeper of the, 1518
Secretary, The Irish, Office of, 1461
Supply—Board of Public Works (Ireland), 1261;—Commissioners of Lunacy (Scotland), 1263;—Prosecutions, 1470;—Police, 1471

GRIFFITH, Mr. C. D., *Devizes*
Chancellor of the Exchequer's Speech at Slough, 1100
Church Rates, Com. *cl.* 1, 558
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1030
Private Bills, Res. 470
Property Qualification, 2R. 225; Com. 1429
Suez, Isthmus of, Canal, Res. Amend. 1367
Supply—Sheriffs, &c., 1471;—Metropolitan Police, 1488, 1489
Thames, State of the, 1063, 1534
United States, Differences with the, 1249

GROGAN, Mr. E., *Dublin City*
Breach of Privilege—Washington Wilks, 1068
Medical Practitioners, Com. 1420
Police Force (Ireland), Leave, 2155
Stamp Duties on Drafts, Com. *cl.* 2, 290
Valuation (Ireland), Com. moved for, 911, 913

GURNEY, Mr. J. H., *King's Lynn*
Joint Stock Banking Companies, 2R. 543
Stamp Duties on Drafts, Com. *cl.* 1 Amend. 288; *add. cl.* 291

HADDO, Lord, *Aberdeenshire*
Suez, Isthmus of, Canal, Res. 1370

HADFIELD, Mr. G., *Sheffield*
Jersey, Laws of, 1308
Mortmain, Law of, 1801
Probate Court, The, 258
Real Property, &c.—Probate Duty, Res. 869
Supply—Insolvent Debtors Court, 1472;—Court of Probate, &c., 1473, 1474, 1475;—Police Courts (Metropolis), Amend. 1487, 1488;—Metropolitan Police, 1490
Turkey, Commercial Relations with, 179

HALL, Rt. Hon. Sir B., *Marylebone*
Chelsea Bridge Act Amendment, 2R. 1992
Poor Law (Metropolis), 2R. 511
Supply—New Houses of Parliament, 1119

HAMILTON, Rt. Hon. Lord C. (Treasurer of the Household), *Tyrone*
Navy, Manning the, Her Majesty's Answer to Address, 1061

HAMILTON, Mr. G. A. (Secretary to the Treasury), *Dublin University*
Army Accounts, Auditing of the, 178
Australian Postal Service, 2015, 2016
Business, Public, 1438
Civil Service Superannuation Commissioners, 922, 923
Dublin and London, Communication between, 921
Durham County Jurisdiction, 2R. 221; Com. 2272

[*cont.*

HAMILTON, Mr. G. A.—*cont.*
Envelopes and Writing Paper, Drawback on, 1610
Galway Freemen Disfranchisement, Com. 2287
Insurance and Assurance Institutions, 2R. 2288
Land, Sale and Transfer of (Ireland), Com. 2106
Mediterranean and Telegraphic Communications, Papers moved for, 24
Stamp Duties on Drafts, Com. *cl.* 1, 289; *cl.* 2, 290; Preamble, 292
Supply — Public Buildings, 1111;—Furniture for Public Departments, 1113, 1114, 1115;—Royal Parks, 1116;—Harbours of Refuge, 1122, 1124;—Holyhead Harbour, 1126, 1127;—Kingstown Harbour, 1128;—Secretary of State Foreign Department, 1129;—Poor Law Board, 1134;—Queen's, &c. Remembrancer (Scotland), 1251;—Officers of Lord Lieutenant (Ireland), 1252;—Secretary to Lord Lieutenant (Ireland), 1257;—Inspectors of Lunatic Asylums (Ireland), 1260;—Board of Public Works (Ireland), 1261;—Commissioners of Lunacy (Scotland), 1263;—Printing, &c. Houses of Parliament, 1264, 1265, 1266;—Law Charges, 1466;—Prosecutions, 1466, 1467, 1468, 1469, 1470, 1583;—Admiralty Court, 1472;—Court of Probate, &c. 1473;—County Courts, 1475, 1477, 1484;—Police Courts (Metropolis), 1487;—General Registry House, Edinburgh, 1501; Report, 1585

HANBURY, Mr. R., *Middlesex*
Newfoundland Fisheries, 673

HANKEY, Mr. T., *Peterborough*
Bell for the Clock Tower, 274
Copyhold Acts, 1517
Joint Stock Companies, Com. *add. cl.* 1912
Richard Cœur de Lion, Statue of, 274
Supply—New Houses of Parliament, 1118;—Embassy Houses Abroad, 1120;—Prosecutions, 1469

HANMER, Sir J., *Flint, &c.*
Manchester, &c. and Great Northern Railway Companies, Consid. 1195, 1608

Harbours of Refuge,
c. Question (Mr. Macartney), 923

Harbours of Refuge—Supply,
c. 1120; Amend. (Mr. Baxter), 1124; Amend. withdrawn, 1126

HARDINGE, Viscount, (Under Secretary for War)
Johnstone, Colonel, Case of, 1587
Militia, Organization of the, 2005

HARDWICKE, Earl of (Lord Privy Seal)
Kerry County, Assistant Barrister of, 1590
Oaths, 2219
Slave Trade, The, 2215, 2217
United States, Relations with the, 1704

HARDY, Mr. G. (Under Secretary for the Home Department), *Leominster*
British Bank, Royal, 1517
Cemeteries, Metropolitan, 250
Churches, Metropolitan, Sanitary State of the, 1925
Copyhold Acts, 1517
Magisterial Appointments, 271; Return moved for, 322
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 786
Supply—Police Courts (Metropolis), 1487

HARTINGTON, Marquess of, *Lancashire, N.*
Lancaster, Duchy of—Mining Operations, Com. moved for, 452

HASSARD, Mr. M. D., *Waterford City*
Joint Stock Companies, Com. *cl.* 3, Amend. 1911
Waterford, Harbour at, 859

HATCHELL, Mr. J., *Wexford Co.*
Reformatory Schools (Ireland), 2R. 523

HEADLAM, Mr. T. E., *Newcastle-upon-Tyne*
Business of the House, 1200
"Cagliari," Case of the, 286, 1195
Joint Stock Banking Companies, 2R. 556; Com. 1503, 1505, 1506; *cl.* 2, 1910; *cl.* 3, 1911; *add. cl.* 1912
Medical Practitioners, Com. 1409, 1417
National Defences, The, 1941
Oaths, Lords' Amends. That Baron de Roths-child be a Member of the Committee, 435
Oude, Confiscation of Land in—Lord Canning's Proclamation, 427
Private Bills, Res. 470

Health, General Board of—Medical Staff,
c. Question (Mr. Palk), 1197

Health, General Board of (Skipton, &c.) Bill,
l. Royal Assent, 403

Health, Public, Bill,
c. 1R.* 763; 2R.* 1194; Com. 2279; *cl.* 4, 2281; [*r. p.* A. 32, N. 140, M. 108] 2283

HEATHCOTE, Sir W., *Oxford University*
Church Rates, Com. *add. cl.* 572
Joint Stock Banking Companies, Com. 1505

HEATHCOTE, Hon. G. H., *Rutland*
Medical Profession and Medical Corporations 2R. 1421

HENCHY, Mr. D. O., *Kildare Co.*
Tenants' Compensation (Ireland), 2R. 1827

HENLEY, Rt. Hon. J. W. (President of the Board of Trade), *Oxfordshire*
Church Rates, Com. *add. cl.* 573
County Franchise, 2R. 1879
Fisheries, Paper moved for, 216
Insurance and Assurance Institutions, 2R. 2192
Joint Stock Banking Companies, Com. 1505; *cl.* 2, 1910; *cl.* 3, 1911
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1604, 1605, 1705
Manchester, &c. and Great Northern Railway Companies, Consid. Amend. 1194, 1609
Marriage Law Amendment, Com. 1689
Masters and Workmen, 2R. 532
Property Qualification, Com. 1430
Railway Legislation, 1516
Real Property, &c.—Probate Duty, Res. 877
Weights and Measures, 2R. 917
Winding-up Acts, 1518

HERBERT, Rt. Hon. S., *Wiltshire, S.*
Army Estimates, 396
Army, Sanitary Condition of the, 489
Chelsea Bridge Act Amendment, 2R. 1994
India, Government of, Res. 5, 2043
Military Organization, Res. 1348
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1020

HERBERT, Rt. Hon. H. A., *Kerry Co.*
Dublin and London, Communication between, 921

Holyhead Harbour—Supply, *c.* 1126

HOPE, Mr. A. J. BERESFORD, *Maidstone*
Ballot, Leave, 1757
Church Rates, Com. *cl.* 1, 559
Commissioners for Exhibition (1851), 2R. 2267
Galway Freemen Disfranchisement, Com. Adj. moved, 2157
Marriage Law Amendment, 2R. Amend. 108, 133, 135; Com. 1689
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 814
Supply—Office of Works, 1131, 1132; New Houses of Parliament, 1203

HOPWOOD, Mr. J. T., *Clitheroe*
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1605

HORSFALL, Mr. T. B., *Liverpool*
Judkins, Capt.—Slave Trade, 1532, 1945
Supply—Police Courts (Metropolis), 1487
Weights and Measures, 2R. Amend. 913

HORSMAN, Rt. Hon. E., *Stroud*
Breach of Privilege—Washington Wilks, 1327
Edinburgh Annuity Tax, 2R. 2188
Irish Secretary, Office of, Explanation, 1450, 1455, 1465
Land, Sale and Transfer of (Ireland), Leave, 42; Com. *cl.* 3, 2110
Military Organization, Res. 1344
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1039
Oude, Pacification of, 1853
Property Qualification, Com. 576

[*cont.*

HORSMAN, Rt. Hon. E.—*cont.*
Supply — Secretary to the Lord Lieutenant (Ireland), 1259;—Board of Public Works, (Ireland), 1261;—General Register House, Edinburgh, 1497, 1500

HOTHAM, Lord, *Yorkshire E. Riding*
Army Estimates, 1107, 1110
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1046
York, Deanery of, 1522

Howard, Mr., his Departure from Florence,
c. Question (Mr. Wise), 1731; (Mr. Bowyer) 1849

HUME, Mr. W. W. F., *Wicklow Co.*
Church Rates, 3R. Adj. moved, 1403
Property Qualification, Com. Adj. moved, 578
Presbyterian and Roman Catholic Chaplains for the Army, 2014

HUNT, Mr. G. W., *Northamptonshire, N.*
Ballot, Leave, 1748
Property Qualification, Com. *cl.* 1, 1437

HUTT, Mr. W., *Gateshead*
"Cagliari," Case of the, 220

Inclosure and Drainage Acts—Supply, *c.* 1262

India,
Annexation of Native States, l. Motion postponed (Earl of Albemarle), 326
Canning's, Lord, Proclamation—Confiscation of Land in Oude, l. Question, (Earl Granville), 147, 177, 1267; Papers moved for (Earl of Ellenborough), 228; Notice (Earl of Shaftesbury), 323; Explanation (Marquess of Lansdowne), 404;
Res. (Earl of Shaftesbury), 579; Previous Question moved (Lord Chancellor), 629, [Contents 158, Not Contents 167, M. 9] 670; Observations (Earl of Derby), 919
c. Question (Mr. Bright), 180; Notice (Mr. Cardwell,) 332; (Lord A. Vane-Tempest), 426; Question (Mr. Newdegate), 525; (Sir D. Norreys), 860; (Mr. Crawford), 865; Explanation (Viscount Palmerston), 925; Question (Mr. Wilson), 1921;
Res. (Mr. Cardwell), 674; Amend. (Mr. Dillwyn), 728; Adj. moved (Mr. Roebuck), 761; Adj. Debate, 764, 931, 1024, 1026; Amend. and Motion withdrawn, 1060
Despatches from, c. Question (Sir J. Shelley), 928
Dhar, Annexation of, c. Question (Mr. J. B. Smith), 1919
Ellenborough, Earl of, Resignation of, l. 404
c. Question (Lord A. Vane-Tempest) 524
Governor General of, l. Question (Earl Granville), 1267; Papers moved for (Marquess of Breadalbane), 1511; Motion withdrawn, 1516
Kurrachee, Suppression of the Mutiny at, c. Question (Mr. Dillwyn), 924
Lucknow, Property taken in, c. Question (Mr. Lauric), 333

[*cont.*

India.—cont.
Private Correspondence, c. Notice (Mr. Lygon), 674; Question, 764; Explanation (Viscount Palmerston), 925
Reinforcements for the Army, c. Question (Mr. Wyld), 524
Troops, Transport of, c. Question (Mr. Nicoll), 2113
Vote of Thanks, Acknowledgment of, l. 2193

See
Bombay Chief Justice of, Bill
Oude

India, Government of,
c. Com. Res. 2, 292; Amend. (Mr. Rich), 295; Amend. withdrawn, 317;
Res. 3 (4), 318, 1613; Amend. (Mr. Gladstone) 1633, [*o. q.* A. 265, N. 116, M. 149] 1666; Amend. (Mr. Roebuck), 1673; Amend. neg. 1678; Amend. (Mr. Lindsay), 1679; Amend. neg. 1681; Amend. (Lord J. Russell), *ib.* 1948; Amend. (Lord Stanley) 1969, [*o. q.* A. 176, N. 243, M. 67] 1988;
Res. 4 (5), 1989; Amend. (Mr. Gregson) 1990;
Res. 5 (6), 2018; Amend. (Lord J. Russell), 2026, [*o. q.* A. 250, N. 185, M. 65] 2081; Adj. moved (Viscount Goderich), [*r. p.* A. 155, N. 239, M. 84] 2085;
Res. 6 (7), 2221; Motion withdrawn, 2251;
Report, 2253

India, Government of (*No.* 3), *Bill,*
c. 1R.* 2254

Ingestre, Viscount, *Stafford*
Lancaster, Duchy of—Mining Operations, Com. moved for, 453

Ingham, Mr. R., *South Shields*
Masters and Workmen, 2R. 533
Private Bills, Res. 469
Stanhope and Wolsingham Rectories, Com. 2285
United States, Differences with the, 1250

Inglis, Rt. Hon. J., *see* Advocate, The Lord

Insolvent Debtors Court—Supply,
c. 1472

Insurance and Assurance Institutions Bill,
c. Leave, 879; 1R.* 1404;
2R. 2191; Amend. (Mr. H. B. Sheridan), 2192; Amend. (Mr. Sotheron Estcourt), *ib.*; Adj. Debate, 2288

Ireland,
Belfast, Riots in, l. Question (Viscount Dungannon), 1591
c. Roman Catholic Magistrates in, Question (Mr. Deasy), 523;—*Riots in,* Question (Mr. J. D. FitzGerald), 1534
Belvoir, Agricultural Model School at, c. Question (Mr. Calcutt), 332
Communication between London and Dublin, c. Question (Mr. H. Herbert), 921
Conspiracy to Murder, c. Leave, 879; Motion withdrawn, 883
Dublin Police Force, c. Question (Captain Esmonde), 21
Ellis, Mr., Murder of, c. Question (Mr. Brady), 1311

[*cont.*

Ireland—cont.
Endowed Schools, c. Question (Mr. Bagwell), 428
Kerry, Assistant Barrister of the County of, l. Motion (Earl of Donoughmore), 1587, 2096
Landed Estates Court, c. Question (Sir E. Perry), 2252
Limerick City Election, c. Report, 332; New Writ moved (Colonel French), 336; Motion withdrawn, *ib.*
Lunatic Asylums Commission, c. Question (Mr. Macartney), 1919
Mayo Priests, Prosecution of the, c. Question (Lord J. Browne), 1850
Moore's, (Mr. Cecil) Appointment, c. Question (Mr. J. D. FitzGerald), 1920
Registration of Births, &c., c. Question (Mr. Brady), 1610
Secretary, The Irish, Office of, c. Explanation (Mr. Horsman), 1450
Supply—Public Works, 1128;—*Kingstown Harbour,* 1128;—*Officers of Lord Lieutenant,* 1252; Amend. (Mr. Wise), 1253; Amend. withdrawn, 1254; 2nd Amend. [A. 42, N. 88, M. 46] 1254;—*Secretary to Lord Lieutenant,* Amend. (Mr. Baxter), *ib.* [A. 55, N. 151, M. 96] 1259; Amend. (Mr. W. Williams), [A. 68, N. 148, M. 80] *ib.*;—*Paymaster of Civil Services,*—*Inspectors of Lunatic Asylums,* 1259;—*Board of Public Works,* 1261;—*General Register Office, Dublin,* 1262;—*Admiralty Court, Dublin,* 1472;—*Courts of Law,* 1502, 1503
Tenant Right, c. Com. moved for, (Mr. Greer), 181, [A. 43, N. 232, M. 189] 195
Tuam, Romish Procession in, c. Question (Sir W. Verner), 2018
Vaccination, c. Question (Mr. Monsell), 287;—see *Vaccination (Ireland) Bill*
Valuation, c. Com. moved for (Mr. Grogan), 911; Motion withdrawn, 913
Waterford, Harbour at, c. Question (Mr. Hassard), 859

See
Administration of Justice (Dublin) Bill
Churches, &c. (Ireland) Bill
Clerks of Petty Sessions (Ireland) Bill
Four Courts (Dublin) Extension Bill
Galway Freemen Disfranchisement Bill
Galway Harbour and Port Act Amendment Bill
Game Laws (Ireland) Bill
Juries (Ireland) Bill
Land, Sale and Transfer of (Ireland), Bill
Markets and Fairs (Ireland) Bill
Nisi Prius Court (Ireland) Bill
Peace Preservation (Ireland) Act Continuance Bill
Police Force (Ireland), Bill
Prescription (Ireland) Bill
Reformatory Schools (Ireland) Bill
Tenant's Compensation (Ireland) Bill

Jackson, Mr. W., *Newcastle-under-Lyme*
Chelsea Bridge Act Amendment, 2R. 1996
Health, Public, Com. *cl.* 4, 2281, 2284, 2285
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1040
Supply—British Museum, 1582
Weedon Establishment, Commission moved for, 1800

Jenner, Dr., Statue of,
c. Question (Lord A. Vane-Tempest), 274; (Mr. T. Duncombe), 354

Jersey, Laws of,
c. Question (Mr. Hadfield), 1308

Jews Bill,
l. 1R. 1600;
Notice (Earl of Clancarty) 1998

JOHNSTONE, Hon. H. B., *Canterbury,*
Magisterial Appointments, 267, 270
Military Organization, Res. 1346

JOHNSTONE, Mr. J. J. H., *Dumfriesshire*
County Voters, Registration of (Scotland), Com. 2191

Johnstone, Colonel, Case of,
l. Question (Lord Panmure), 1586

Joint Stock Banking Companies Bill,
c. 2R. 534; Amend. (Mr. Black), 536; Amend. neg. 557; Com. Adj. moved (Mr. Buchanan), 1503, [A. 77, N. 140, M. 63] 1504; Amend. (Mr. Wilson), *ib.*; Adj. moved (Mr. Warren), 1505; Motion withdrawn, 1506;
cl. 2, 1910;
cl. 3, Amend. (Mr. Wilson) *ib.*; Amend. withdrawn, 1911;
add. cl. (Mr. Weguelin), 1912, [A. 40. N. 128. M. 88] 1913

Joint Stock Companies Act Amendment Bill,
c. 1R.* 1601; 2R.* 2014;
Com. *cl.* 7, 2271;
cl. 19, 2273;
cl. 20, 2274;
cl. 21, 2276; *cl.* struck out, *ib.*

Judkins, Capt. Case of—see *United States, Difference with the,*

Juries (Ireland) (No, 2) Bill,
c. 1R.* 2014;
2R. 2285

KELLY, Sir F., *see* ATTORNEY GENERAL, The

Kerry, Assistant Barrister of the County of,
l. Motion (Earl of Donoughmore), 1587

KING, Hon. P. J. L., *Surrey, E.*
County Franchise, 2R. 1857
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 865, 1037
Property Qualification, 2R. 222; Com. 577, 578; *cl.* 1, 1431; 3R. 1506
Real Property, &c.—Probate Duty, Res. 878

KINGLAKE, Mr. A. W., *Bridgewater*
"Cagliari," The, 106, 220, 277
Chancellor of the Exchequer's Speech at Slough, 1246
China, Negotiations with, 1448

KINGSCOTE, Col. R. N. F., *Gloucestershire, W.*
Army Medical Officers, 334.

KINGSTON, Earl of
Questions, Postponement of, moved, 1596, 1598

Kingston, Earl of, Notice of Questions by the,
l. Observations (Earl of St. Germains), 438; Postponement moved (Earl of Kingston), 1596; Motion (Lord Lyndhurst), 1600

KINNAIRD, Hon. A. F., *Perth*
Army Estimates, 386
"Cagliari," Case of the, 428
Commissioners for Exhibition (1851), 2R. 2261
Joint Stock Companies, Com. *cl.* 3, 1911
Marriage Law Amendment, Com. 1689
Stamp Duties on Drafts, Com. Preamble, 291, 292
Supply—Police Courts (Metropolis), 1487;—General Register House, Edinburgh, 1499;—British Museum, 1582

KIRK, Mr. W., *Newry*
Masters and Workmen, 2R. 534
Stamp Duties on Drafts, Com. *cl.* 2, 289
Tenants' Compensation (Ireland), 2R. 1815
Weights and Measures, 2R. 916

KNATCHBULL-HUGESSEN, Mr. E. H., *Sandwich*
Breach of Privilege—Mr. Washington Wilks, 1024, 1318

KNIGHTLEY, Mr. R., *Northamptonshire, S.*
Property Qualification, Com. 577, 1429

KNOX, Lt.-Col. B. W., *Marlow*
Army Estimates, 371, 385, 388
Army, Sanitary State of the, Res. 494
Recruiting System, 367

Kurrachee, Suppression of the Mutiny at,
c. Question (Mr. Dillwyn), 924

LABOUCHERE, Rt. Hon. H., *Taunton*
Church Rates, Com. *add. cl.* 573
Masters and Workmen, 2R. 532
New Zealand, 360
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 982, 1025
Supply—West India Islands, Relief Commission, 1262

Ladies' Gallery, The
c. Question (Major Edwards), 1920

Lancashire and Yorkshire, &c. Railway Companies' Bill,
c. Consid. Amend. (Mr. Macaulay), 1601; Amend. withdrawn, 1606, 1705

Lancaster, Duchy of—Mining Operations,
c. Com. moved for (Mr. J. L. Ricardo), 443, [A. 63, N. 128, M. 65] 455

Land, Sale and Transfer of (Ireland) Bill,
c. Leave, 24 ; 1R.* 44 ; 2R. 1060 ; Com. 1538 ; Amend. (Mr. J. D. FitzGerald), 1546 ; Amend. withdrawn, 1569, 2104
cl. 3, Amend. (Sir E. Perry), 2107

Land, Title to (Scotland) Bill,
c. 1R.* 920 ; 2R.* 1601

Land, Transfer of, Bill,
l. 3R. 418 ; Amend. (Lord St. Leonards), 421 [*o. q.* Contents 13, Non-Contents 12, M. 1] 426
c. 1R.* 1516 ; 2R. 2285

LANSDOWNE, Marquess of
Canning's, Lord, Proclamation—Confiscation of Land in Oude, 325, 326 ; Explanation, 404, 405
India—Governor General, Papers moved for, 1515

Lasso, Use of the, by the Cavalry,
c. Question (Captain Vivian) 1061

LAURIE, Mr. J., *Barnstaple*
Churches, Metropolitan, Sanitary State of the, 1924
Lucknow, Property taken in, 333
Yeh, Commissioner, 1532

Law Charges—Supply,
c. 1466

Law Reforms,
c. Notice (Attorney General), 924

Leases and Sales of Settled Estates' Act Amendment Bill,
c. 1R.* 1705

LEFROY, Mr. A., *Dublin University*
Medical Practitioners, Com. 1420
Reformatory Schools (Ireland) 2R. 523
Supply—Secretary to the Lord Lieutenant (Ireland), 1257

LEGH, Mr. G. CORNWALL, *Cheshire, N.*
Bounty to Militia Regiments, 1855

Legitimacy Declaration Bill,
c. Leave, 2156 ; 1R.* 2157

LEWIS, Rt. Hon. Sir G. C., *Radnor*
Army Estimates, 1109
Ballot, Leave, 1761
Business, Public, 1438
Chancellor of the Exchequer's Speech at Slough, 1088, 1089
India, Government of, Com. Res. 2, 300 ; Res. 3, 1643 ; Res. 5, 2035, 2039 ; Res. 6, 2250
Joint Stock Banking Companies, 2R. 544
Marriage Law Amendment, 2R. 133
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 831
Property Qualification, Com. 1427

[*cont.*

LEWIS, Rt. Hon. Sir G. C.—*cont.*
Real Property, &c.—Probate Duty, Res. 876
Supply — Public Buildings, 1112 ; — Retired Officers of the Houses of Parliament, 1128; — Poor Law Board, 1135 ;—Civil Contingencies, 1138 ;—Queen's, &c. Remembrancer (Scotland), 1251 ;—Officers of Lord Lieutenant (Ireland), 1253 ;—Printing, &c., Houses of Parliament, 1263, 1266 ; — Prosecutions, 1467, 1469 ;—County Courts, 1476 ;—General Register House, Edinburgh, 1496, 1499

LIDDELL, Hon. H. G., *Northumberland, S.*
Durham, Church Patronage in the See of, 1856
India, Government of, Com. Res. 3, 1646 ; Res. 4, 1990 ; Res. 5, 2052

Limerick City Election,
c. Report, 332 ; New Writ moved (Colonel French) 336 ; Motion withdrawn, 336

LINDSAY, Mr. W. S., *Tynemouth*
India, Government of, Com. Res. 3, Amend. 1678
National Defences, The, 1936
Navy, Manning the, Com. moved for, 895
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 720
United States, Differences with the, 1248, 1312

Liturgy, Revision of the,
l. Commission moved for (Lord Ebury), 148; Motion withdrawn, 177

Loan Societies Bill
l. 2R.* 403 ; 3R.* 761
Royal Assent, 1021

LOCKE, Mr. John, *Southwark*
Chelsea Bridge Act Amendment, 2R. 1994
Government Property—Exemption from Rates, Com. moved for, 1798
Magisterial Appointments, 260 ; Return moved for, 322
Navy, Manning the, Com. moved for, 894
Poor Law (Metropolis) 2R. 511, 512
Supply—British Museum, 1575
Weights and Measures, 2R, 918

LOCKE, Mr. Joseph, *Honiton*
Commissioners for Exhibition (1851) 2R. 2263
Health, Public, Com. *cl.* 4, 2281
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1034

LOCKHART, Mr. A. E., *Selkirkshire*
Supply—General Register House, Edinburgh, 1499

LONDON, Bishop of
Paris, English Church in, 249

LOVAINE, Lord (Lord of the Admiralty), *Northumberland, N.*
Galway Freemen Disfranchisement, Com. 2287
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res, 807

LOWE, Right Hon. R., *Kidderminster*
India, Government of, Com. Res. 3, 1655
Joint Stock Companies, Com. *add. cl.* 1913
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 711

LUCAN, Earl of
Jews, 1R. 1600, 1998
Oaths, Report, Amend. 1139, 1176

Lunacy, Commissioners in—Supply, *c.* 1262

LYGON, Hon. F., *Tewkesbury*
Church Rates, 221
Joint Stock Banking Companies, Com. 1505
Marriage Law Amendment, Com. 1689
Oaths, That Baron de Rothschild be a Member of the Committee, 351
Oude, Confiscation of Land in—Lord Canning's Proclamation, 674, 764; Res. 1030
Supply—Printing, &c., Houses of Parliament, 1267

LYNDHURST, Lord
Kingston, Earl of, Questions, 1600
Oaths, Report, 1171; Amend. 1177, 1191, 1192, 1193
Oaths Substitution, 1R. 1600
Settled Estates Act, 1021

LYTTELTON, Lord
Competitive Examination for the Civil Service, 1691
Militia, Organization of the, 2011

LYTTON, Right Hon. Sir E. G. Bulwer (Secretary of State for the Colonies), *Hertfordshire*
Prince Edward Island, 1948

MACARTNEY, Mr. G., *Antrim Co.*
Army Accounts, Auditing of, 178
Cape of Good Hope Mails, 429
Harbours of Refuge, 923
Lunatic Asylums Commission (Ireland), 1919
Supply—Printing, &c., Houses of Parliament, 1266;—County Courts, 1476, 1477;—General Register House, Edinburgh, 1498
Tenant Right (Ireland), Com. moved for, 194

MACAULAY, Mr. K., *Cambridge*
Lancaster and Yorkshire, &c. Railway Companies, Consid. Amend. 1601
Oaths, Lords' Amends. That Baron de Rothschild be a Member of the Committee, 436

M'CANN, Mr. J., *Drogheda*
Galway Freemen Disfranchisement, Com. Adj. moved, 2287
Land, Sale and Transfer of, (Ireland), Com. *cl.* 3, 2111
Valuation (Ireland), Com. moved for, 913
Weights and Measures, 2R. 916

M'CARTHY, Mr. A., *Cork Co.*
Valuation (Ireland), Com. moved for, 913

MACEVOY, Mr. E., *Meath Co.*
Land, Sale and Transfer of, (Ireland), Com. *cl.* 3, 2111

MACKINNON, Mr. W. A., *Rye*
Masters and Workmen, 2R. 532, 534

MACMAHON, Mr. P., *Wexford Co.*
Secretary, The Irish, Office of, 1457
Supply—Poor Law Board, Amend. 1133, 1134, 1137;—Secretary to Lord Lieutenant (Ireland), 1257;—Board of Public Works (Ireland) 1261;—Lord Advocate, &c., (Scotland), 1491, 1493

Magisterial Appointments,
c. Observations (Mr. John Locke), 260; Return moved for, 322

MAGUIRE, Mr. J. F., *Dungarvan*
Galway Freemen Disfranchisement, Com. 2287
Tenants' Compensation (Ireland), 2R. 1807, 1828

MAINWARING, Mr. T., *Denbigh*
Ballot, Leave, 1736

MALINS, Mr. R., *Wallingford*
Insurance and Assurance Institutions, 2R. 2192
Joint Stock Banking Companies, 2R. 548; Com. 1503
Joint Stock Companies Acts Amendment, Com. *cl.* 20, 2274
Land, Sale and Transfer of, (Ireland), Leave, 42; Com. 1561, 2105; *cl.* 3, 2110
Marriage Law Amendment, 2R. 143
Oaths, Lords' Amends. 348; That Baron de Rothschild be a Member of the Committee, 438
Probate Court, The, 259
Property Qualification, Com. 578
Stamp Duties on Drafts, Com. *cl.* 2, 290
Wills, &c., of British Subjects Abroad, 2R. 2276

MALMESBURY, Earl of (Secretary of State for Foreign Affairs)
"Cagliari," Case of the, 1022, 1849, 1915, 1916
Canning's, Lord, Proclamation—Confiscation of Land in Oude, 325
Chancellor of the Exchequer's Speech at Slough, 1280, 1304, 1305
Excise Duties, 3R. 331
Jews, 1998
Kingston, Earl of, Notices of Questions by the, 1439
Navy, Manning the, 2088
Oaths, Report, 1172, 2219
Paris, English Church in, 248
Slave Trade, The, 2205, 2213, 2214, 2217, 2218
United States, Relations with the, 1703

Manchester and Great Northern Railway Companies Bill,
c. Consid. Amend. (Mr. Henley), 1194; Amend. withdrawn, 1195, 1606; Amend. (Mr. Spooner), 1607; Amend. withdrawn, 1609

MANGLES, Mr. R. D., *Guildford*
India, Government of, Com. Res. 6, 2245
Stamp Duties on Drafts, Com. *cl.* 2, 290
Thames, State of the, 2113

MANNERS, Right Hon. Lord J. J. R. (First Commissioner of Works), *Leicestershire, N.*
Bell for the Clock Tower, 275
Chelsea Bridge Act Amendment, 2R. 1991, 1992
Drainage, Main, Question, 334
Gloucester Gate Bridge, 333
India, Government of, Com. Res. 3, 1614
Jenner, Dr., Statue of, 276, 354
Ladies' Gallery, The, 1920
Offices, Public, 21
Property Qualification, Com. *cl.* 1, 1437
Richard Cœur de Lion, Statue of, 275
Supply—Public Buildings, 1111;—Furniture for Public Departments, 1114;—Royal Parks, 1116;—New Houses of Parliament, 1117, 1118, 1119, 1120, 1202;—Embassy Houses abroad, 1120;—Office of Works, 1132;—General Registry House, Edinburgh, 1500, 1501
Thames, State of the, 1063, 1534, 1921, 2113
Westminster Hall, 335

Markets and Fairs (Ireland) Bill,
c. 2R.* 1194

Markets, Metropolitan,
l. Petition (Lord Berners), 761

MARLBOROUGH, Duke of
Ecclesiastical Commission, 2R. 6, 10

Marriage Law Amendment Bill,
c. 2R. 108; Amend. (Mr. B. Hope), 125, [*o. q.* A. 174, N. 134, M. 40] 145; Com. Adj. moved (Sir B. Bridges), 1689

Marriage with Deceased Wife's Sister,
c. Question (Mr. Schneider), 20

MARSH, Mr. H., *Salisbury*
Ballot, Leave, 1765

MARTIN, Mr. P. W., *Rochester*
Ballot, Leave, 1745
Government Property—Exemption from Rates, Com. moved for, 1799

MASSEY, Mr. W. N., *Salford*
Supply—Metropolitan Police, 1489

Masters and Workmen Bill,
c. 2R. 531; Bill withdrawn, 534

Medical Practitioners Bill,
c. 2R. 1406; Com Amend. (Mr. Black), 1410; Amend. withdrawn, 1421

Medical Profession Bill
c. Bill withdrawn, 1421

Medical Profession and Medical Corporation Bill,
c. 2R. deferred, 1421

Mediterranean, &c., Telegraphic Communications,
c. Papers moved for, (Mr. Crawford), 21

MELGUND, Viscount, *Clackmannan, &c.*
Public Houses (Scotland), 1856

MELLOR, Mr. J., *Great Yarmouth*
Breach of Privilege — Washington Wilks, 1068
Church Rates, Com. *cl.* 1, 560; *add. cl.* 571, 575
Land, Sale and Transfer of, (Ireland), Com. *cl.* 3, 2109
Oaths, That Baron de Rothschild be a Member of the Committee, 353

MELVILLE, Viscount
Militia, Organization of the, 2014

Members Freedom from Arrest Bill,
c. 1R.* 1705

MILES, Mr. W., *Somersetshire, E.*
County Franchise, 2R. 1871
County Voters, Registration of, (Scotland) Com. 2191
India, Despatches from, 930
Property Qualification, 2R. 224
Supply—Poor Law Board, 1135;—Lord Advocate, &c. (Scotland), 1492;—General Register House, Edinburgh, 1498

Military Education,
c. Question (Mr. Monsell), 1103

Military Organization,
c. Res. (Captain Vivian), 1328, [A. 106, N. 104, M. 2] 1358; Question (Sir J. Walsh), 1447

Militia
Aldershot, c. Question (Captain Gray), 19
Bounty to Regiments, c. Question (Mr. Cornwall Legh), 1855
Organization of, l. Question (Duke of Buccleuch), 2002
Permanent Staff of, c. Question (Colonel Smyth), 1609

MILLER, Mr. S. B., *Armagh City*
Tenants' Compensation (Ireland), 2R. 1808

MILLER, Mr. T. J., *Colchester*
Poor Law (Metropolis) 2R. 514

MILLS, Mr. A., *Taunton*
India, Government of, Com. Res. 3, 1659

MILNES, Mr. R. M., *Pontefract*
India, Government of, Com. Res. 2, 295; Res. 3, 1640
Marriage Law Amendment, 2R. 141

Mining Operations (Duchy of Lancaster),
c. Com. moved for, (Mr. J. L. Ricardo), 443, [A. 63, N. 128, M. 65] 455

Mint—Supply,
c. 1250

MINTO, Earl of,
"Cagliari," Case of the, 1022

Mobile, Consulship at,
c. Question (Mr. Wise), 1465

MOFFATT, Mr. G., *Ashburton*
Stamp Duties on Drafts, Com. *cl.* 1, Amend. 288; *cl.* 2, 290

MONCREIFF, Right Hon. J., *Leith*
County Franchise (Scotland), Leave, 202

MONSELL, Rt. Hon. W., *Limerick Co.*
Army Estimates, 378, 384, 1106, 1109
Army, Sanitary Condition of the, Res. 494
Health, Public, Com. *cl.* 4, 2282
Land, Sale and Transfer of (Ireland), Com. 1566, 2105
Military Education, 1103
Recruiting System, 366, 367
Roman Catholic Charities, 2292
Supply—Harbours of Refuge, 1123, 1126;—Kingstown Harbour, 1128;—General Registry Office, 1262
Tenants' Compensation (Ireland), 2R. 1807
Vaccination—Small-Pox, 287, 1196

MONTEAGLE, Lord
Excise Duties, 3R. 327, 330

MONTGOMERY, Sir G. G., *Peeblesshire*
County Voters, Registration of (Scotland), Com. 2191
Under Secretary of State for Scotland, Res. 2150

MOORE, Mr. J. B., *Maldon*
Joint Stock Companies Acts Amendment, Com. *cl.* 20, 2275

Moore's, Mr. Cecil, Appointment,
c. Question (Mr. J. D. FitzGerald), 1920

Mortmain, Law of,
c. Question (Mr. Hadfield), 1801

Municipal Franchise Bill,
l. 1R.* 761, 2R.* 1829

NAAS, Rt. Hon. Lord (Secretary for Ireland), *Cockermouth*
Belfast, Roman Catholic Magistrates in, 524;—Riots in, 1537
Belvoir, Agricultural Model School at, 333
Clerks of Petty Sessions (Ireland), 2R. 2277
Dublin Police Force, 21
Endowed Schools (Ireland), 428
Land, Sale and Transfer of (Ireland), Com. 2106
Lunatic Asylums Commission (Ireland), 1919
[*cont.*

NAAS, Rt. Hon. Lord.—*cont.*
Peace Preservation (Ireland) Act Amendment, 2R. 2087
Police Force (Ireland), Leave, 2151
Reformatory Schools (Ireland), 2R. 521, 523
Registration of Births, &c. (Ireland), 1610
Secretary, The Irish, Office of, 1462
Supply—Secretary to the Lord Lieutenant (Ireland), 1259;—Board of Public Works (Ireland), 1261;—General Registry Office, 1262
Tenant Right (Ireland), Com. moved for, 193
Vaccination, 288

NAPIER, Vice Adm. Sir C., *Southwark*
Army Estimates, 387
National Defences, The, 1926
Navy, Manning the, Com. moved for, 886, 898, 905, 911
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 857
Supply—Harbours of Refuge, 1122, 1124
Weedon Establishment, Commission moved for, 1801

National Debt Office—Supply,
c. 1262

National Defences, The,
c. Question (Sir C. Napier), 1926

Navy,
Manning the, l. Question (Lord Brougham), 2088
c. Com. moved for (Sir C. Napier), 886; Amend. (Admiral Duncombe), 895; Commission moved for, 911; Answer to Address, 1061; Question (Admiral Duncombe), 1612
Rifles, Breech-loading, c. Question (Mr. H. Berkeley), 2253

NEWCASTLE, Duke of
Militia, Organization of the, 2012
Oaths, Report, 1170
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 642
Property Qualification, 2R. 1842

NEWDEGATE, Mr. C. N., *Warwickshire, N.*
Army Estimates, 374, 380, 383
Church Rates, 3R. 1402
Oaths, Lords' Amends. 338, 339; That Baron de Rothschild be a Member of the Committee, 349; Report, 530
Oude, Confiscation of Land in—Lord Canning's Proclamation, 525; Res. 1058
Property Qualification, Com. 1427

Newfoundland Fisheries,
c. Question (Mr. Hanbury), 673

New Trial in Criminal Cases Bill,
c. 1R.* 2098

New Zealand,
c. Observations (Sir J. Trelawny), 354; Question (Lord A. Churchill), 923

New Zealand, Diocese of,
l. Question (Earl of Powis), 1445

NICOLL, Mr. D., *Frome*
Cheques, Adhesive Stamps on, 1310
Elliot, Mr., Absconding of, 1449
India, Transport of Troops to, 2113
Supply—Civil Contingencies, 1138;—Prosecutions, 1471;—Police Courts (Metropolis), 1487;—Metropolitan Police, 1489;—Lord Advocate, &c., Scotland, 1491

Nisi Prius Court (Ireland) Bill,
c. 1R.* 1404;
2R. 2278

NORREYS, Sir D. J., *Mallow*
Army Estimates, 372, 373, 1105, 1106, 1107
Oude—The Proclamation, 860, 861; Res. 1019, 1032;—The Landholders of, 920
Supply—Secretary to Lord Lieutenant (Ireland), 1258;—Printing, &c., Houses of Parliament, 1266;—General Register House, Edinburgh, 1499, 1502

NORTH, Colonel J. S., *Oxfordshire*
Army Estimates, 373, 374, 382, 389, 392, 393, 1105, 1106, 1108
Army, Sanitary Condition of the, Res. 484
Captains in the Army, Address moved, 1102
Military Organization, Res. 1352
Property Qualification, Com. *cl.* 1, 1435
Recruiting System, 370

NORTH, Mr. F., *Hastings*
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1602, 1605

Oaths Bill,
c. Lords' Amends. 336; Amend. (Lord J. Russell), 338, [A. 263, N. 150, M. 113] 347; 2nd Amend. (Lord J. Russell), 348;
Com. appointed, That Baron de Rothschild be a Member (Mr. T. Duncombe), 349; Adj. Debate, 430, [A. 251, N. 196, M. 55] 440; Report, 529;
Conference, 763, 859
l. Conference, 858; Report, 1139; Amend. (Earl of Lucan), 1142; Adj. moved (Earl Grey), 1170, [Contents 68, Not-Contents 80, M. 12] 1176; Amend. withdrawn, *ib.*; Amend. (Lord Lyndhurst), 1185; Question (Lord Denman), 2218

Oaths Substitution Bill,
l. 1R. 1600

O'BRIEN, Mr. P., *Kings Co.*
Army, Government of the, 1447
Chelsea Bridge Act Amendment, 2R. 1993
Galway Freemen Disfranchisement, Com. 2287
Health, Public, Com. *cl.* 4, 2282
India, Government of, Com. Res. 3, 1686
Magisterial Appointments, 270, 272; Return moved for, 322
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1039
Peace Preservation (Ireland), Act Amendment, 2R. 2087
Private Bills, Res. 472
Tenant Right (Ireland), Com. moved for, 195
Tenants' Compensation (Ireland), 2R. 1819
Woolwich Academy, Admission to, 251
Workhouses, Metropolitan, Com. moved for, 107

Offices, Public,
c. Question (Sir J. Shelley), 21

OGILVY, Sir J., *Dundee*
Supply—County Courts, 1478
Under Secretary of State for Scotland, Res. 2131

Ordnance Survey Commission,
c. Question (Viscount Duncan), 335

Oregon, Gold in,
c. Question (Mr. Christy), 1059

OSBORNE, Mr. R. B., *Dover*
India, Despatches from, 928
Land, Sale and Transfer of (Ireland), Com. 2105; *cl.* 3, 2111
Supply—Inspectors of Lunatic Asylums (Ireland), 1260

Oude,
Confiscation of Land in—Lord Canning's Proclamation, l. Question (Earl Granville), 147, 177; Papers moved for (Earl of Ellenborough), 228; Notice (Earl of Shaftesbury), 323; Explanation (Marquess of Lansdowne), 404;
Res. (Earl of Shaftesbury), 579; Previous Question moved (Lord Chancellor), 629, [Contents 158, Not Contents 167, M. 9] 670; Observations (Earl of Derby), 919
c. Question (Mr. Bright), 180; Notice (Mr. Cardwell), 332, 530; (Lord A. Vane-Tempest), 426; Question (Mr. Newdegate), 525; (Sir D. Norreys), 860; (Mr. Crawford), 865; Explanation (Viscount Palmerston), 925; Question (Mr. Wilson), 1921;
Res. (Mr. Cardwell), 674; Amend. (Mr. Dillwyn), 728; Adj. moved (Mr. Roebuck), 761; Adj. Debate, 764, 931, 1024, 1026; Amend. and Motion withdrawn, 1060
European Regiments in, c. Question (Mr. W. Vansittart), 427
Landowners of, c. Question (Sir D. Norreys), 920
Pacification of, c. Question (Sir E. Perry), 1852, 1947, 2017
Royal Family, Restoration of the, l. Petition (Earl Albemarle), 858

OXFORD, Bishop of
Ecclesiastical Commission, 2R. 14
Female Children, Protection of, 2R. 249
Slave Trade, The, 1700; Petition, 2195

Oxford and Cambridge Universities, &c., Estates Bill,
c. 1R.* 19; 2R.* 673; 3R.* 1516
l. 1R.* 1586

PACKE, Mr. C. W., *Leicestershire, S.*
Church Rates, 3R. 1708
Property Qualification, Com. 577
Weights and Measures, 2R. 918

PAGET, Lord C. E., *Sandwich*
Navy, Manning the, Com. moved for, 898
Submarine Telegraph, The, 1732

PAGET, Mr. C., *Nottingham*
Weights and Measures, 2R. 915

PAKINGTON, Rt. Hon. Sir J. S., (First Lord of the Admiralty), *Droitwich*
Barber, W. H., Case of, Com. moved for, Amend. 2117
Chancellor of the Exchequer's Speech at Slough, 1229
China, Relations with, 1531
Galway Freemen Disfranchisement, Com. 2157
India, Government of, Com. Res. 2, 300
National Defences, The, 1942
Navy, Manning the, Com. moved for, 903, 1612, 1613
Oaths, Lords' Amends. 344, 347; That Baron de Rothschild be a Member of the Committee, 352
Oude — The Proclamation, 862;—(Colonel Franks), 866
Peel, Sir W., Death of, 1328
Piers and Harbours, Leave, 1797
Poor Removal, Com. moved for, 1914
Rifles, Breech-loading, in the Navy, 2253
Submarine Telegraph, The, 1732
Supply—Harbours of Refuge, 1125;—Prosecutions, 1470
Weedon Establishment, Commission moved for, 1880

Palaces, Royal—Supply,
c. 1111

PALK, Mr. L., *Devonshire, S.*
Church Rates, Com. *cl.* 3, 570
Commissioners for Exhibition (1851), 2R. 2261
Health, Board of—Medical Staff, 1197
Health, Public, Com. 2279; *cl.* 4, 2281, 2284

PALMERSTON, Rt. Hon. Viscount, *Tiverton*
Army, Sanitary State of the, Res. 487
Ballot, Leave, 1771
Business of the House, 1200
Chancellor of the Exchequer's Speech at Slough, 1204
Chelsea Bridge Act Amendment, 2R. 1995
County Franchise, 2R. 1875
Danubian Principalities, Address moved, 84
India, Government of, Com. Res. 2, 316; Res. 3 (4), 319, 1684, 1688, 1689, 1980, 1988; Res. 5, 2067; Res. 6, 2225, 2238, 2250
Military Organization, Res. 1353
Navy, Manning the, Com. moved for, 909
Oaths, That Baron de Rothschild be a Member of the Committee, 352
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 761, 857, 861; Explanation, 925, 927, 929, 930, 1020, 1024, 1030, 1040
Suez, Isthmus of, Canal, Res. 1379
Supply—County Courts, 1484;—General Register House, Edinburgh, 1502
Under Secretary of State for Scotland, Res. 2142

PANMURE, Lord
Johnstone, Col., Case of, 1586

Paris, English Church in,
l. Question (Viscount Dungannon), 247

Parks, Royal—Supply,
c. 1115; Report, 1201

Parliament, Independence of, Bill,
l. 1R.* 2088

Parliament, New Houses of—Supply,
c. 1117; Report, 1201

Passports, Stamp Duty on, Bill,
c. 2R.* 523; 3R.* 859
l. 1R.* 919; 2R.* 1507; 3R.* 1690
Royal Assent, 1997

Patent Law Amendment Bill,
c. 2R. 516; Amend. (Solicitor General), 519; Bill put off, 520

PATTEN, Col. J. W., *Lancashire, N.*
Breach of Privilege—Washington Wilks, 1327
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1605
Private Bills, Res. 459, 462, 472
Railway Legislation, 1516, 1517

PAULL, Mr. H., *St. Ives*
Piers and Harbours, Leave, 1797

PAXTON, Sir J., *Coventry*
Army, Sanitary Condition of the, Res. 485

Paymaster General—Supply,
c. 1131

Peace Preservation (Ireland), Act Continuance Bill,
c. 1R.* 1849;
2R. 2086; Amend. (Mr. Bagwell), 2087, [*o. q.* A. 168, N. 20, M. 148] 2087;
3R.* 2157
l. 1R.* 2193

PEASE, Mr. H., *Durham, S.*
Army, Sanitary Condition of the, Res. 484
County Franchise (Scotland), Leave, 211
Supply—Police Courts (Metropolis), 1487
Voters' Travelling Expenses, Papers moved for, 216

PECHELL, Rear Adm. Sir G. B., *Brighton*
Fisheries, Paper moved for, 215

PEEL, Rt. Hon. Major General J., (Secretary of State for War), *Huntingdon*
Army Estimates, 374, 379, 381, 382, 384, 386, 391, 395, 397, 399, 1105, 1106, 1109
Army Medical Officers, 334
Army, Sanitary Condition of the, 492;—Kitchens for the, 922
Barrack Masters, 1449
Captains in the Army, Address moved, 1103
Chatham Barracks, 1921
Commissions, Sale of, 2252
Edinburgh Castle, 860
Elliot, Mr., Absconding of, 1449
Enfield Musket, 2111
Highlanders, The 78th, 1612
King, Captain, of the Depot Battalion, 429
"Lasso," Use of the, by the Cavalry, 1061
Military Education, 1105
Military Organization, Res. 1337

[*cont.*

PEEL, Rt. Hon. Major Gen. J.—*cont.*
Militia at Aldershot 19 ;—Permanent Staff of, 1610
Militia Regiments, Bounty to, 1855
Officers' Servants, 1921
Ordnance Survey Commission, 335
Presbyterian and Roman Catholic Chaplains for the Army, 2015
Recruiting System, 369
Waterford, Harbour at, 859
Woolwich Academy, Admission to, 251

PEEL, Sir R., *Tamworth*
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 823

Peel, Sir W., Death of,
c. Question (Admiral Walcott), 1328

PENNANT, Hon. Col., E. G. D., *Carnarvonshire*
Army, Sanitary State of the, Res. 493

PERRY, Sir T. E., *Devonport*
India, Government of, Com. Res. 3, (4), 319 ; Res. 5, 2039
Lands, Sale and Transfer of (Ireland), Leave, 40 ; Com. 1565, 2106 ; *cl.* 3, Amend. 2107
Landed Estates Court (Ireland), 2252
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1046 ;—Pacification of, 1852, 1853, 1947, 2017
Supply—Officers of Court of Chancery (Ireland), 1502

Persia—Herat,
c. Question (Mr. Gregory), 1850

Piers and Harbours Bill,
c. Leave, 1797 ; 1R.* *ib.*

Poisons, Sale of, Bill,
l. 1R.* 1267 ;
2R. 1507

Police (Counties and Boroughs)—Supply,
c. 1471

Police Courts, Metropolis—Supply,
c. 1486 ; Amend. (Mr. Hadfield), 1487 ; Amend. withdrawn, 1484

Police Force (Ireland) Bill,
c. Leave, 2151 ; 1R.* 2156

Police, Metropolitan—Supply,
c. 1488, [A. 157, N. 28, M. 129] 1491

Poor Law Amendment Bill,
c. Consid. Amend. (Mr. Cross), 575 ;
3R.* 673

Poor Law System of Medical Relief,
c. Question (Mr. Sclater-Booth), 1854

Poor Rate (Metropolis) Bill,
c. 2R. 496 ; Amend. (Mr. S. Estcourt), 510 ; Bill withdrawn, 516

Poor Removal,
c. Com. moved for (Mr. Sotheron Estcourt) 1914

Poor Removal Law Amendment Bill,
c. 1R.* 763

Portugal, Mission to,
c. Question (Mr. White), 20

Postage of Letters—Supply,
c. 1269

Post Office, New General, (Edinburgh) Bill,
c. 1R.* 1516

POWELL, Mr. F. S., *Wigan*
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1605, 1705

POWIS, Earl of
Ecclesiastical Commission, 2R. 18
New Zealand, Diocese of, 1445
Oaths, Report, 1175

Prescription (Ireland), (No. 2) Bill,
c. 1R.* 332 ; 2R.* 1022 ; 3R.* 1308
l. 1R.* 1438

Prince Edward Island Loan,
c. Com. Res. (Lord Stanley), 399

Prince Edward Island Loan Bill,
c. 1R.* 523 ;
Question (Mr. Gladstone), 1948

Printing, &c., Houses of Parliament—Supply,
c. 1263

Prisons and Convict Establishments—Supply,
c. 1503

Prisoners Removal Bill,
l. 1R.* 2088

Private Bills,
c. Res. (Lord R. Cecil), 455 ; Motion withdrawn, 473

Privy Council Office—Supply,
c. 1129

Privy Seal, Lord—Supply,
c. 1129, [A. 71, N. 31, M. 40] 1131

Probate Court,
c. Observations (Mr. Warren), 252

Probate Court and District Registries—Supply,
c. 1120

Probate, Court of, and Divorce Matrimonial Causes—Supply,
c. 1473

Probates and Letters of Administration Act Amendment Bill,
l. 1R.* 227 ; 2R.* 579

Property, Law of, Amendment Bill,
l. 3R.* 579
c. 1R.* 1516 ; 2R.* 1849

Property Qualification Bill,
c. 2R. 222 ;
Com. Adj. moved (Mr. Bentinck), 576, [A. 81, N. 156, M. 75] 578 ; Adj. debate, 1421 ; Adj. moved (Mr. Bentinck), 1425, [*o. q.* A. 222, N. 109, M. 113] 1431 ;
cl. 1, 1431 ;
3R. 1506
l. 1R.* 1507 ;
2R. 1829 ;
Com. Instruction (Earl Grey), 1916 ; Motion neg. 1919 ;
3R. 2089 ; Amend. (Lord Denman), 2095 ;
Amend. withdrawn, 2096

Prosecutions—Supply,
c. 1466

Public Buildings—Supply,
c. 1111

Public Grounds and Play Grounds Bill,
c. Leave, 883 ; 1R.* 920 ; 2R.* 1404

Puller, Mr. C. W. G., *Hertfordshire*
Marriage Law Amendment, 2R. 137
Oaths, Lords' Amends. That Baron de Rothschild be a Member of the Committee, 439 ;
Supply—Prosecutions, 1469

Queen's Prison—Supply,
c. 1491

Railway Legislation,
c. Question (Colonel Wilson Patten), 1516

Ramsden, Sir J. W., *Hythe*
Army Estimates, 380, 387, 388, 391, 398

Ravensworth, Lord
Durham, Patronage of the See of, 1269
Ecclesiastical Commission, 2R. 18
Property Qualification, 3R. 2089

Rawlinson, Sir H. C., *Reigate*
Oude—The Proclamation, 927

Raynham, Viscount, *Tamworth*
Workhouses, Metropolitan, Com. moved for, 107, 108

Real Property, &c.—Probate Duty,
c. Res. (Mr. W. Williams), 867, [A. 68, N. 172, M. 104] 879

Rebow, Mr. J. G., *Colchester*
Fisheries, Paper moved for, 216

Records, Public—Supply,
c. 1133

Redesdale, Lord
Divorce and Matrimonial Causes, Re-Com. 2000 ; Report, Amend. 2194, 2195
Competitive Examination for the Civil Service, 1700
Jews, 1998
Kingston, Earl of, Notices of Question by the, 1439, 1599
Land, Transfer of, 3R. 424
Oaths, 2219

Reformatory Schools (Ireland) Bill,
c. 2R. 520

Registers, Non-Parochial, Bill,
c. 1R.* 19 ; 2R.* 332 ;
Com. *cl.* 3, 576 ; 3R.* 763
l. 1R.* 858 ;
2R. 1439 ; 3R.* 1586
Royal Assent, 1997

Registry Office, General—Supply,
c. 1262

Retired Officers of the Houses of Parliament—Supply,
c. 1128

Ricardo, Mr. J. L., *Stoke-upon-Trent*
Lancaster, Duchy of—Mining Operations, Com. moved for, 443, 448, 454

Rich, Mr. H., *Richmond*
Brazil—Messrs. Swann and Smallpage, 1851
Chancellor of the Exchequer's Speech at Slough, 1081, 1086
India, Government of, Com. Res. 2, Amend. 292, 317 ; Res. 5, 2085 ; Res. 6, 2249

Richard Cœur de Lion, Statue of,
c. Question (Mr. Hankey), 274

Ridley, Mr. G., *Newcastle-on-Tyne*
"Cagliari," Case of the, 1947
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1603
Supply—Harbours of Refuge, 1126

Rifles, Breech-loading, in the Navy,
c. Question (Mr. H. Berkeley), 2253

Robertson, Mr. P. F., *Hastings*
China, Atrocities in, 1611

Roebuck, Mr. J. A., *Sheffield*
Breach of Privilege—Washington Wilks, 1068, 1313, 1321
Business of the House, 1200
"Cagliari," Case of the, 1196
Church Rates, 3R. 1403
Danubian Principalities, Address moved, 80
India, Government of, Com. Res. 3, (4), 319, 320, 1613, 1614 ; Amend. 1666, 1681 ; Res. 5, 2074
Magisterial Appointments, 269
Manchester, &c. and Great Northern Railway Companies, Consid. 1194 ; Amend. 1195
Medical Practitioners, Com. 1410
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. Adj. moved, 761, 765
Sierra Leone, The Press in, 1062
Suez, Isthmus of, Canal, Res. 1360, 1373, 1374, 1400

Roman Catholic Charities,
c. Question (Mr. Monsell), 2292

Rosse, Earl of
Kingston, Earl of—Questions, 1599

Roupell, Mr. W., *Lambeth*
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1020

RUSSELL, Rt. Hon. Lord J., *London*
Ballot, Leave, 1789
Business of the House, 1200
"Cagliari," Case of the, 282
Chancellor of the Exchequer's Speech at Slough, 1069, 1099, 1235, 1242
China, Negotiations with, 1448; Relations with, 1519
Church Rates, 3R. 1402, 1720
Commissioners for Exhibition (1851), 2R. 2262
Conspiracy to Murder (Ireland), Leave, 882
Danubian Principalities, Address moved, 91
India, Government of, Com. Res. 2, 309; Res. 3, (4), 319, 1680; Amend. 1681, 1684, 1688, 1949, 1955, 1956, 1969, 1989; Res. 4, (5) 1990; Res. 5, (6) Amend. 2023, 2076, 2078, 2079, 2085, 2086; Res. 6, (7) 2240
Land, Sale and Transfer of (Ireland), Com. 1559
Oaths, Lords' Amends. Amend. 336, 339, 347; That Baron de Rothschild be a Member of the Com. 351; Report, 529, 530; Conference, 764, 859
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 752, 929, 930, 953, 1018, 1053
Property Qualification, Com. *cl.* 1, 1436
Suez, Isthmus of, Canal, Res. 1, 396
Supply—British Museum, 1570, 1571, 1574

RUSSELL, Mr. F. C. H., *Bedfordshire*
Gas, Supply of, Com. moved for, 321

RUTLAND, Duke of
Oaths, Report, 1172
Property Qualification, 2R. 1838

ST. DAVIDS, Bishop of
Liturgy, Revision of the, Commission moved for, 165

ST. GERMANS, Earl of
Ecclesiastical Commission, 2R. 18
Kingston, Earl of, Notices of Questions by the, 1438

St. James's Park,
c. Question (Mr. Cogan), 1852

ST. LEONARDS, Lord
Chancery Amendment, 2R. 1443; Rep. 1690
Land, Transfer of, 3R. Amend. 419, 423, 424

SALISBURY, Marquess of (President of the Council)
Oude, Confiscation of Land in—Lord Canning's Proclamation, 414

SALISBURY, Mr. E. G., *Chester*
Supply—Court of Probate, &c., 1474;—County Courts, 1477

SCHNEIDER, Mr. H. W., *Norwich*
Marriage Law Amendment, Com. 1689
Marriage with a Deceased Wife's Sister, 20

Scotland.
County Franchise, c. Leave, 195, [A. 84, N. 103, M. 19] 215

[*cont.*

Scotland.—cont.
Edinburgh Castle, c. Question (Mr. Black), 860
Public Houses, c. Question (Mr. Cowan), 1856,
Sheriffs Court, c. Question (Viscount Duncan) 1611
Supply—Portpatrick Harbour, c. 1127;—*Queen's. &c. Remembrancer,* 1250; Amend. (Mr. Wise), 1251, [A. 44, N. 70, M. 26] 1252;—*Registrar General, Edinburgh,* 1262;—*Commissioners of Lunacy,* 1263; Amend. (Mr. Baxter), 1263; Amend. neg. *ib.*;—*Police,* 1471;—*Lord Advocate, &c.,* 1491;—*Courts of Law,* 1493, 1502;—*General Register House, Edinburgh,* 1494; Amend. (Mr. Cowan), 1495; Observations (Sir G. Grey), 1518; (Mr. Cowan), 1533; Report, 1585
Under Secretary of State for, c. Res. (Mr. Baxter), 2118, [A. 47, N. 174, M. 127] 2150
Universities, c. Question (Mr. Cowan), 335
Western Bank of, c. Question (Mr. Brady), 19
See
County Voters, Registration of (Scotland) Bill
Edinburgh Annuity Tax Bill
Land, Titles to, (Scotland) Bill
Post Office, New General, (Edinburgh) Bill
Universities (Scotland) Bill

SCOTT, Hon. F., *Berwickshire*
Edinburgh Annuity Tax, 2R. 2179
India, Despatches from, 930
Poor Removal, Com. moved for, 1915

Secretaries of State—Supply,
c. 1129

Settled Estates Act,
l. Observations (Lord Lyndhurst), 1021

SEYMER, Mr. H. K., *Dorsetshire*
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 970
Property Qualification, Com. 1425

SEYMOUR, Mr. H. D., *Poole*
India, Government of, Com. Res. 3, 1665
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1037

SHAFTESBURY, Earl of
Oude, Confiscation of Land in—Lord Canning's Proclamation, 323; Res. 579, 583

SHELLEY, Sir J. V., *Westminster*
Chelsea Bridge Act Amendment, 2R. 1993
Galway Freemen Disfranchisement, Com. 2157
India, Despatches from, 928, 931
India, Government of, Com. Res. 4, 1990
Oaths, That Baron de Rothschild be a Member of the Committee, 353
Offices, Public, 21
Oude—The Proclamation, 862
Patent Law Amendment, 2R. 516, 519
Poor Removal, Com. moved for, 1914
Supply—Royal Parks, 1201;—British Museum, 1580
Weights and Measures, 2R. 917

SHERIDAN, Mr. H. B., *Dudley*
Insurance and Assurance Institutions, Leave, 879; 2R. Amend. 2192, 2193
Joint Stock Banking Companies, 2R. 553

Sheriffs, &c.—Supply,
c. 1471

Sierra Leone, The Press in,
c. Question (Mr. Roebuck), 1062

SLANEY, Mr. R. A., *Shrewsbury*
Private Bills, Res. 470
Public Grounds and Playgrounds, Leave, 883
Supply—Public Buildings, 1113;—Furniture for Public Departments, 1114;—Royal Parks, 1116;—Harbours of Refuge, 1126;—Queen's, &c. Remembrancer (Scotland), 1252

Slave Trade, The,
l. Notice of Motion (Bishop of Oxford), 1700; Petition, 2195
c. French Free Emigration Scheme, c. Question (Viscount Goderich), 1853

SMITH, Rt. Hon. R. V., *Northampton*
India, Government of, Com. Res. 2, 299; Res. 3, 1683, 1962; Res. 5, 2058
Oude, Confiscation of Land in—Lord Canning's Proclamation, 526, 529; Res. 708, 734, 742, 863, 865, 1037
Oude, Landowners of, 921
Voters' Travelling Expenses, Papers moved for, 220

SMITH, Maj. Gen. Sir J. M. F., *Chatham*
Army Estimates, 372
Army, Sanitary Condition of the, Res. 481
Military Organization, Res. 1347
Recruiting System, The, 368

SMITH, Mr. A., *Truro*
Commissioners for Exhibition (1851), 2R. 2268
Durham County Palatine Jurisdiction, 2R. 221; Com. 2279

SMITH, Mr. J. B., *Stockport*
Dhar, Annexation of, 1919
Edinburgh Annuity Tax, 2R. 2177

Smoke Nuisance Abatement (Metropolis) Bill,
c. 1R.* 2221

SMOLLETT, Mr. A., *Dumbartonshire*
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1605

SMYTH, Colonel J. C., *York City*
Militia, The, 1609

SOLICITOR GENERAL, The, (Sir H. M. Cairns), *Belfast*
Breach of Privilege—Washington Wilks, 1068; Amend. 1316
Bristol Municipal Charities, 2R. 2277
Joint Stock Companies Acts Amendment, Com. *cl.* 7, 2271; *cl.* 19, 2273; *cl.* 10, 2275; *cl.* 21, 2276
Land, Sale and Transfer of (Ireland), Com. 1546
Oaths, Lords' Amends., That Baron de Rothschild be a Member of the Committee, 430

[*cont.*

SOLICITOR GENERAL, The.—*cont.*
*Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 693, 741
Patent Law Amendment, 2R. Amend. 516, 517
Supply—County Courts, 1481, 1483
Townsend, Mr., Case of, 2102
Wills, &c., of British Subjects Abroad, 2R. 2276

SOMERSET, Duke of
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 619

SOMERVILLE, Rt. Hon. Sir W. M., *Canterbury*
Magisterial Appointments, 273

SPEAKER, The (Rt. Hon. J. E. Denison), *Nottinghamshire, N.*
Breach of Privilege—Washington Wilks, 1065, 1066
Captains in the Army, Address moved, 1102
India, Despatches from, 928
Joint Stock Banking Companies, Com. 1504, 1505
Land, Sale and Transfer of (Ireland), Com. 2107
Medical Practitioners, Com. 1410
Oaths, Conference, 763
Oude, Confiscation of Land in—Lord Canning's Proclamation, 525, 863
Townsend, Mr., Case of, 2104
Valuation (Ireland), Com. moved for, 912

SPOONER, Mr. R., *Warwickshire, N.*
Chelsea Bridge Act Amendment, 2R. Adj. moved, 1995
Commissioners for Exhibition (1851), 2R. 2260
Health, Public, Com. *cl.* 4, 2283
Insurance and Assurance Institutions, 2R. 2192
Joint Stock Banking Companies, 2R. 554
Manchester, &c. and Great Northern Railway Companies, Consid. 1195; Amend. 1606, 1609
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1037
Supply—Royal Parks, 1116;—New Houses of Parliament, 1118;—Secretary to the Lord Lieutenant (Ireland), 1259

Stamp Duties on Drafts Bill,
c. Com. *cl.* 1, 288; *cl.* 2, 289; Preamble, 291; 3R.* 426
l. 1R.* 579; 2R.* 858; 3R.* 919
Royal Assent, 1021

Stamp Duties on Passports Bill,
c. 2R.* 523; 3R.* 859
l. 1R.* 919; 2R.* 1507; 3R.* 1690
Royal Assent, 1997

STANHOPE, Earl
Kingston, Earl of, Notices of Questions by the, 1439, 1596
Oaths, Report, 1142, 1168
Property Qualification, Com. 1917

Stanhope and Wolsingham Rectories Bill,
c. Com. 2285

STANLEY, Rt. Hon. Lord, (Secretary for the Colonies,† afterwards President of the Board of Control), *Kings Lynn*
Dhar, Annexation of, 1919
† India, Government of, Com. Res. 2, 297; Res. 3, 1633, 1673, 1679, 1681, 1682, 1956; Amend. 1969, 1988; Res. 4, 1989, 1990; Res. 5, 2018, 2039, 2065; Res. 6, 2221, 2243, 2251
† Marriage with a deceased Wife's Sister, 20
† Newfoundland Fisheries, 673
† New Zealand, 357, 923
† Oregon, Gold in, 1059
† Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 743, 1922
Oude, Pacification of, 1852, 1853, 2017
† Prince Edward Island Loan, Com. Res. 399
† Private Bills, Res. 465
† Sierra Leone, The Press in, 1062

STANLEY of Alderley, Lord
Chancellor of the Exchequer's Speech at Slough, 1305, 1307
Excise Duties, 3R. 330
Oaths, 2219, 2220
Slave Trade, The, 2218

STANLEY, Hon. W. O., *Beaumaris*
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1032

STAPLETON, Mr. J., *Berwick-on-Tweed*
Reformatory Schools (Ireland,), 2R. 523

STEPHENSON, Mr. R., *Whitby*
Suez, Isthmus of, Canal, Res. 1371

STEUART, Mr. A., *Cambridge*
County Franchise (Scotland), Leave, 214
County Voters, Registration of, (Scotland), Com. 2191
Universities (Scotland), 2R. 1889

Stipendiary Magistrates, &c., Bill,
c. 1R.* 2220

STIRLING, Mr. W., *Perthshire*
Under Secretary of State for Scotland, Res. 2127
Universities (Scotland), 2R. 1896

Submarine Telegraph, The,
c. Question (Lord C. Paget), 1732

Suez, Isthmus of, Canal,
c. Res. (Mr. Roebuck), 1360; Amend. (Mr. Griffith), 1369; Amend. neg. [*m. q.* A. 62, N. 290, M. 228] 1401; Question (Mr. M. Gibson), 1447

SULLIVAN, Mr. M., *Kilkenny*
Clerks of Petty Sessions (Ireland), 2R. 2277

Supply,
c. Advocate Lord and Solicitor General (Scotland), 1491
Army Estimates, 371; Amend. (Major Wortley), 398; Amend. neg. 399, 1105
[*cont.*

Supply—cont.
Audit, Commissioners of, 1262
British Museum, Salaries and Expenses of, 1570; *New Buildings, &c.*, 1583
Civil Contingencies, 1138
Civil Service Commission, 1131
Convict Establishments, 1503
Copyhold, Inclosure and Tithe Commission, 1262
County Courts, Amend. (Viscount Duncan), 1475; Amend. neg. 1486
County Gaols, 1503
Courts of Law (Ireland,) 1502, 1503
Courts of Law (Scotland,) 1493, 1502
Crown Office, Chancery, and Queen's Bench, 1471
Embassy Houses Abroad, 1120
Exchequer, Comptroller General of, 1131
Factories, Inspectors of, 1250
Foreign and Secret Services, 1263
Friendly Societies, Registrars of, 1263
Furniture for Public Departments, 1113
Harbours of Refuge, 1120; Amend. (Mr. Baxter), 1124; Amend. withdrawn, 1126
Holyhead Harbour, 1126
Inclosure and Drainage Acts, 1262
Insolvent Debtor's Court, 1472
Kingstown Harbour, 1128
Law Charges, 1466
Lord Lieutenant (Ireland), Officers of the, 1252; Amend. (Mr. Wise), 1253; Amend. withdrawn, 1254; 2nd Amend. [A. 42, N. 88, M. 46] *ib.*
Lord Lieutenant (Ireland), Secretary to the, Amend. (Mr. Baxter), 1254, [A. 55, N. 151, M. 96] 1259; Amend. (Mr. W. Williams), [A. 68, N. 148, M. 80] *ib.*
Lunacy, Commissioners in, 1262; Amend. (Mr. Baxter), 1263; Amend. neg., *ib.*
Lunatic Asylums, Inspectors of, (Ireland), 1259
Mint, The, 1250
National Debt Office, 1262
Palaces, Royal, 1111
Parks, Royal, 1115; Report, 1201
Parliament, New Houses of, 1117; Report, 1201
Paymaster Civil Service (Ireland), 1259
Paymaster General, 1131
Police (Counties and Boroughs and Police in Scotland), 1471
Police Courts (Metropolis), 1486; Amend. (Mr. Hadfield), 1487; Amend. withdrawn, 1488
Police, Metropolitan, 1488, [A. 157, N. 28, M. 129] 1491
Poor Law Board, Amend. (Mr. M'Mahon), 1133; Amend. withdrawn, 1134; 2nd Amend., [A. 10, N. 80, M. 70] 1137
Port Patrick Harbour, 1127
Postage of Letters, 1267
Printing, Houses of Parliament, 1263
Privy Council Office, 1129
Privy Seal, Lord, 1129, [A. 71, N. 31, M. 40] 1131
Probate Court and District Registries, 1120
Probate, Court of, and Divorce and Matrimonial Causes, 1473
Prosecutions, 1466; Report, 1583
Public Buildings, 1111
Public Works (Ireland), 1128
Queen's Prison, 1491
Queen's, &c. Remembrancer (Scotland), 1250;
[*cont.*

Supply—cont.
Amend. (Mr. Wise), 1251, [A. 44, N. 70, M. 26] 1252
Records, Public, 1133
Register House, General, Edinburgh, 1494; Amend. (Mr. Cowan), 1495; Observations (Sir G. Grey), 1518; (Mr. Cowan), 1553; Report, 1585
Register Office, Dublin, 1262
Registrar General, Edinburgh, 1262
Registrar of Admiralty and Admiralty Court, Dublin, 1472
Registry, General, Office, 1262
Retired Officers of the Houses of Parliament, 1128
Roads, South Wales, Superintendent of County, 1263
Secretaries of State, 1129
Sheriffs, &c., 1471
Transportation, 1503
Treasury, 1129
War Office, Addition to, 1120
West India Islands Relief Commission, 1262
Woods, Office of, 1133
Works, Office of, 1131
Works, Public, (Ireland), 1261
Works, Public Loan, Commission, 1262

SYKES, Colonel W. H., *Aberdeen City*
County Franchise (Scotland), Leave, 211
India, Government of, Com. Res. 3, 1660; Adj. moved, 1681, 1688; Res. 5, 2062; Res. 6, 2248, 2251
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 728, 1033
Stamp Duties on Drafts, Com. *cl.* 2, 291
Supply—Furniture for Public Departments, 1114, 1115;—Royal Parks, 1117;—New Houses of Parliament, 1119;—Harbours of Refuge, 1124
Universities (Scotland), 2R. 1886

Telegraphic Communication, see *Mediterranean—Submarine*,

TEMPEST. Lord A. F. VANE, *Durham, N.*
Durham, Church Patronage in the See of, 1855, 1856
Ellenborough, Lord, Resignation of, 524
India, Government of, Com. Res. 3, 1688; Res. 6, 2250, 2251
Jenner, Dr., Statue of, 274
Military Organization, Res. 1341
Oude, Confiscation of Land in—Lord Canning's Proclamation, 426; Res. 723, 862, 863

Tenant Right (Ireland),
c. Com. moved for (Mr. Greer), 181, [A. 43, N. 232, M. 189] 195

Tenants' Compensation (Ireland) Bill,
c. 2R. Adj. Debate, 1802, [*o. q.* A. 65, N. 200, M. 135] 1828

Thames, State of the,
c. Question (Mr. Griffith), 1063, 1534; (Mr. Brady), 1921; (Mr. Mangles), 2113

THOMPSON, Major Gen. T. P., *Bradford*
Ballot, Leave, 1756

TITE, Mr. W., *Bath*
Army Estimates, 395, 397
Supply—Furniture for Public Departments 1113, 1114;—New Houses of Parliament, 1118;—Office of Works, 1132;—General Register House, Edinburgh, 1497;—British Museum, 1574

TOWNSEND, Mr. J., *Greenwich*
Explanation, 2099

Townsend, Mr., Case of,
c. Papers moved for (Mr. FitzRoy), 1857; Motion, 2098

Transportation—Supply,
c. 1503

Treasury—Supply,
c. 1129

TRELAWNY, Sir J. S., *Tavistock*
Army Estimates, 373, 387
Church Rates, Com. *cl.* 1, 557; *cl.* 3, 570; *add. cl.* 571, 572; 3R. 1402, 1706
New Zealand, 354, 362
Oude, Confiscation of Land in—Lord Canning's Proclamation, 427
Supply—Metropolitan Police, 1490;—British Museum, 1571, 1572, 1574;—Register House Edinburgh, Adj. moved, 1585, 1586

Trustees, Mortgagees, &c., Bill,
l. 3R.* 761
c. 1R.* 2098

Tuam—Romish Processions in,
c. Question (Sir W. Verner), 2018

Turkey, Commercial Relations with,
c. Question (Mr. Hadfield), 179

TURNER, Mr. J. A., *Manchester*
Masters and Workmen, 2R. 533

Turnpike Tolls (Metropolis),
c. Commission moved for (Mr. Byng), 495; Answer to Address, 763

United States, Differences with the—Captain Judkins,
l. Question (Earl of Clarendon), 1701
c. Question (Mr. Lindsay), 1248, 1312; (Mr. Horsfall), 1532, 1945,—see *Slave Trade*

Universities (Scotland) Bill,
c. 2R. 1881; Amend. (Mr. Black), 1884; Amend. withdrawn, 1910

Vaccination (Ireland) Bill,
c. 1R.* 1308; 2R.* 1601

Vaccination—Small Pox,
c. Question (Mr. Monsell), 287, 1196

VANCE, Mr. J., *Dublin City*
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1705

[*cont.*

VANCE, Mr. J.—*cont.*
Police Force (Ireland), Leave, 2156
Secretary, The Irish, Office of the, 1464

VANE, Lord H. G., *Durham, S.*
Oaths, That Baron de Rothschild be a Member of the Committee, 353
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1038

VANSITTART, Mr. W., *Windsor*
India, Despatches from, 929
Oude, European Regiments in, 427

VERNER, Sir W., *Armagh Co.*
Tuam, Romish Processions in, 2018

VERNEY, Sir H., *Buckingham*
Army Estimates, 393, 397
Army, Sanitary Condition of the, Res. 485
India, Government of, Com. Res. 2, 314; Res. 6, 2249

VIVIAN, Hon. Captain, J. C. W., *Bodmin*
Derby Day, Adjournment over the, 865
"Lasso," Use of the, by the Cavalry, 1061
Military Organization, Res. 1328, 1341, 1358
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 969, 1038

Voter's Travelling Expenses,
c. Papers moved for (Mr. Pease), 216

WALCOTT, Rear Adm. J. E., *Christchurch*
Navy, Manning the, Com. moved for, 896
Peel, Sir W., Death of, 1328

WALDRON, Mr. L., *Tipperary Co.*
Tenants' Compensation (Ireland), 2R. 1809

WALPOLE, Rt. Hon. S. H. (Secretary of State for the Home Department) *Cambridge University,*
Ascension Day, 496
Ballot, Leave, 1785
Breach of Privilege—Washington Wilks, 1405
British Bank, Royal, 1404
"Cagliari," Case of the, 283
Church Rates, 3R. 1719
Gas, Supply of, Com. moved for, 321
Government Property—Exemption from Rates, Com. moved for, 1799
Health, Public, Com. *cl.* 4, 2284
India, Government of, Com. Res. 4, 318, 320; Res. 6, 2229
Jersey, Laws of, 1308
Joint Stock Banking Companies, Com. 1504
Lancaster, Duchy of—Mining Operations, Com. moved for, 451
Land, Sale and Transfer of (Ireland), Leave, 43
Land, Transfer of, 2R. 2286
Magisterial Appointments, 263; Return moved for, 322
Masters and Workmen, 2R. 531
Medical Practitioners, Com. 1410, 1411, 1417
Medical Profession and Medical Corporation, 2R. 1421 [*cont.*

WALPOLE, Rt. Hon. S. H.—*cont.*
Oaths, That Baron de Rothschild be a Member of the Committee, 350
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 776
Probate Court, The, 259
Property Qualification, 2R. 226; Com. *cl.* 1, 1432, 1435
Public Grounds and Playgrounds, Leave, 886
Registers, Non Parochial, Com. *cl.* 3, 576
St. James's Park, 1852
Stanhope and Wolsingham Rectories, Com. 2285
Supply—Printing, &c., Houses of Parliament, 1266;—Prosecutions, 1470;—Sheriffs, &c., 1472;—Insolvent Debtors Court, 1472, 1473;—Court of Probate, &c., 1474;—County Courts, 1478;—Metropolitan Police, 1489, 1490;—General Registry House, Edinburgh, 1501, 1534
United States, Differences with the, 1249
Voters' Travelling Expenses, Papers moved for, 218
Weedon Establishment, Commission moved for, 1799

WALSH, Sir J. B., *Radnorshire*
Army, Government of the, 1447
Real Property, &c.—Probate Duty, Res. 872

War Office, Addition to—Supply,
c. 1120

WARRE, Mr. J. A., *Ripon*
Navy, Manning the, Com. moved for, 910

WARREN, Mr. S., *Midhurst*
Barrack Masters, 1449
Breach of Privilege—Washington Wilks, 1067, 1068
Joint Stock Banking Companies, Com. 1505
Oaths, Lords' Amends. 345; That Baron de Rothschild be a Member of the Committee, 352
Probate Court, The, 252
Supply—Court of Probate, 1474
Universities (Scotland), 2R. 1898

Ways and Means,
c. Com. Res. (Chancellor of the Exchequer), 399

Weedon Establishment—Mr. Elliot,
c. Question (Mr. Nicoll), 1449;—Commission moved for (Colonel Boldero), 1799; Adj. moved (Chancellor of the Exchequer), 1801

WEGUELIN, Mr. T. M., *Southampton*
Joint Stock Companies, Com. *add. cl.* 1911

Weights and Measures Bill,
c. 2R. 913; Amend. (Mr. Horsfall), 914, [*o. q.* A. 84, N. 92, M. 8] 918

WENSLEYDALE, Lord
Land, Transfer of, 3R. 421

WESTERN, Mr. T. S., *Maldon*
Magisterial Appointments, 271

West India Islands Relief Commission—Supply,
c. 1262

Westminster Hall,
c. Question (Sir A. Agnew), 335

WHITBREAD, Mr. S., *Bedford*
Oaths, Lords' Amends. That Baron de Rothschild be a Member of the Committee, 433

WHITE, Mr. J., *Plymouth,*
Magisterial Appointments, Return moved for, 322
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1039
Portugal, Mission to, 20
Private Bills, Res. 462
Supply—Poor Law Board, 1134; — General Registry House, Edinburgh, 1497

WHITESIDE, Right Hon. J., (Attorney General for Ireland), *Enniskillen*
Chancellor of the Exchequer's Speech at Slough, 1096, 1242
Conspiracy to Murder (Ireland), Leave, 881
County Franchise (Scotland), Leave, 212
Ellis, Mr., Murder of, 1311
Juries (Ireland), 2R. 2285
Land, Sale and Transfer of (Ireland), Leave, 24, 44; 2R. 1060; Com. 1538, 1544, 1567, 2105, 2107; *cl.* 3, 2111
Landed Estates Court (Ireland), 2252
Magisterial Appointments, 272
Mayo Priests, Prosecution of the, 1850
Moore's, Mr. Cecil, Appointment, 1920
Nisi Prius Court (Ireland), 2R. 2278
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 840
Police Force (Ireland), Leave, 2155
Supply—Secretary to Lord Lieutenant (Ireland), 1254;—Inspectors of Lunatic Asylums (Ireland), 1260
Tenants' Compensation (Ireland), 2R. 1820
Tuam, Romish Processions in, 2018,

WICKHAM, Mr. H. W., *Bradford*
Lancashire and Yorkshire, &c. Railway Companies, Consid. 1606

WICKLOW, Earl of
Divorce and Matrimonial Causes, Re-com., 2000; Report, 2194
Kerry County, Assistant Barrister of, 2097
Kingston, Earl of—Questions, 1599
Property Qualification, 3R. 2093

Wilks, Washington—see *Breach of Privilege,*

Wills, &c., of British Subjects abroad Bill,
c. 1R.*1849;
2R. 2276

WILLIAMS, Lieut. Col., T. P., *Gt. Marlow*
Enfield Musket, 2111

WILLIAMS, Mr. W., *Lambeth*
Army Estimates, 371, 374, 380, 384, 387, 388, 1107, 1110
Army, Sanitary Condition of the, Res. 483
New Zealand, 362
Real Property, &c.—Probate Duty, Res. 867, 878
Stamp Duties on Drafts, Com. Preamble, 291
Supply—Public Buildings, 1111, 1112;—Furniture for Public Departments, 1113;—Royal Parks, 1115;—New Houses of Parliament, 1118;—Holyhead Harbour, 1127;—Portpatrick Harbour, 1127;—Retired Officers of the Houses of Parliament, 1129;—Office of Works, 1132;—Poor Law Board, 1134;—Queen's, &c. Remembrancer (Scotland), 1251;—Officers of Lord Lieutenant (Ireland), 1262;—Secretary to Lord Lieutenant (Ireland), 1255; Amend. 1259;—Board of Public Works (Ireland), 1261;—West India Island Relief Commission, 1262; — Law Charges, 1466;—Prosecutions, 1467;—Admiralty Court, 1472; — Insolvent Debtors' Court, 1472, 1473;—County Courts, 1483;—Police Courts (Metropolis), 1487, 1488;— Lord Advocate, &c., (Scotland), 1491
Under Secretary of State for Scotland, Res. 2134

WILLOUGHBY, Sir H. P., *Evesham*
Army Estimates, 383, 392
Chelsea Bridge Act Amendment, 2R. 1995
India, Despatches from, 929
India, Government of, Com. Res. 3, 1681, 1982, 2252
New Zealand, 362
Property Qualification, Com. 578
Real Property, &c.—Probate Duty, Res. 872
Supply—Poor Law Board, 1137;—Civil Contingencies, 1138;—New Houses of Parliament, 1201;—Prosecutions, 1467

WILLOUGHBY, Mr. J. P., *Leominster*
India, Government of, Res. 5, 2045

WILSON, Mr. J., *Devonport*
Canning's, Lord, Proclamation, 1921
Cape of Good Hope Mails, 429
Commissioners for Exhibition (1851), 2R. 2267
Harbours of Refuge, 923
Insurance and Assurance Institutions, 2R. 2192
Joint Stock Banking Companies, Com. Amend. 1504, 1506; *cl.* 3, Amend. 1910, 1911, 1913
Joint Stock Companies Act Amendment, Com. *cl.* 7, 2271.
Registers Non-Parochial, Com. *cl.* 3, 576
Stamp Duties on Drafts, Com. *cl.* 2, 290
Supply—Harbours of Refuge, 1121;—Holyhead Harbour, 1127;—Office of Works, 1131;—Poor Law Board, 1136; Queen's, &c. Remembrancer (Scotland), 1251;—West India Islands Relief Commission, 1262;—Printing, &c., Houses of Parliament, 1266;—Prosecutions, 1466, 1467, 1468, 1470, 1585;—Insolvent Debtors' Court, 1472;—Court of Probate, &c., 1474;—County Courts, 1476, 1477, 1483, 1486;—Metropolitan Police, 1490;—General Register House, Edinburgh, 1494, 1495, 1497, 1498, 1499
United States, Differences with the, 1532

Winding-up Acts
c. Question, (Mr. Bright), 1517

WISE, Mr. J. A., *Stafford*
Howard, Mr., his Departure from Florence, 1731
Lancaster, Duchy of—Mining Operations, Com. moved for, 454
Mobile, Consulship at, 1465
Supply—Public Buildings, 1111;—Furniture for Public Departments, 1113;—New Houses of Parliament, 1119;—Retired Officers of the Houses of Parliament, 1128;—Lord Privy Seal, 1129;—Queen's, &c. Remembrancer (Scotland), Amend. 1251;—Officers of Lord Lieutenant (Ireland), Amend. 1253, 1254;—Secretary to Lord Lieutenant (Ireland), 1255;—County Courts, 1486

WODEHOUSE, Lord
Competitive Examination for the Civil Service, 1699
Slave Trade, The, 2210

WOOD, Rt. Hon. Sir C., *Halifax*
India, Government of, Com. Res. 3, 1687, 1975; Res. 5, 2079
National Defences, The, 1940, 1941
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 773, 862.

Woods, Office of—Supply
c. 1133

Woolwich Academy, Admission to
c. Question (Mr. P. O'Brien), 251

Works, Office of,—Supply
c. 1131

Works, Public, Loan Commission—Supply
c. 1262

Workhouses, Metropolitan
c. Com. moved for (Viscount Raynham), 107; Motion neg. 108

WORTLEY, Major A. H. P., *Honiton*
Army Estimates, 386; Amend. 398
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1035, 1036
Recruiting System, 368

WYLD, Mr. J., *Bodmin*
Gloucester Gate Bridge, 333
India—Reinforcements for the Army, 524
Oude, Confiscation of Land in—Lord Canning's Proclamation, Res. 1035

York, Deanery of
c. Question (Mr. W. Ewart), 1522

YOUNG, Mr. A. W., *Great Yarmouth*
Manchester, &c. and Great Northern Railway Companies, Consid. 1609

LONDON:
CORNELIUS BUCK, PRINTER,
23, PATERNOSTER ROW.

UL 13 MAR 1959